State Environmental Planning Policy (Sydney Region Growth Centres) 2006

[2006-418]

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Zone R2 Low Density Residential
Changes to the State Environmental Planning Policy (Sydney Region Growth Centres) 2006 [NSW] have been made due to the adoption of the Sydney Liveable City 2036 and the New South Wales Strategic Plan 2056. These changes are intended to improve the performance of the Sydney city region, ensuring it is well connected, resilient, liveable and enables a sustainable, prosperous and innovative future for Sydney and its residents.

The part of the policy that has been updated is the section on "Part 4 Principal development standards". The updated section includes revised development standards and requirements specific to various zones in the Sydney region. These changes reflect the updated planning framework and aim to support the achievement of the strategic goals set out in the Sydney Liveable City 2036 and the New South Wales Strategic Plan 2056.

The updated part 4 includes the following key changes:

- Revised development standards for various zones to align with the updated planning framework.
- Implementation of new requirements for sustainable development, including green space, energy efficiency, and water management.
- Enhanced focus on transport connectivity and the integration of green infrastructure.
- Introduction of new provisions for urban design and urban structure planning.

The updated policy is designed to support the broader aims of the Sydney Liveable City 2036 and the New South Wales Strategic Plan 2056, ensuring that development in the Sydney region is informed by a cohesive and forward-thinking planning framework.
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State Environmental Planning Policy (Sydney Region Growth Centres) 2006

Part 1 Preliminary

1 Name of Policy

This Policy is State Environmental Planning Policy (Sydney Region Growth Centres) 2006.

2 Aims of Policy

The aims of this Policy are (in conjunction with amendments to the regulations under the Act relating to precinct planning) as follows—

(a) to co-ordinate the release of land for residential, employment and other urban development in the North West Growth Centre, the South West Growth Centre, the Wilton Growth Area and the Greater Macarthur Growth Area,

(b) to enable the Minister from time to time to designate land in growth centres as ready for release for development,

(c) to provide for comprehensive planning for growth centres,

(d) to enable the establishment of vibrant, sustainable and liveable neighbourhoods that provide for community well-being and high quality local amenity,

(e) to provide controls for the sustainability of land in growth centres that has conservation value,

(f) to provide for the orderly and economic provision of infrastructure in and to growth centres,

(g) to provide development controls in order to protect the health of the waterways in growth centres,

(h) to protect and enhance land with natural and cultural heritage value,

(i) to provide land use and development controls that will contribute to the conservation of biodiversity.

3 Interpretation

(1) In this Policy—

growth centre means any of the following—

(a) the North West Growth Centre with boundaries as shown on the North West Growth Centre
Precinct Boundary Map,

(b) the South West Growth Centre with boundaries as shown on the South West Growth Centre Precinct Boundary Map,

c) the Wilton Growth Area with boundaries as shown on the Wilton Growth Area Precinct Boundary Map (the Wilton Growth Area),

d) the Greater Macarthur Growth Area with boundaries as shown on the Greater Macarthur Growth Area Precinct Boundary Map (the Greater Macarthur Growth Area).

Note. The areas of land referred to in paragraphs (a) and (b) were, but are no longer, growth centres under the Growth Centres (Development Corporations) Act 1974.

growth centre precinct means a precinct shown on the North West Growth Centre Precinct Boundary Map, the South West Growth Centre Precinct Boundary Map, the Wilton Growth Area Precinct Boundary Map or the Greater Macarthur Growth Area Precinct Boundary Map.

growth centre structure plan means—

(a) in relation to the North West Growth Centre, the structure plan for the growth centre, being the explanatory notes and the map identified by the Minister on the commencement of State Environmental Planning Policy (Sydney Region Growth Centres) Amendment (Miscellaneous) 2010, and

(b) in relation to the South West Growth Centre, the structure plan for the growth centre, being the explanatory notes and the map identified by the Minister on the commencement of State Environmental Planning Policy (Sydney Region Growth Centres) Amendment (Miscellaneous) 2010, and

(c) in relation to the Wilton Growth Area, the NSW Government’s Wilton 2040: A Plan for the Wilton Growth Area dated 28 September 2018 and published on the Department’s website, and

(d) in relation to the Greater Macarthur Growth Area, the NSW Government’s Greater Macarthur 2040: An interim plan for the Greater Macarthur Growth Area published on the Department’s website in November 2018.

transitional land means land in a growth centre precinct shown as transitional land and hatched pink on the North West Growth Centre Development Control Map or on the South West Growth Centre Development Control Map.

(2) The Dictionary at the end of this Policy defines words and expressions for the purposes of this Policy.

(3) A reference in this Policy to a growth centre structure plan is a reference to a plan deposited in the Department.

(4) Notes in this Policy are provided for guidance and do not form part of this Policy.

4 Consent authority

(1) Except as provided by a Precinct Plan, the consent authority for the purposes of this Policy is
(subject to the Act) the council of the area in which the land concerned is situated.

Note. The Act enables an environmental planning instrument to specify a Minister or another public authority to be the consent authority for all or any particular kind of development in that zoned land.

(2) Despite subclause (1), the consent authority for the purposes of this Policy for land to which State Environmental Planning Policy (Western Sydney Parklands) 2009 applies is the consent authority stated in clause 10 of that Policy.

5 Land to which Policy applies

This Policy applies to all land in a growth centre.

6 Relationship with other environmental planning instruments

(1) Subject to section 74 (1) of the Act, in the event of an inconsistency between this Policy and another environmental planning instrument whether made before or after the commencement of this Policy, this Policy prevails to the extent of the inconsistency.

(2) (Repealed)

6A Maps

(1) A reference in this Policy to a named map adopted by this Policy is a reference to a map by that name—

(a) approved by the Minister when the map is adopted, and

(b) as amended or replaced from time to time by maps declared by environmental planning instruments to amend or replace that map, and approved by the persons making the instruments when the instruments are made.

(2) Any 2 or more named maps may be combined into a single map. In that case, a reference in this Policy to any such named map is a reference to the relevant part or aspect of the single map.

(3) Any such maps are to be kept and made available for public access in accordance with arrangements approved by the Minister.

(3A) For the purposes of this Policy, a map may be in, and may be kept and made available in, electronic or paper form, or both.

(4) A map referred to in this Policy, immediately before the commencement of this clause, is taken to be a map approved by the Minister under this clause.

Part 2 Land use and other development controls resulting from precinct planning

7 Controls applying to precincts after finalisation of precinct planning process

The provisions applying to the carrying out of development in a precinct are those specified in the Appendix listed in Column 2 of the Table to this clause opposite the precinct listed in Column 1 of that Table.

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<td>Austral Precinct, South West Growth Centre</td>
<td>Appendix 8</td>
</tr>
<tr>
<td>Leppington North Precinct, South West Growth Centre</td>
<td>Appendix 8 (to the extent to which the Liverpool Growth Centres Precinct Plan 2013 applies to the Leppington North Precinct) and Appendix 9 (to the extent to which the Camden Growth Centres Precinct Plan 2013 applies to the Leppington North Precinct)</td>
</tr>
<tr>
<td>East Leppington Precinct, South West Growth Centre</td>
<td>Appendix 8 (to the extent to which the Liverpool Growth Centres Precinct Plan 2013 applies to the East Leppington Precinct), Appendix 9 (to the extent to which the Camden Growth Centres Precinct Plan 2013 applies to the East Leppington Precinct) and Appendix 10 (to the extent to which the Campbelltown Growth Centres Precinct Plan 2013 applies to the East Leppington Precinct)</td>
</tr>
<tr>
<td>Box Hill and Box Hill Industrial Precincts, North West Growth Centre</td>
<td>Appendix 11</td>
</tr>
<tr>
<td>Marsden Park Precinct, North West Growth Centre</td>
<td>Appendix 12 (to the extent to which the Blacktown Growth Centres Precinct Plan 2013 applies to the Marsden Park Precinct)</td>
</tr>
<tr>
<td>Riverstone East Precinct, North West Growth Centre</td>
<td>Appendix 12 (to the extent to which the Blacktown Growth Centres Precinct Plan 2013 applies to the Riverstone East Precinct)</td>
</tr>
<tr>
<td>West Schofields (Townson Road) Precinct, North West Growth Centre</td>
<td>Appendix 12 (to the extent to which the Blacktown Growth Centres Precinct Plan 2013 applies to the West Schofields (Townson Road) Precinct)</td>
</tr>
</tbody>
</table>
Appendix 9 (to the extent to which the Camden Growth Centres Precinct Plan 2013 applies to the Catherine Fields Precinct)

Appendix 13 (to the extent to which the Hawkesbury Growth Centres Precinct Plan 2017 applies to the Vineyard Precinct)

Appendix 14

Note. The Environmental Planning and Assessment Regulation 2000 (clauses 275 and 276) makes provision with respect to the staged release of precincts for urban development in the Sydney Region (including with respect to development assessment during the precinct planning process).

7A Controls applying to Colebee, Edmondson Park and Bingara Gorge Precincts

For the purposes of this Policy, the provisions applying to the carrying out of development in the following precincts are those specified below for the precincts—

(a) the provisions of Blacktown Local Environmental Plan 1988 are specified for the Colebee precinct within the North West Growth Centre,

(b) the provisions of Campbelltown (Urban Area) Local Environmental Plan 2002, Liverpool Local Environmental Plan 2008 and Schedule 3 to State Environmental Planning Policy (Major Development) 2005 are specified for the land within Edmondson Park Precinct within the South West Growth Centre to which those instruments, or parts of instruments, apply,

(c) the provisions of Wollondilly Local Environmental Plan 2011 are specified for the land within the Bingara Gorge Precinct within the Wilton Growth Area.

7B Development in growth centres under other environmental planning instruments

Development carried out under any other environmental planning instrument on land that is the subject land within the meaning of Part 7 of Schedule 7 to the Threatened Species Conservation Act 1995 is taken, for the purposes of this Policy, to be development carried out under this Policy.

Note. The subject land does not include land in the Wilton Growth Area or the Greater Macarthur Growth Area.

Part 3 Land Use—Environment Conservation and Recreation Zones

8 Application of Part and of other planning instruments

(1) This Part applies to land within a growth centre precinct that is zoned under this Part.

(2) Land that is zoned under this Part is not subject to the provisions of any environmental planning instrument (other than a State environmental planning policy or regional environmental plan) applying to the land concerned, except to the extent that this Policy otherwise provides.

(3) This Part does not apply to land to which a Precinct Plan applies or land referred to in clause 7A.

9 Land use zones

The land use zones under this Part are as follows—

Environment Conservation
Public Recreation—Regional

Public Recreation—Local

10 **Objectives for development in land use reservation zones**

(1) The objectives for development in each land use reservation zone are set out in the Table to this clause.

(2) The consent authority must have regard to the objectives for development in any such zone when determining a development application in respect of land within the zone.

**Table**

**Environment Conservation Zone**

(a) to protect and restore areas of special ecological, scientific or aesthetic values,

(b) to conserve biological diversity, native vegetation corridors, aboriginal heritage or cultural values of the land, and its scenic qualities.

**Public Recreation—Regional Zone**

(a) to enhance, restore and protect the natural and cultural heritage values of the land,

(b) to enable the land to be used for regional open space or recreational purposes that are consistent with the protection of its natural and cultural heritage values.

**Public Recreation—Local Zone**

(a) to enhance, restore and protect the natural and cultural heritage values of the land,

(b) to enable the land to be used for public open space or recreational purposes that are consistent with the protection of its natural and cultural heritage values.

11 **Zoning of land to which Part applies**

For the purposes of this Part, land is within the land use zones shown on the land zoning map.

12 **Land use table for zones to which Part applies**

(1) The land use table set out at the end of this clause specifies the following for each land use zone—

(a) development that may be carried out without consent,

(b) development that may be carried out only with consent,

(c) development that is prohibited.

(2) This clause is subject to the other provisions of this Policy.

Land use table
Environment Conservation Zone

(1) **Permitted without consent** Development permitted by or under the *National Parks and Wildlife Act 1974* (but only if the land is reserved under that Act); development for the purpose of eradicating noxious weeds in accordance with the *Noxious Weeds Act 1993*.

(2) **Permitted with consent** Development for building identification signs, environmental facilities, environmental protection works, flood mitigation works, information and education facilities, kiosks associated with environmental facilities, temporary structures.

(3) **Prohibited** Any other development.

Public Recreation—Regional Zone

(1) **Permitted without consent** Development permitted by or under the *National Parks and Wildlife Act 1974* (but only if the land is reserved under that Act); development for the purpose of eradicating noxious weeds in accordance with the *Noxious Weeds Act 1993*.

(2) **Permitted with consent** Development for building identification signs, environmental facilities, environmental protection works, flood mitigation works, information and education facilities, kiosks, public entertainment, recreation areas, recreation facilities (outdoor), temporary structures.

(3) **Prohibited** Any other development.

Public Recreation—Local Zone

(1) **Permitted without consent** Development permitted by or under the *National Parks and Wildlife Act 1974* (but only if the land is reserved under that Act); development for the purpose of eradicating noxious weeds in accordance with the *Noxious Weeds Act 1993*.

(2) **Permitted with consent** Development for advertisements, advertising structures, drainage, earthworks, entertainment facilities, environmental protection works, flood mitigation works, kiosks associated with environmental facilities, public entertainment, recreation areas, recreation facilities, telecommunication facilities, telecommunication networks or temporary structures.

(3) **Prohibited** Any other development.

13 Additional permitted uses

(1) Despite anything to the contrary in this Part, development described or referred to in the Table to this clause may be carried out on land zoned under this Part—

(a) with consent, or

(b) if the Table so provides—without consent.

(2) The consent authority must have regard to the objectives for development in the zone concerned when determining a development application in respect of any such development.

**Table of additional permitted uses**
<table>
<thead>
<tr>
<th>Property description</th>
<th>Additional use</th>
<th>Type of consent</th>
</tr>
</thead>
<tbody>
<tr>
<td>Rouse Hill Regional Park</td>
<td>Information and education facilities</td>
<td>With development consent</td>
</tr>
</tbody>
</table>

### 14 Development for previously permitted uses of land

(1) Despite anything to the contrary in this Part, the consent authority may grant consent to the carrying out of development on land zoned under this Part that is not otherwise permitted by this Part if—

- (a) the development is of a kind that could be carried out on the land under an applicable environmental planning instrument immediately before the commencement of this Policy, and
- (b) the relevant public authority referred to in clause 15 that may be required to acquire the land grants concurrence to the proposed development, and
- (c) the development is consistent with the aims of this Policy.

(2) In deciding whether to grant concurrence to proposed development under this clause, the relevant public authority must take the following matters into consideration—

- (a) the need to carry out development on the land for the purposes for which the land is zoned under this Part,
- (b) the imminence of acquisition of the land by the public authority,
- (c) the likely additional cost to the public authority resulting from the carrying out of the proposed development.

### 15 Acquisition of land zoned under this Part

The authority of the State that will be the relevant authority to acquire any land zoned under this Part, if the land is required to be acquired under Division 3 of Part 2 of the *Land Acquisition (Just Terms Compensation) Act 1991*, is—

- (a) in the case of land within the Environment Conservation Zone or the Public Recreation—Regional Zone—the corporation constituted under section 2.5 (1) of the Act, or
- (b) (Repealed)
- (c) in the case of land within the Public Recreation—Local Zone—the council of the area in which the land is situated.

### Part 4 Development controls—general

*Note.* Clauses 16 and 17 do not apply to land to which a Precinct Plan applies or to land referred to in clause 7A.

### 16 Development applications in growth centres—matters for consideration until finalisation of precinct planning for land

(1) Until provisions have been specified in a Precinct Plan or in clause 7A with respect to the development of the land, consent is not to be granted to the carrying out of development on land...
within a growth centre unless the consent authority has taken into consideration the following—

(a) whether the proposed development will preclude the future urban and employment development land uses identified in the relevant growth centre structure plan,

(b) whether the extent of the investment in, and the operational and economic life of, the proposed development will result in the effective alienation of the land from those future land uses,

(c) whether the proposed development will result in further fragmentation of land holdings,

(d) whether the proposed development is incompatible with desired land uses in any draft environmental planning instrument that proposes to specify provisions in a Precinct Plan or in clause 7A,

(e) whether the proposed development is consistent with the precinct planning strategies and principles set out in any publicly exhibited document that is relevant to the development,

(f) whether the proposed development will hinder the orderly and co-ordinated provision of infrastructure that is planned for the growth centre,

(g) in the case of transitional land—whether (in addition) the proposed development will protect areas of aboriginal heritage, ecological diversity or biological diversity as well as protecting the scenic amenity of the land.

(2) This clause does not apply to land zoned under Part 3.

17 Referral to Department of Planning after release of precinct

(1) This clause applies to land within a growth centres precinct that has been released by the Minister under the Environmental Planning and Assessment Regulation 2000 for urban development, and so applies until provisions have been specified in a Precinct Plan or in clause 7A with respect to the development of the land.

(2) The consent authority must, in the case of a development application for the carrying out of development (not being for a single residential dwelling)—

(a) with a capital investment value of more than $500,000, or

(b) in respect of land that has an area of more than 2 hectares, or

(c) that is a subdivision of land (being a subdivision that creates 2 or more lots),

refer the application to the Director-General of the Department of Planning for comment.

Note. The Environmental Planning and Assessment Regulation 2000 (clause 275) provides that a development application referred to in this subclause cannot be made unless it is accompanied by an assessment of the consistency of the proposed development with the relevant growth centre structure plan.

(3) The consent authority must take any comments received from the Director-General of the Department of Planning (within 21 days after the development application was referred to the Director-General for comment) into consideration when determining whether to grant consent to any such development.
(4) In this clause, **capital investment value** of development has the same meaning as in the 
*Environmental Planning and Assessment Regulation 2000.*

(5) Despite subclause (1), this clause does not apply to land within the Alex Avenue and Riverstone 
Precincts that is not land to which the *Alex Avenue and Riverstone Precinct Plan 2010* (as 
referred to in Appendix 4) applies.

Note. The *Alex Avenue and Riverstone Precinct Plan 2010* applies to land in the Alex Avenue and Riverstone 
Precincts (as shown on the *Land Application Map*).

The *Land Application Map* differs from the *Precinct Boundary Map*, and, as such, the *Alex Avenue and 
Riverstone Precinct Plan 2010* does not apply to all the land in the Alex Avenue and Riverstone Precincts (as 
shown on the *Precinct Boundary Map*).

(6) Despite subclause (5), this clause does apply to Lot 2, DP 563818.

18 Water recycling and conservation

Note. This clause and clauses 18A and 18B apply to all land to which this State Environmental Planning Policy 
applies (except as otherwise provided by those clauses).

(1) This clause applies to land within a growth centre—

(a) that is serviced by a water recycling plant, or

(b) that will be serviced by a water recycling plant as soon as the plant becomes operational.

(2) A consent authority must not grant consent to the carrying out of development on land unless the 
consent authority is satisfied that recycled water from the water recycling plant will be provided 
to the development.

(3) However, the consent authority may grant consent if it is satisfied that the development will be 
provided with recycled water from a water recycling or water conservation system approved by 
the Minister and specified in the Table to this clause.

(4) Despite subclause (1), this clause does not apply to land in the Wilton Growth Area.

Table of approved systems

Note. 

On the commencement of this Policy, the Table was blank.

18A Public utility undertakings and clearing of native vegetation

(1) Development for public utility undertakings (other than electricity generating works or water 
recycling facilities) may be carried out without consent on land to which this Policy applies 
(subject to subclause (3)).

(2) A public authority, or a person acting on behalf of a public authority, must not carry out 
development comprising the clearing of native vegetation (within the meaning of the *Native 
Vegetation Act 2003*) on land that is not *subject land* (within the meaning of clause 17 of 
Schedule 7 to the *Threatened Species Conservation Act 1995*) unless the authority or person has—
(a) given written notice of the intention to carry out the development to the Department of Planning and Infrastructure, and

(b) taken into consideration any response to the notice that is received from that Department within 21 days after the notice is given.

(3) (Repealed)

18B  Electricity generating works and water recycling facilities

(1) The consent authority must not grant consent to development for the purpose of electricity generating works or water recycling facilities unless it is satisfied that the development—

(a) will be of a small scale, and

(b) is likely to have only a minor environmental impact, and

(c) is consistent with the principles of ecologically sustainable development.

(2) (Repealed)

Part 5  Development controls—flood prone and major creeks land

19  Development on flood prone and major creeks land—additional heads of consideration

(1) This clause applies to development requiring consent that is carried out on flood prone and major creeks land (other than any such land to which clause 20 applies).

(2) Consent is not to be granted to the carrying out of development to which this clause applies unless the consent authority has taken the following into consideration—

(a) whether or not the development will adversely affect flood behaviour resulting in detrimental increases in the potential flood affectation of other development or properties,

(b) whether or not the development will alter flow distributions and velocities to the detriment of other properties or the environment of the floodplain,

(c) whether the development will enable safe occupation of the flood prone and major creeks land,

(d) whether or not the development will detrimentally affect the floodplain environment or cause avoidable erosion, siltation, salinity, destruction of riparian vegetation or a reduction in the stability of the riverbank/watercourse,

(e) whether or not the development will be likely to result in unsustainable social and economic costs to the flood affected community or general community, as a consequence of flooding,

(f) whether or not the development is compatible with the flow conveyance function of the floodway,

(g) whether or not the development is compatible with the flood hazard,

(h) in the case of development consisting of the excavation or filling of land, whether or not the development—
(i) will detrimentally affect the existing drainage patterns and soil stability in the locality, and
(ii) will significantly impact on the likely future use or redevelopment of the land, and
(iii) will adversely impact on the existing and likely amenity of adjoining properties, and
(iv) will minimise the disturbance of relics, and
(v) will adversely impact on any watercourse, drinking water catchment or environmentally sensitive area.

Note. Section 4.15 of the Act requires other matters to be taken into consideration by a consent authority, including any draft environmental planning instrument that is placed on public exhibition during the precinct planning process for the purpose of including relevant land use and other development controls in an Appendix to this Policy.

20 Development on and near certain land at Riverstone West

(1) This clause applies to the land shown outlined in red on the North West Growth Centre Development Control Map.

(2) Despite any other provision of this Policy (including any Precinct Plan), the consent authority must not grant consent for development on land to which this clause applies unless it is satisfied that the proposed development—

(a) will be undertaken in a manner that is consistent with the Floodplain Management Strategy (being part of the Riverstone West Precinct Development Control Plan), and
(b) does not increase flood levels on adjoining properties in events up to the design 100 year recurrence flood, and
(c) limits any increases in flood velocities on adjoining properties in events up to the design 100 year recurrence flood to minor increases only, and
(d) is not likely to result in adverse flood impacts on adjoining properties (including during any construction stage of the proposed development).

(3) This clause does not apply to development that the consent authority is satisfied is minor and will not result in unacceptable adverse flood impacts on adjoining properties.

Part 6 Development controls—vegetation

21 Land to which Part applies

(1) This Part applies to the following land—

(a) land zoned under Part 3,
(b) flood prone and major creeks land,
(c) transitional land,
(d) land that is—

(i) under State Environmental Planning Policy (Western Sydney Parklands) 2009, in an
environmental conservation area shown on the State Environmental Planning Policy (Western Sydney Parklands) 2009 Environmental Conservation Areas Map, and

(ii) in a growth centre.

(2) This Part does not apply to land reserved under the National Parks and Wildlife Act 1974, unless the land is land mentioned in subclause (1) (d).

(3) In relation to land in the Oran Park and Turner Road Precincts, this Part applies to land within the Riparian Protection Area shown on the Riparian Protection Area Map.

(4) Despite subclause (1), this Part does not apply to the following—

(a) the North Kellyville Precinct,
(b) the Riverstone West Precinct,
(c) land to which the Alex Avenue and Riverstone Precinct Plan 2010 (as referred to in Appendix 4) applies,
(d) the Marsden Park Industrial Precinct,
(e) land to which the Area 20 Precinct Plan 2011 (as referred to in Appendix 6) applies,
(f) the Schofields Precinct,
(g) land to which the Liverpool Growth Centres Precinct Plan 2013 (as referred to in Appendix 8) applies,
(h) land to which the Camden Growth Centres Precinct Plan 2013 (as referred to in Appendix 9) applies,
(i) land to which the Campbelltown Growth Centres Precinct Plan 2013 (as referred to in Appendix 10) applies,
(j) the Box Hill and Box Hill Industrial Precincts,
(k) land to which the Blacktown Growth Centres Precinct Plan 2013 (as referred to in Appendix 12) applies,
(l) land to which the Hawkesbury Growth Centres Precinct Plan 2017 (as referred to in Appendix 13) applies,
(m) land to which the South East Wilton Precinct Plan 2018 (as referred to in Appendix 14) applies,
(n) land to which the North Wilton Precinct Plan 2018 (as referred to in Appendix 15) applies.

22 Vegetation to which Part applies

(1) This Part applies to native vegetation within the meaning of the Native Vegetation Act 2003.

(2) This Part does not apply to any particular native vegetation that the council of the area concerned is satisfied—
(a) is dying or dead and is not required as the habitat of native fauna, or
(b) is a risk to human life or property.

(3) This Part does not apply to any native vegetation—
(a) within a State forest, or land reserved from sale as a timber or forest reserve under the
*Forestry Act 1916*, or

(b) declared to be noxious weeds under the *Noxious Weeds Act 1993*.

### 23 Consent for clearing native vegetation

(1) A person must not clear native vegetation on land to which this Part applies without—
(a) approval under Part 3A of the Act, or
(b) development consent.

For the purposes of this clause, *clearing native vegetation* has the same meaning as it has in the *Native Vegetation Act 2003*.

**Note.** A consent of the relevant consent authority required under this clause for the clearing of native vegetation is in addition to any development consent required or granted by the Minister for Natural Resources under the *Native Vegetation Act 2003* in respect of that clearing.

(2) Development consent under this clause is not to be granted unless the consent authority is satisfied of the following in relation to the disturbance of bushland caused by the clearing of the vegetation—
(a) that there is no reasonable alternative available to the disturbance of the bushland,
(b) that as little bushland as possible will be disturbed,
(c) that the disturbance of the bushland will not increase salinity,
(d) that bushland disturbed for the purposes of construction will be re-instated where possible on completion of construction,
(e) that the loss of remnant bushland caused by the disturbance will be compensated by revegetation on or near the land to avoid any net loss of remnant bushland,
(f) that no more than 0.5 hectare of bushland will be cleared unless the clearing is essential for a previously permitted use of the land.

(3) The consent authority must, when determining a development application in respect of the clearing of native vegetation on land within a zone under Part 3, have regard to the objectives for development in that zone.

(4) This clause does not apply to or in respect of action required or authorised to be done by or under the *Electricity Supply Act 1995*, the *Roads Act 1993*, the *Sydney Water Act 1994* or the *Surveying Act 2002*. 
24 Relationship to tree preservation under other planning instruments

This Part does not affect any requirement of another environmental planning instrument applying to the land concerned relating to the preservation of trees. However, a development consent granted under this Part that allows any clearing of native vegetation satisfies any requirement under that other instrument for approval of any ringbarking, cutting down, topping, lopping, removal, injuring or destruction of a tree resulting from any such clearing.

Part 7 Development controls—cultural heritage landscape area

25 Application of Part

This Part applies to development requiring consent that is carried out on the cultural heritage landscape area, being the land in the vicinity of the Rouse Hill House Estate that is shown hatched brown on the map marked “North West Growth Centre Development Control Map”.

26 Development on land in cultural heritage landscape area—additional heads of consideration

Consent is not to be granted to the carrying out of development to which this Part applies unless the consent authority has taken the following into consideration—

(a) whether or not the development will adversely impact on the cultural heritage values of the Rouse Hill House Estate and its setting, having regard, in particular, to the following matters—

(i) any proposed subdivision design and layout,

(ii) the siting, height, bulk and scale of any proposed buildings or works (including any buildings or works likely to result from any proposed subdivision),

(iii) the materials and colours to be used in any proposed buildings, fences or other structures,

(iv) the extent, location and form of any proposed landscaping and its ability to reduce the visual impact of the development,

(v) the impact of the development on any archaeological relics,

(b) a site analysis of the cultural heritage landscape area that assesses development that is responsive to the topography of the area and to other development in the vicinity,

(c) a visual analysis that assesses the impact of the development on views to and from the Rouse Hill House Estate,

(d) measures to minimise any adverse impact of the development on the cultural heritage values of Rouse Hill House Estate and its setting.

Note. Section 4.15 of the Act requires other matters to be taken into consideration by a consent authority, including any draft environmental planning instrument that is placed on public exhibition during the precinct planning process for the purpose of including relevant land use and other development controls in Schedule 1.

Appendix 1 Oran Park and Turner Road Precinct Plan

Part 1 Preliminary

Note. The Standard Instrument (Local Environmental Plans) Order 2006 sets out matters to be included in standard local
environmental plans. While this Precinct Plan is not a standard local environmental plan, it is generally consistent with standard plans. A number of clauses from the Standard Instrument (Local Environmental Plans) Order 2006 have been included in this Precinct Plan and the clause numbering from that order has been retained. This means that the numbering in this Precinct Plan may contain some gaps. Additional provisions have been inserted and are numbered accordingly.

1.1 Name of Precinct Plan

This Plan is the *Oran Park and Turner Road Precinct Plan 2007*.

1.2 Aims of Precinct Plan

The aims of this Precinct Plan are—

(a) to make development controls for land in the Oran Park and Turner Road Precincts within the South West Growth Centre that will ensure the creation of quality environments and good design outcomes, and

(b) to protect and enhance the environmentally sensitive areas and natural and cultural heritage of those Precincts, and

(c) to provide for multifunctional and innovative communities in those Precincts that encourage employment and economic growth, and

(d) to promote housing choice and affordability in those Precincts, and

(e) to provide for the sustainable development of those Precincts, and

(f) to minimise the impact on existing and future communities of the full range of risks posed by natural hazards such as bushfires and flooding.

1.3 Land to which Precinct Plan applies

This Precinct Plan applies to land within the Oran Park and Turner Road Precincts.

1.4 Definitions

In this Precinct Plan, *Council* means the Camden Council.

*Note.* The Dictionary at the end of this State Environmental Planning Policy defines words and expressions for the purposes of this Precinct Plan.

1.6 Consent authority

The consent authority for the purposes of this Precinct Plan is (subject to the Act) the council of the area in which the land concerned is situated.

1.8 Repeal of other local planning instruments applying to land

(1) All local environmental plans and deemed environmental planning instruments applying only to the land to which this Precinct Plan applies are repealed.

(2) All local environmental plans and deemed environmental planning instruments applying to the land to which this Precinct Plan applies and to other land cease to apply to the land to which this Precinct Plan applies.

(3) This clause does not affect the operation of other provisions of this State Environmental
Planning Policy.

1.9 Application of SEPPs

1.9A Suspension of covenants, agreements and instruments
Part 2 Permitted or prohibited development

2.1 Land use zones

The land use zones under this Precinct Plan are as follows—

Residential Zones
- R1 General Residential
- R3 Medium Density Residential

Business Zones
- B1 Neighbourhood Centre
- B2 Local Centre
- B4 Mixed Use
- B5 Business Development

Industrial Zones
- IN1 General Industrial

Special Purpose Zones
- SP2 Infrastructure

Recreation Zones
- RE1 Public Recreation
- RE2 Private Recreation

Environment Protection Zones
- E2 Environmental Conservation
- E4 Environmental Living

Note. At the commencement of this Precinct Plan, land within the Oran Park Precinct was within the Medium Density Residential Zone, the Neighbourhood Centre Zone, the Local Centre Zone, the General Industrial Zone, the Infrastructure Zone, the Public Recreation Zone, the Private Recreation Zone and the Environmental Living Zone. Land within the Turner Road Precinct was within the General Residential Zone, the Neighbourhood Centre Zone, the Mixed Use Zone, the Business Development Zone, the General Industrial Zone, the Public Recreation Zone and the Private Recreation Zone.

2.2 Zoning of land to which Precinct Plan applies

For the purposes of this Precinct Plan, land is within the zones shown on the Land Zoning Map.

2.3 Zone objectives and land use table

(1) The Land Use Table at the end of this Part specifies for each zone—

(a) the objectives for development, and
(b) development that may be carried out without consent, and

(c) development that may be carried out only with consent, and

(d) development that is prohibited.

(2) The consent authority must have regard to the objectives for development in a zone when determining a development application in respect of land within the zone.

(3) In the Land Use Table at the end of this Part—

(a) a reference to a type of building or other thing is a reference to development for the purposes of that type of building or other thing, and

(b) a reference to a type of building or other thing does not include (despite any definition in this Precinct Plan) a reference to a type of building or other thing referred to separately in the Table in relation to the same zone.

(4) This clause is subject to the other provisions of this Part.

Notes.
1 Schedule 1 sets out additional permitted uses for particular land.
2 Clause 2.6 requires consent for subdivision of land.
3 Part 5 contains other provisions that require consent for particular development.

2.5 Additional permitted uses for particular land

(1) Development on particular land that is described or referred to in Schedule 1 may be carried out—

(a) with consent, or

(b) if the Schedule so provides—without consent,

in accordance with the conditions (if any) specified in that Schedule in relation to that development.

(2) This clause has effect despite anything to the contrary in the Land Use Table at the end of this Part or other provision of this Precinct Plan.

2.6 Subdivision—consent requirements

(1) Land to which this Precinct Plan applies may be subdivided, but only with consent.

Note. State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 specifies certain subdivision development as exempt development.

(2) (Repealed)

(3) Despite subclause (1), consent is not required for subdivision under the Strata Schemes (Freehold Development) Act 1973 or the Strata Schemes (Leasehold Development) Act 1986, except—

(a) in the case of a building to which Part 3 of State Environmental Planning Policy (Affordable Rental Housing) 2009 applies, or
where the building has been designed or approved for occupation as a single unit.

2.6A Demolition

The demolition of a building or work may be carried out only with consent.

Note. The demolition of certain buildings and works is identified in the Oran Park Precinct Development Control Plan, the Turner Road Precinct Development Control Plan and State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 as exempt or complying development.

Land Use Table

Zone R1 General Residential

1 Objectives of zone

• To provide for the housing needs of the community.

• To provide for a variety of housing types and densities.

• To enable other land uses that provide facilities or services to meet the day to day needs of residents.

• To support the well being of the community, including educational, recreational, community, religious and other activities and, where appropriate, neighbourhood shops if there will be no adverse effect on the amenity of proposed or existing nearby residential development.

• To allow for small scale kiosks, function centres, restaurants and markets that support the primary function and use of recreation areas, public open space and recreation facilities located within residential areas.

• To allow for small scale intensity tourist and visitor accommodation that does not interfere with residential amenity.

• To provide for a variety of recreational uses within open space areas.

2 Permitted without consent

Nil

3 Permitted with consent

Any other development not specified in item 2 or 4

4 Prohibited

Agriculture; Airports; Airstrips; Biosolid waste applications; Bulky goods premises; Business premises; Car parks; Cemeteries; Correctional centres; Crematoria; Dairies (pasture-based); Depots; Entertainment facilities; Extractive industries; Farm buildings; Freight transport facilities; Function centres (other than those within recreation areas or operated in conjunction with recreation areas or recreation facilities); Hazardous storage establishments; Helipads; Helicopters; Home occupations (sex services); Industrial retail outlets; Industries; Landscape and garden supplies; Liquid fuel depots; Manor homes; Materials recycling or recovery centres; Mines; Mortuaries; Offensive storage establishments; Office premises; Passenger transport facilities; Public administration buildings; Registered clubs; Retail premises (other than neighbourhood shops and other than kiosks, markets,
restaurants or take away food and drink premises within recreation areas or operated in conjunction
with recreation areas or recreation facilities); Restricted premises; Restriction facilities; Roadside
stalls; Rural industries; Rural workers’ dwellings; Sawmill or log processing works; Service stations;
Sewage treatment works; Sex services premises; Stock and sale yards; Storage premises; Timber and
building supplies; Transport depots; Truck depots; Vehicle body repair workshops; Vehicle repair
stations; Vehicle sales or hire premises; Warehouse or distribution centres; Waste disposal land fill
operations; Waste management facilities; Wholesale supplies

**Zone R3  Medium Density Residential**

1 **Objectives of zone**

   • To provide for the housing needs of the community within a medium density residential
     environment.

   • To enable other land uses that provide facilities or services to meet the day to day needs of
     residents.

   • To support the well being of the community, including educational, recreational, community,
     religious and other activities where compatible with the amenity of a medium density residential
     environment.

   • To provide for a variety of recreational uses within open space areas.

   • To allow for small scale kiosks, function centres, restaurants and markets that support the primary
     function and use of recreation areas, public open space and recreation facilities located within
     residential areas.

2 **Permitted without consent**

   Nil

3 **Permitted with consent**

   Any other development not specified in item 2 or 4

4 **Prohibited**

   Agriculture; Airports; Airstrips; Biosolid waste applications; Bulky goods premises; Business
   premises; Car parks; Caravan parks; Cemeteries; Correctional centres; Crematoria; Dairies (pasture-
   based); Depots; Entertainment facilities; Exhibition homes; Extractive industries; Farm buildings;
   Freight transport facilities; Function centres (other than those within recreation areas or operated in
   conjunction with recreation areas or recreation facilities); Hazardous storage establishments;
   Helipads; Heliports; Home occupations (sex services); Industrial retail outlets; Industries; Landscape
   and garden supplies; Liquid fuel depots; Materials recycling or recovery centres; Mines; Mortuaries;
   Offensive storage establishments; Office premises; Passenger transport facilities; Public
   administration buildings; Registered clubs; Restricted premises; Restriction facilities; Retail
   premises (other than those within recreation areas or operated in conjunction with recreation areas or
   recreation facilities); Roadside stalls; Rural industries; Rural workers’ dwellings; Sawmill or log
   processing works; Service stations; Sewage treatment works; Sex services premises; Stock and sale
   yards; Storage premises; Timber and building supplies; Transport depots; Truck depots; Vehicle body
Zone B1 Neighbourhood Centre

1 Objectives of zone

• To provide a range of small-scale retail, business and community uses which serve the needs of people who live or work in the surrounding neighbourhood and, in relation to the Turner Road Precinct, of a scale and nature that serves the wider community.

• To ensure the scale and type of business development is compatible with the amenity of surrounding areas.

• To allow for residential development that contributes to the economic and social vitality of the neighbourhood centre.

• To ensure that residential development does not preclude the provision of active retail, business and community uses at street level.

• To ensure that residential development does not detract from the primary function of the zone which is to provide for retail, business and convenience uses to serve the community.

• To promote retail activities in accessible locations that encourage walking.

• To promote a sense of place and focal points for the local community.

• To ensure retail development does not adversely impact on the viability of retail development in the Local Centre Zone.

2 Permitted without consent

Nil

3 Permitted with consent

Any other development not specified in item 2 or 4

4 Prohibited

Agriculture; Airports; Airstrips; Biosolid waste applications; Bulky goods premises; Caravan parks; Cemeteries; Correctional centres; Crematoria; Dairies (pasture-based); Depots; Extractive industries; Farm buildings; Freight transport facilities; Hazardous storage establishments; Helipads; Heliports; Home occupations (sex services); Industrial retail outlets; Industries; Liquid fuel depots; Materials recycling or recovery centres; Mines; Offensive storage establishments; Passenger transport facilities; Recreation facilities (major); Residential flat buildings (other than as shop top housing); Restricted premises; Restriction facilities; Roadside stalls; Rural industries; Rural workers’ dwellings; Sawmill or log processing works; Seniors housing (other than as shop top housing); Sewage treatment works; Sex services premises; Stock and sale yards; Storage premises; Timber and building supplies; Transport depots; Truck depots; Vehicle body repair workshops; Vehicle sales or hire premises; Warehouse or distribution centres; Waste disposal land fill operations; Waste management facilities; Wholesale supplies
Zone B2  Local Centre

1  Objectives of zone

- To provide a range of retail, business, entertainment and community uses which serve the needs of people who live in, work in and visit the local area.

- To encourage employment opportunities in accessible locations.

- To maximise public transport patronage and encourage walking and cycling.

- To ensure that residential development does not detract from the primary function of the centre being to provide for retail, business, entertainment and community uses.

- To ensure that residential development does not preclude the provision of active uses at street level.

- To provide for land uses of a higher order and density within the Local Centre Zone than are permitted within the Neighbourhood Centre Zone or the Mixed Use Zone.

- To provide for residential development that contributes to the vitality of the local centre.

2  Permitted without consent

Nil

3  Permitted with consent

Any other development not specified in item 2 or 4

4  Prohibited

Agriculture; Airports; Airstrips; Biosolid waste applications; Bulky goods premises; Caravan parks; Cemeteries; Correctional centres; Crematoria; Dairies (pasture-based); Depots; Dual occupancies; Dwelling houses; Extractive industries; Farm buildings; Freight transport facilities; Hazardous storage establishments; Helipads; Heliports; Home occupations (sex services); Industrial retail outlets; Industries; Liquid fuel depots; Materials recycling or recovery centres; Mines; Offensive storage establishments; Restricted premises; Restriction facilities; Roadside stalls; Rural industries; Rural workers’ dwellings; Sawmill or log processing works; Sewage treatment works; Sex services premises; Stock and sale yards; Storage premises; Timber and building supplies; Transport depots; Truck depots; Vehicle body repair workshops; Warehouse or distribution centres; Waste disposal land fill operations; Waste management facilities; Wholesale supplies

Zone B4  Mixed Use

1  Objectives of zone

- To provide a mixture of compatible land uses.

- To integrate suitable business, office, residential, retail and other development in accessible locations so as to maximise public transport patronage and encourage walking and cycling.

- To encourage development that supports or complements the primary office and retail functions of the Neighbourhood Centre Zone and the Local Centre Zone.
• To encourage development providing services to the surrounding community.

• To permit development that adds to the vitality and diversity of commercial and retail centres while not prejudicing their principal function.

2 Permitted without consent

Nil

3 Permitted with consent

Any other development not specified in item 2 or 4

4 Prohibited

Agriculture; Airports; Airstrips; Biosolid waste applications; Bulky goods premises; Caravan parks; Correctional centres; Dairies (pasture-based); Depots; Dual occupancies; Dwelling houses; Extractive industries; Farm buildings; Freight transport facilities; Hazardous storage establishments; Helipads; Heliports; Home occupations (sex services); Industrial retail outlets; Industries; Liquid fuel depots; Materials recycling or recovery centres; Mines; Offensive storage establishments; Public administration buildings; Restricted premises; Restriction facilities; Roadside stalls; Rural industries; Rural workers’ dwellings; Sawmill or log processing works; Semi detached dwellings; Sex services premises; Stock and sale yards; Storage premises; Transport depots; Truck depots; Warehouse or distribution centres; Waste disposal land fill operations; Waste management facilities; Wholesale supplies

Zone B5  Business development

1 Objectives of zone

• To enable a mix of business and warehouse uses and specialised retail uses that require a large floor area, in locations that are close to, and that support the viability of, centres.

• To provide for a wide range of employment generating development.

• To provide for a mix of ancillary uses to support the primary function of providing employment generating development.

• To maintain the economic strength of centres by limiting the retailing of food, clothing and convenience shopping.

• To provide for a range of uses, including recreational uses and function centres, that complement other permissible employment generating land uses within the zone.

2 Permitted without consent

Nil

3 Permitted with consent

Light industries; Vehicle body repair workshops; Vehicle repair stations; Any other development not specified in item 2 or 4
4 Prohibited

Agriculture; Airports; Airstrips; Amusement centres; Attached dwellings; Biosolid waste applications; Boarding houses; Caravan parks; Correctional centres; Dairies (pasture-based); Depots; Dual occupancies; Dwelling houses; Extractive industries; Farm buildings; Freight transport facilities; Group homes; Hazardous storage establishments; Helipads; Heliports; Home occupations (sex services); Hostels; Industries; Liquid fuel depots; Materials recycling or recovery centres; Mines; Multi dwelling housing; Offensive storage establishments; Office premises; Residential flat buildings; Restricted premises; Restriction facilities; Roadside stalls; Rural industries; Rural workers’ dwellings; Sawmill or log processing works; Semi detached dwellings; Seniors housing; Sex services premises; Shop top housing; Stock and sale yards; Tourist and visitor accommodation (other than hotel or motel accommodation); Transport depots; Truck depots; Warehouse or distribution centres; Waste disposal land fill operations; Waste management facilities; Wholesale supplies

Zone IN1 General Industrial

1 Objectives of zone

• To provide a wide range of industrial and warehouse land uses.

• To encourage employment opportunities and to support the viability of centres.

• To minimise any adverse effect of industry on other land uses.

• To enable development for the purpose of commercial offices only where it is associated with, and ancillary to, another permissible use on the same land.

• To enable development for the purpose of retail premises only where it serves convenience needs, or where the goods or materials sold are of a type and nature consistent with construction and maintenance of buildings.

2 Permitted without consent

Nil

3 Permitted with consent

Any other development not otherwise specified in item 2 or 4

4 Prohibited

Agriculture; Airports; Airstrips; Attached dwellings; Biosolid waste applications; Boarding houses; Bulky goods premises; Business premises; Caravan parks; Cemeteries; Community facilities; Correctional centres; Dairies (pasture-based); Dual occupancies; Dwelling houses; Educational establishments; Entertainment facilities; Exhibition homes; Exhibition villages; Extractive industries; Farm buildings; Function centres; Group homes; Hazardous industries; Hazardous storage establishments; Health consulting rooms; Heavy industries; Heliports; Home-based child care; Home businesses; Home industries; Home occupations; Home occupations (sex services); Hospitals; Hostels; Information and education facilities; Mines; Multi dwelling housing; Offensive industries; Offensive storage establishments; Office premises; Public administration buildings; Recreation facilities (major); Recreation facilities (outdoor); Registered clubs; Residential care facilities; Residential flat buildings; Restriction facilities; Retail premises (other than neighbourhood shops and
Zone SP2  Infrastructure

1 Objectives of zone

• To provide for infrastructure and related uses.

• To prevent development that is not compatible with or that may detract from the provision of infrastructure.

2 Permitted without consent

Nil

3 Permitted with consent

The purpose shown on the Land Zoning Map, including any development that is ordinarily incidental or ancillary to development for that purpose; Drainage; Earthworks; Electricity generating works; Environmental protection works; Flood mitigation works; Roads; Telecommunications facilities; Temporary structures; Water recycling facilities; Waterbodies (artificial)

4 Prohibited

Any other development not specified in item 2 or 3

Zone RE1  Public Recreation

1 Objectives of zone

• To enable land to be used for public open space or recreational purposes.

• To provide a range of recreational settings and activities and compatible land uses.

• To protect and enhance the natural environment for recreational purposes.

2 Permitted without consent

Nil

3 Permitted with consent

Community facilities; Drainage; Earthworks; Electricity generating works; Environmental facilities; Environmental protection works; Flood mitigation works; Kiosks; Recreation areas; Recreation facilities (outdoor); Roads; Telecommunications facilities; Temporary structures; Utility installations; Water recycling facilities; Waterbodies

4 Prohibited

Any other development not specified in item 2 or 3
Zone RE2  Private Recreation

1 Objectives of zone

• To enable land to be used for private open space or recreational purposes.
• To provide a range of recreational settings and activities and compatible land uses.
• To protect and enhance the natural environment for recreational purposes.
• To preserve and maintain the natural values of core riparian areas and to allow development where it can be demonstrated that the development will not destroy, damage or have any other adverse effect on those values.
• To ensure that residential development does not have an adverse effect on those values.

2 Permitted without consent

Nil

3 Permitted with consent

Community facilities; Drainage; Earthworks; Electricity generating works; Environmental facilities; Environmental protection works; Flood mitigation works; Kiosks; Recreation areas; Recreation facilities (indoor); Recreation facilities (outdoor); Roads; Telecommunications facilities; Temporary structures; Utility installations; Water recycling facilities; Waterbodies

4 Prohibited

Any other development not specified in item 2 or 3

Zone E2  Environmental Conservation

1 Objectives of zone

• To protect, manage and restore areas of high ecological, scientific, cultural or aesthetic values.
• To prevent development that could destroy, damage or otherwise have an adverse effect on those values.

2 Permitted without consent

Nil

3 Permitted with consent

Drainage; Earthworks; Environmental facilities; Environmental protection works; Flood mitigation works; Recreation areas; Roads; Sewage reticulation systems; Water recycling facilities; Water supply systems; Waterbodies (natural)

4 Prohibited

Any development not specified in item 2 or 3
Zone E4  Environmental Living

1 Objectives of zone

- To provide for low-impact residential development in areas with special ecological, scientific or aesthetic values.

- To ensure that residential development does not have an adverse effect on those values.

- To preserve and maintain the natural values of core riparian areas and to allow development where it can be demonstrated that the development will not destroy, damage or have any other adverse effect on those values.

- To ensure that flood prone land is used in a manner appropriate to its environmental characteristics.

2 Permitted without consent

Nil

3 Permitted with consent

Bed and breakfast accommodation; Drainage; Dwelling houses; Earthworks; Electricity generating works; Environmental facilities; Environmental protection works; Exhibition homes; Exhibition villages; Flood mitigation works; Group homes; Health consulting rooms; Home businesses; Home industries; Horticulture; Recreation areas; Recreation facilities (outdoor); Roads; Telecommunications facilities; Temporary structures; Water recreation structures; Water recycling facilities; Waterbodies (artificial)

4 Prohibited

Any other development not otherwise specified in item 2 or 3

Part 3

3.1–3.3 (Repealed)

Part 4 Principal development standards

4.1 Minimum subdivision lot size

(1) The objectives of this clause are as follows—

(a) to ensure that the minimum size for lots is sufficient for the provision of usable areas for building and open space,

(b) to facilitate and encourage a range of residential lot types, in particular, small lot housing,

(c) to encourage the efficient use of land for residential purposes.

(2) This clause applies to a subdivision of any land shown on the Lot Size Map that requires development consent and that is carried out after the commencement of this Precinct Plan.

(3) The size of any lot resulting from any such subdivision of land to which this clause applies is not to be less than the minimum size shown on the Lot Size Map in relation to that land.
(4) This clause does not apply in relation to the subdivision of individual lots in a strata plan.

4.1AA Subdivision resulting in lots between 225–300m²

(1) This clause applies to land in the following zones—

(a) Zone R1 General Residential,

(b) Zone R3 Medium Density Residential.

(2) Development consent may be granted to the subdivision of land to which this clause applies resulting in the creation of a lot that has an area of less than 300m² (but not less than 225m²), if the consent authority is satisfied that the lot will contain a sufficient building envelope to enable the erection of a dwelling house on the lot under clause 4.1AC, 4.1AD or 4.1AE.

(3) This clause does not apply to a subdivision that is the subject of a development application under clause 4.1AC (2) (b), 4.1AD (2) (b) or 4.1AE.

4.1A Minimum lot sizes for other development

(1) Development must not be carried out on a lot in Zone R1 General Residential or Zone R3 Medium Density Residential for any of the following purposes if the area of the lot is less than the area specified below in relation to those purposes—

(a) dwelling house—300m²,

(b) dual occupancy—500m²,

(c) attached dwelling—125m²,

(d) residential flat building—1,000m²,

(e) semi-detached dwelling—200m²,

(f) manor home—600m²,

(g) multi dwelling housing—1,500m².

(1A) Development must not be carried out on a lot in Zone B1 Neighbourhood Centre, Zone B2 Local Centre or Zone B4 Mixed Use for any of the following purposes if the area of the lot is less than the area specified below in relation to those purposes—

(a) dwelling house—250m²,

(b) dual occupancy—600m²,

(c) attached dwelling—125m²,

(d) residential flat building—1,000m².

(2) Development must not be carried out on a lot within Zone E4 Environmental Living for the purposes of a dwelling house if the area of the lot is less than 1,000m².

(3) Development for the purposes of multi dwelling housing must not be carried out on a lot in the following zones if the area provided for each dwelling is less than 125m²—
(a) Zone R1 General Residential,
(b) Zone R3 Medium Density Residential,
(c) Zone B1 Neighbourhood Centre,
(d) Zone B2 Local Centre,
(e) Zone B4 Mixed Use.

4.1AB Minimum lot sizes for secondary dwellings in Zone R1 General Residential and Zone R3 Medium Density Residential

(1) This clause applies to land in the following zones—
   (a) Zone R1 General Residential,
   (b) Zone R3 Medium Density Residential.

(2) The minimum lot size for a secondary dwelling on land in Zone R1 General Residential is 450m$^2$.

(3) The minimum lot size for a secondary dwelling on land in Zone R3 Medium Density Residential is the minimum lot size for the principal dwelling in conjunction with which the secondary dwelling is established, determined in accordance with clause 4.1A (1), 4.1AC or 4.1AE.

4.1AC Exceptions to minimum lot sizes for dwelling houses

(1) This clause applies to the following—
   (a) a lot in Zone R1 General Residential that has an area of less than 300m$^2$ (but not less than 250m$^2$),
   (b) a lot in Zone R3 Medium Density Residential that has an area of less than 300m$^2$ (but not less than 225m$^2$).

(2) Despite clause 4.1A (1), development consent may be granted to the erection of a dwelling house on a lot to which this clause applies if—

   (a) the lot results from a subdivision to which development consent has been granted in accordance with clause 4.1AA and, in determining the development application for the erection of the dwelling house, the consent authority considers any information that it considered for the purposes of that clause in determining the development application for the subdivision, or

   (b) the development application is a single development application for development consisting of both of the following—

       (i) the subdivision of land into 2 or more lots,
       (ii) the erection of the dwelling house on one of the lots resulting from the subdivision.
4.1AD Exceptions to minimum lot sizes for dwelling houses on other lots in Zone R1 General Residential

(1) This clause applies to a lot in Zone R1 General Residential that has an area of less than 250m\(^2\) (but not less 225m\(^2\)).

(2) Despite clause 4.1A (1), development consent may be granted to the erection of a dwelling house on a lot to which this clause applies if the lot meets the requirements of subclause (3) and—

(a) the lot results from a subdivision to which development consent has been granted in accordance with clause 4.1AA and, in determining the development application for the erection of the dwelling house, the consent authority considers any information that it considered for the purposes of that clause in determining the development application for that subdivision, or

(b) the development application is a single development application for development consisting of both of the following—

(i) the subdivision of land into 2 or more lots,

(ii) the erection of the dwelling house on one of the lots resulting from the subdivision.

(3) A lot meets the requirements of this subclause if—

(a) the lot adjoins land that is set aside for open space or recreation purposes, or is separated from that land only by a public road, or

(b) the lot adjoins land in Zone B1 Neighbourhood Centre, Zone B2 Local Centre or Zone B4 Mixed Use, or is separated from land in any of those zones only by a public road, or

(c) the lot is within 400m of land in Zone B1 Neighbourhood Centre or Zone B2 Local Centre and the lot—

(i) adjoins land in Zone SP2 Infrastructure that is set aside for drainage or educational purposes, or

(ii) is separated from land in Zone SP2 Infrastructure that is set aside for drainage or educational purposes only by a public road.

(4) Despite subclause (2), development consent must not be granted to the erection of a dwelling house on a lot to which this clause applies unless the consent authority is satisfied that the dwelling house—

(a) will not adversely impact on the amenity of adjoining residential properties, and

(b) will be designed and orientated to provide active frontages to and surveillance of the public recreation or drainage land, and

(c) will not adversely impact on or limit solar access to adjoining residential or public open space land.

4.1AE Exceptions to minimum lot sizes for dwelling houses on small lots

(1) This clause applies to a lot in Zone R3 Medium Density Residential that has an area of less than
225m² (but not less than 125m²).

(2) Despite clause 4.1A (1), development consent may be granted to the erection of a dwelling house on a lot to which this clause applies if the development application is a single development application for development consisting of both of the following—

(a) the subdivision of land into 2 or more lots,

(b) the erection of the dwelling house on one of the lots resulting from the subdivision.

4.1AF Exceptions to minimum lot sizes for multi dwelling housing in Zone R1 General Residential

(1) This clause applies to a lot in Zone R1 General Residential that has an area of less than 1,500m² (but not less than 375m²).

(2) Despite clause 4.1A (1), development consent may be granted to development for the purpose of multi dwelling housing on a lot to which this clause applies if the lot meets the requirements of subclause (3).

(3) A lot meets the requirements of this subclause if—

(a) the lot adjoins land that is set aside for open space or recreation purposes, or is separated from that land only by a public road, or

(b) the lot adjoins land in Zone B1 Neighbourhood Centre, Zone B2 Local Centre or Zone B4 Mixed Use, or is separated from land in any of those zones only by a public road, or

(c) the lot is within 400m of land in Zone B1 Neighbourhood Centre or Zone B2 Local Centre and—

(i) adjoins land in Zone SP2 Infrastructure that is set aside for drainage or educational purposes, or

(ii) is separated from land in Zone SP2 Infrastructure that is set aside for drainage or educational purposes only by a public road.

(4) Despite subclause (2), development consent must not be granted to development for the purpose of multi dwelling housing on a lot to which this clause applies unless the consent authority is satisfied that the multi dwelling housing—

(a) will not adversely impact on the amenity of adjoining residential properties, and

(b) will be designed and orientated to provide active frontages to and surveillance of the public recreation or drainage land, and

(c) will not adversely impact on or limit solar access to adjoining residential or public open space land.

4.1AG Exceptions to minimum lot sizes for multi dwelling housing in Zone R3 Medium Density Residential

(1) This clause applies to a lot in Zone R3 Medium Density Residential that has an area of less than 1,500m² (but not less than 375m²).
(2) Despite clause 4.1A (1), development consent may be granted to development for the purpose of multi dwelling housing on a lot to which this clause applies.

4.1AH Minimum lot sizes in split zones

(1) This clause applies to each lot that contains land in Zone R1 General Residential or Zone R3 Medium Density Residential and land in any other zone.

(2) For the purposes of clauses 4.1AB–4.1AG, a reference to the area of a lot—

(a) in relation to land in Zone R1 General Residential, means the area of that part of the lot that is in Zone R1 General Residential, and

(b) in relation to land in Zone R3 Medium Density Residential, means the area of that part of the lot that is in Zone R3 Medium Density Residential, and

(c) does not include any part of the lot that is in any other zone.

4.1B Residential density—Oran Park Precinct

(1) The objective of this clause is to make provision with respect to the delivery of 7,540 new dwellings in the Oran Park Precinct.

(2) Development consent must not be granted to the subdivision of land intended to be used for residential purposes within the Oran Park Precinct unless the consent authority is satisfied that—

(a) a development control plan has been prepared providing for not less than 7,540 new dwellings within the Precinct and containing provisions to encourage a mix of dwelling types to be provided, and

(b) the granting of consent would not preclude or impede that number of dwellings within the Precinct.

4.1C Residential density—Turner Road Precinct

(1) The objective of this clause is to make provision with respect to the delivery of 4,020 new dwellings in the Turner Road Precinct.

(2) Development consent must not be granted to the subdivision of land intended to be used for residential purposes within the Turner Road Precinct unless the consent authority is satisfied that—

(a) a development control plan has been prepared providing for not less than 4,020 new dwellings within the Precinct and containing provisions to encourage a mix of dwelling types to be provided, and

(b) the granting of consent would not preclude or impede that number of dwellings within the Precinct.

4.1D (Repealed)

4.1E Shops—Turner Road Precinct

(1) The total area used for shops on all land within Zone B5 Business Development in the Turner
Road Precinct must not exceed 2,500m$^2$.

(2) The total area used for shops in a particular development for that purpose on land within Zone B5 Business Development in the Turner Road Precinct must not exceed 500m$^2$.

4.3 Height of buildings

(1) The objectives of this clause are as follows—

(a) to preserve the amenity of adjoining development in terms of solar access to dwellings, private open space and bulk and scale,

(b) to provide for a range of residential building heights in appropriate locations that provide a high quality urban form,

(c) to facilitate higher density neighbourhood and town centres while minimising impacts on adjacent residential areas,

(d) to provide appropriate height controls for commercial and industrial development.

(2) Except as provided by this clause, the height of a building on any land is not to exceed the maximum height shown for the land on the Height of Buildings Map.

(3) If the Height of Buildings Map specifies, in relation to any land shown on that map, a Reduced Level for any building on that land, any such building is not to exceed that specified Reduced Level.

(4) The consent authority may grant development consent for development for the purpose of attached housing, a dwelling house, dual occupancy, multi dwelling housing or a semi-detached dwelling on land within Zone R1 General Residential or Zone R3 Medium Density Residential, or a dwelling house within Zone E4 Environmental Living, that exceeds 9.5m in height above finished ground level, if the consent authority is satisfied that the development—

(a) is located—

(i) on a prominent street corner, or

(ii) adjacent to a neighbourhood or local centre or public open space, or

(iii) on land with a finished ground level slope equal to or more than 15%, and

(b) is not likely to have an adverse impact on the existing or future amenity of any adjoining land on which residential development is permitted, having regard to over shadowing, visual impact and any impact on privacy.

(5) The consent authority may grant development consent for development on land within Zone B5 Business Development or Zone IN1 General Industrial, that does not exceed 15 metres in height above finished ground level, if the land has frontage to Badgally Road, Camden Valley Way, the Northern Road or East West Road (as shown in the Oran Park Precinct Development Control Plan or the Turner Road Precinct Development Control Plan), or to land within Zone RE1 Public Recreation or Zone RE2 Private Recreation.
4.6 Exceptions to development standards

(1) The objectives of this clause are—

(a) to provide an appropriate degree of flexibility in applying certain development standards to particular development, and

(b) to achieve better outcomes for and from development by allowing flexibility in particular circumstances.

(2) Consent may, subject to this clause, be granted for development even though the development would contravene a development standard imposed by this or any other environmental planning instrument. However, this clause does not apply to a development standard that is expressly excluded from the operation of this clause.

(3) Consent must not be granted for development that contravenes a development standard unless the consent authority has considered a written request from the applicant that seeks to justify the contravention of the development standard by demonstrating—

(a) that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and

(b) that there are sufficient environmental planning grounds to justify contravening the development standard.

(4) Consent must not be granted for development that contravenes a development standard unless—

(a) the consent authority is satisfied that—

(i) the applicant’s written request has adequately addressed the matters required to be demonstrated by subclause (3), and

(ii) the proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out, and

(b) the concurrence of the Director-General has been obtained.

(5) In deciding whether to grant concurrence, the Director-General must consider—

(a) whether contravention of the development standard raises any matter of significance for State or regional environmental planning, and

(b) the public benefit of maintaining the development standard, and

(c) any other matters required to be taken into consideration by the Director-General before granting concurrence.

(6) Consent must not be granted under this clause for a subdivision of land within Zone E4 Environmental Living if—

(a) the subdivision will result in 2 or more lots of less than the minimum area specified for such lots by a development standard, or
(b) the subdivision will result in at least one lot that is less than 90% of the minimum area specified for such a lot by a development standard.

(7) After determining a development application made pursuant to this clause, the consent authority must keep a record of its assessment of the factors required to be addressed in the applicant’s written request referred to in subclause (3).

(8) This clause does not allow consent to be granted for development that would contravene any of the following—

(a) a development standard for complying development,

(b) a development standard that arises, under the regulations under the Act, in connection with a commitment set out in a BASIX certificate for a building to which State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004 applies or for the land on which such a building is situated listed in the table to this clause,

(c) a development standard listed in the table to this clause.

Note. At the time this Precinct Plan was made, no exclusions were listed in a table to this clause.

Part 5 Miscellaneous provisions

5.1 Relevant acquisition authority

(1) The objective of this clause is to identify, for the purposes of section 3.15 of the Act, the authority of the State that will be the relevant authority to acquire land reserved for certain public purposes if the land is required to be acquired under Division 3 of Part 2 of the Land Acquisition (Just Terms Compensation) Act 1991 (the owner-initiated acquisition provisions).

Note. If the landholder will suffer hardship if there is any delay in the land being acquired by the relevant authority, section 23 of the Land Acquisition (Just Terms Compensation) Act 1991 requires the authority to acquire the land.

(2) The authority of the State that will be the relevant authority to acquire land, if the land is required to be acquired under the owner-initiated acquisition provisions, is the authority of the State specified below in relation to the land shown on the Land Reservation Acquisition Map (or, if an authority of the State is not specified in relation to land required to be so acquired, the authority designated or determined under those provisions).

<table>
<thead>
<tr>
<th>Type of land shown on Map</th>
<th>Authority of the State</th>
</tr>
</thead>
<tbody>
<tr>
<td>Local open space</td>
<td>Council</td>
</tr>
</tbody>
</table>

(3) Development on land acquired by an authority of the State under the owner-initiated acquisition provisions may, before it is used for the purpose for which it is reserved, be carried out, with development consent, for any purpose.

5.2 Classification and reclassification of public land

(1) The objective of this clause is to enable the Council to classify or reclassify public land as “operational land” or “community land” in accordance with Part 2 of Chapter 6 of the Local Government Act 1993.
Note. Under the *Local Government Act 1993*, “public land” is generally land vested in or under the control of a council (other than roads and certain Crown land). The classification or reclassification of public land may also be made by a resolution of the Council under section 31, 32 or 33 of the *Local Government Act 1993*. Section 30 of that Act enables this Precinct Plan to discharge trusts on which public reserves are held if the land is reclassified under this Precinct Plan as operational land.

(2) The public land described in Part 1 or Part 2 of Schedule 4 is classified, or reclassified, as operational land for the purposes of the *Local Government Act 1993*.

(3) The public land described in Part 3 of Schedule 4 is classified, or reclassified, as community land for the purposes of the *Local Government Act 1993*.

(4) The public land described in Part 1 of Schedule 4—

(a) does not cease to be a public reserve to the extent (if any) that it is a public reserve, and

(b) continues to be affected by any trusts, estates, interests, dedications, conditions, restrictions or covenants that affected the land before its classification, or reclassification, as operational land.

(5) The public land described in Part 2 of Schedule 4, to the extent (if any) that it is a public reserve, ceases to be a public reserve when the description of the land is inserted into that Part and is discharged from all trusts, estates, interests, dedications, conditions, restrictions and covenants affecting the land or any part of the land, except—

(a) those (if any) specified for the land in Column 3 of Part 2 of Schedule 4, and

(b) any reservations that except land out of the Crown grant relating to the land, and

(c) reservations of minerals (within the meaning of the *Crown Land Management Act 2016*).

Note. In accordance with section 30 (2) of the *Local Government Act 1993*, the approval of the Governor to subclause (5) applying to the public land concerned is required before the description of the land is inserted in Part 2 of Schedule 4.

5.3 Development near zone boundaries

(1) The objective of this clause is to provide flexibility where the investigation of a site and its surroundings reveals that a use allowed on the other side of a zone boundary would enable a more logical and appropriate development of the site and be compatible with the planning objectives and land uses for the adjoining zone.

(2) This clause applies to so much of any land that is within the relevant distance of a boundary between any 2 zones. The relevant distance is 50 metres.

(3) This clause does not apply to—

(a) land zoned RE1 Public Recreation, E2 Environmental Conservation or E4 Environmental Living, or

(b) land within the coastal zone, or

(c) land proposed to be developed for the purpose of sex services or restricted premises.

(4) Despite the provisions of this Precinct Plan relating to the purposes for which development may
be carried out, consent may be granted to development of land to which this clause applies for any purpose that may be carried out in the adjoining zone, but only if the consent authority is satisfied that—

(a) the development is not inconsistent with the objectives for development in both zones, and

(b) the carrying out of the development is desirable due to compatible land use planning, infrastructure capacity and other planning principles relating to the efficient and timely development of land.

(5) The clause does not prescribe a development standard that may be varied under this Precinct Plan.

5.4 Controls relating to miscellaneous permissible uses

(1) If development for the purposes of bed and breakfast accommodation is permitted under this Precinct Plan, the accommodation that is provided to guests must consist of no more than 3 bedrooms.

(2) If development for the purposes of a home business is permitted under this Precinct Plan, the carrying out of the business must not involve the use of more than 50m$^2$ of floor space.

(3) If development for the purposes of a home industry is permitted under this Precinct Plan, the carrying out of the business must not involve the use of more than 50m$^2$ of floor space.

(4) If development for the purposes of an industrial retail outlet is permitted under this Precinct Plan, the gross floor area of the outlet must not exceed—

(a) 40 per cent of the combined gross floor area of the outlet or place and the building or place on which the industry is carried out, or

(b) 400m$^2$,

whichever is the lesser.

(5) If development for the purposes of farm stay accommodation is permitted under this Precinct Plan, the accommodation that is provided to guests must consist of no more than 3 bedrooms.

(6) If development for the purposes of a kiosk is permitted under this Precinct Plan, the gross floor area must not exceed 20m$^2$.

(7) If development for the purposes of a neighbourhood shop is permitted under this Precinct Plan, the retail floor area must not exceed 80m$^2$.

(8) If development for the purposes of a roadside stall is permitted under this Precinct Plan, the gross floor area must not exceed 20m$^2$.

(9) If development for the purposes of a secondary dwelling is permitted under this Precinct Plan, the total gross floor area of the dwelling (excluding any area used for parking) must not exceed whichever of the following is the greater—

(a) 75 square metres,

(b) 30% of the total gross floor area of both the self-contained dwelling and the principal
dwellings.

5.8 Conversion of fire alarms

(1) This clause applies to a fire alarm system that can be monitored by New South Wales Fire Brigades or by a private service provider.

(2) The following development may be carried out, but only with consent—

(a) converting a fire alarm system from connection with the alarm monitoring system of New South Wales Fire Brigades to connection with the alarm monitoring system of a private service provider,

(b) converting a fire alarm system from connection with the alarm monitoring system of a private service provider to connection with the alarm monitoring system of another private service provider,

(c) converting a fire alarm system from connection with the alarm monitoring system of a private service provider to connection with a different alarm monitoring system of the same private service provider.

(3), (4) (Repealed)

(5) In this clause—

private service provider means a person or body that has entered into an agreement that is in force with New South Wales Fire Brigades to monitor fire alarm systems.

5.9 Preservation of trees or vegetation

(1) The objective of this clause is to preserve the amenity of the area through the preservation of trees and other vegetation.

(2) This clause applies to species or kinds of trees or other vegetation that are prescribed for the purposes of this clause by a development control plan made by the Director-General.

Note. A development control plan may prescribe the trees or other vegetation to which this clause applies by reference to species, size, location or other manner.

(3) The clause does not apply to native vegetation to which clause 23 of this State Environmental Planning Policy applies.

(4) A person must not ringbark, cut down, top, lop, remove, injure or wilfully destroy any tree or other vegetation to which any such development control plan applies without the authority conferred by—

(a) development consent, or

(b) a permit granted by the Council.

(5) The refusal by the Council to grant a permit to a person who has duly applied for the grant of the permit is taken for the purposes of the Act to be a refusal by the Council to grant consent for the carrying out of the activity for which a permit was sought.
(6) This clause does not apply to a tree or other vegetation that the Council is satisfied is dying or dead and is not required as the habitat of native fauna.

(7) This clause does not apply to a tree or other vegetation that the Council is satisfied is a risk to human life or property.

(8) A permit under this clause cannot allow any ringbarking, cutting down, topping, lopping, removal, injuring or destruction of a tree or other vegetation—

(a) that is or forms part of a heritage item, or

(b) that is within a heritage conservation area.

Note. As a consequence of this subclause, the activities concerned will require development consent. The heritage provisions of clause 5.10 will be applicable to any such consent.

(9) This clause does not apply to or in respect of—

(a) the clearing of native vegetation that is authorised by a development consent or property vegetation plan under the Native Vegetation Act 2003 or that is otherwise permitted under Division 2 or 3 of Part 3 of that Act, or

(b) the clearing of vegetation on State protected land (within the meaning of clause 4 of Schedule 3 to the Native Vegetation Act 2003) that is authorised by a development consent under the provisions of the Native Vegetation Conservation Act 1997 as continued in force by that clause, or

(c) trees or other vegetation within a State forest, or land reserved from sale as a timber or forest reserve under the Forestry Act 1916, or

(d) action required or authorised to be done by or under the Electricity Supply Act 1995, the Sydney Water Act 1994, the Roads Act 1993 or the Surveying Act 2002, or

(e) plants declared to be noxious weeds under the Noxious Weeds Act 1993.

5.10 Heritage conservation

Note. Heritage items, heritage conservation areas and archaeological sites (if any) are shown on the Heritage Map. The location and nature of any such item, area or site is also described in Schedule 5 to this Precinct Plan.

(1) Objectives The objectives of this clause are—

(a) to conserve the environmental heritage of the Oran Park Precinct and the Turner Road Precinct, and

(b) to conserve the heritage significance of heritage items and heritage conservation areas including associated fabric, settings and views, and

(c) to conserve archaeological sites, and

(d) to conserve places of Aboriginal heritage significance.

(2) Requirement for consent Development consent is required for any of the following—

(a) demolishing or moving a heritage item or a building, work, relic or tree within a heritage
conservation area,

(b) altering a heritage item or a building, work, relic, tree or place within a heritage conservation area, including (in the case of a building) making changes to the detail, fabric, finish or appearance of its exterior,

(c) altering a heritage item that is a building by making structural changes to its interior,

(d) disturbing or excavating an archaeological site while knowing, or having reasonable cause to suspect, that the disturbance or excavation will or is likely to result in a relic being discovered, exposed, moved, damaged or destroyed,

(e) disturbing or excavating a heritage conservation area that is a place of Aboriginal heritage significance,

(f) erecting a building on land on which a heritage item is located or that is within a heritage conservation area,

(g) subdividing land on which a heritage item is located or that is within a heritage conservation area.

(3) When consent not required However, consent under this clause is not required if—

(a) the applicant has notified the consent authority of the proposed development and the consent authority has advised the applicant in writing before any work is carried out that it is satisfied that the proposed development—

(i) is of a minor nature, or is for the maintenance of the heritage item, archaeological site, or a building, work, relic, tree or place within a heritage conservation area, and

(ii) would not adversely affect the significance of the heritage item, archaeological site or heritage conservation area, or

(b) the development is in a cemetery or burial ground and the proposed development—

(i) is the creation of a new grave or monument, or excavation or disturbance of land for the purpose of conserving or repairing monuments or grave markers, and

(ii) would not cause disturbance to human remains, relics, Aboriginal objects in the form of grave goods, or to a place of Aboriginal heritage significance, or

(c) the development is limited to the removal of a tree or other vegetation that the Council is satisfied is a risk to human life or property, or

(d) the development is exempt development.

(3AA) Effect on heritage significance The consent authority must, before granting consent under this clause, consider the effect of the proposed development on the heritage significance of the heritage item or heritage conservation area concerned. This subclause applies regardless of whether a heritage impact statement is prepared under subclause (4) or a heritage conservation management plan is submitted under subclause (5).

Note. The website of the Heritage Branch of the Department of Planning has publications that provide guidance on assessing the impact of proposed development on the heritage significance of items.
example, Statements of Heritage Impact).

(4) **Heritage impact assessment** The consent authority may, before granting consent to any development on land—

(a) on which a heritage item is situated, or

(b) within a heritage conservation area, or

(c) within the vicinity of land referred to in paragraph (a) or (b),

require a heritage impact statement to be prepared that assesses the extent to which the carrying out of the proposed development would affect the heritage significance of the heritage item or heritage conservation area concerned.

(5) **Heritage conservation management plans** The consent authority may require, after considering the significance of a heritage item and the extent of change proposed to it, the submission of a heritage conservation management plan before granting consent under this clause.

(6) **Archaeological sites** The consent authority must, before granting consent under this clause to the carrying out of development on an archaeological site (other than land listed on the State Heritage Register under the *Heritage Act 1977* or to which an interim heritage order applies), be satisfied that any necessary excavation permit required by the *Heritage Act 1977* has been granted.

(7) **Places of Aboriginal heritage significance** The consent authority must, before granting consent under this clause to the carrying out of development in a place of Aboriginal heritage significance—

(a) consider the effect of the proposed development on the heritage significance of the place and any Aboriginal object known or reasonably likely to be located at the place, and

(b) notify the local Aboriginal communities (in such way as it thinks appropriate) about the application and take into consideration any response received within 21 days after the notice is sent, and

(c) be satisfied that any necessary consent or permission under the *National Parks and Wildlife Act 1974* has been granted.

(8) (Repealed)

(9) **Conservation incentives** The consent authority may grant development consent to development for any purpose of a building that is a heritage item, or of the land on which such a building is erected, even though development for that purpose would otherwise not be allowed by this Precinct Plan if the consent authority is satisfied that—

(a) the conservation of the heritage item is facilitated by the granting of consent, and

(b) the proposed development is in accordance with a heritage conservation management plan that has been approved by the consent authority, and

(c) the consent to the proposed development would require that all necessary conservation work identified in the heritage conservation management plan is carried out, and
(d) the proposed development would not adversely affect the heritage significance of the heritage item, including its setting, and

(e) the proposed development would not have any significant adverse effect on the amenity of the surrounding area.

5.11 Bush fire hazard reduction

Bush fire hazard reduction work authorised by the Rural Fires Act 1997 may be carried out on any land without consent.

Note. The Rural Fires Act 1997 also makes provision relating to the carrying out of development on bush fire prone land.

5.11A Development for group homes

(1) The objective of this clause is to facilitate the establishment of—

(a) permanent group homes in which disabled persons or socially disadvantaged persons may live in an ordinary residential household environment instead of an institutional environment, and

(b) transitional group homes that provide temporary accommodation for disabled persons or socially disadvantaged persons in an ordinary residential household environment instead of an institutional environment for such purposes as alcohol or drug rehabilitation and half-way rehabilitation for persons formerly living in institutions and refuges for men, women or young persons.

(2) If development for the purpose of a dwelling house or a dwelling in a residential flat building may lawfully be carried out in accordance with this Precinct Plan, development for the purposes of a group home may, subject to this clause, be carried out.

(3) Consent is required to carry out development for the purposes of a transitional group home.

(4) Consent is required to carry out development for the purposes of a permanent group home that contains more than 5 bedrooms.

(5) Consent is required to carry out development for the purposes of a permanent group home that contains 5 or less bedrooms and that is occupied by more residents (including any resident staff) than the number equal to the number calculated by multiplying the number of bedrooms in that home by 2.

(6) Consent may not be refused under this clause unless an assessment has been made of the need for the group home concerned.

(7) Nothing in this clause requires consent to be obtained by the Department of Housing (or by a person acting jointly with the Department of Housing) to carry out development for the purposes of a transitional group home.

5.12 Infrastructure development and use of existing buildings of the Crown

(1) This Precinct Plan does not restrict or prohibit, or enable the restriction or prohibition of, the carrying out of any development, by or on behalf of a public authority, that is permitted to be carried out with or without consent, or that is exempt development, under the State

(2) This Precinct Plan does not restrict or prohibit, or enable the restriction or prohibition of, the use of existing buildings of the Crown by the Crown.

Part 6 Additional local provisions

6.1 Public utility infrastructure

(1) The consent authority must not grant development consent to development on land to which this Precinct Plan applies unless it is satisfied that any public utility infrastructure that is essential for the proposed development is available or that adequate arrangements have been made to make that infrastructure available when required.

(2) In this clause, public utility infrastructure includes infrastructure for any of the following—
(a) the supply of water,
(b) the supply of electricity,
(c) the disposal and management of sewage.

(3) This clause does not apply to development for the purpose of providing, extending, augmenting, maintaining or repairing any public utility infrastructure referred to in this clause.

6.2 Registered clubs

Despite any other provision of this Precinct Plan, the consent authority may grant development consent to development for the purposes of a registered club associated with a golf club on land within the Turner Road Precinct that is, or is proposed to be, used for a golf course.

6.3 Environment protection works in Zones RE1 Public Recreation and RE2 Private Recreation

Despite any other provision of this Precinct Plan, development for the purposes of environment protection works may be carried out without development consent on land within Zone RE1 Public Recreation or RE2 Private Recreation if the development is consistent with the Oran Park and Turner Road Waterfront Land Strategy 2009, published in the Gazette on 17 July 2009.

6.4 Dual occupancies

Despite any other provision of this Precinct Plan, the consent authority must not grant development consent for the purposes of a dual occupancy on a lot of land that is less than the minimum size specified on the Lot Size Map unless—
(a) the dual occupancy comprises one dwelling located substantially above the other dwelling, or
(b) one of the dwellings has a floor area that does not exceed 60m² and is located above a garage, carport or similar structure for the principal dwelling.

6.5 Sex services premises

(1) Despite any other provision of this Precinct Plan, the consent authority must not grant development consent for the purposes of sex services premises if the premises are to be located on land that adjoins, or that is separated by a road only, from land—
(a) used for the purposes of residential accommodation or community, school or church uses, or
(b) within Zone RE1 Public Recreation or Zone RE2 Private Recreation.

(2) The consent authority must, in deciding whether to grant development consent to development for the purposes of sex services premises, take into account the impact the proposed development would have on any place that adjoins or is within view of the proposed development and is regularly used by children for educational, recreational or cultural activities.

6.6 Development in special areas

(1) This clause applies to land shown as being in a special area on the Special Areas Map.

(2) The consent authority must not grant development consent for development on land in a special area unless a development control plan that provides for detailed development controls has been prepared for the land.

(3) Without limiting subclause (2), the development control plan is to provide for the following—

(a) an overall transport movement hierarchy showing the major circulation routes and connections to achieve a simple and safe movement system for private vehicles, public transport, pedestrians and cyclists,

(b) a strategy for the protection and enhancement of riparian areas and detailed landscaping requirements for public and private domain,

(c) a network of passive and recreational areas,

(d) stormwater and water quality management controls,

(e) detailed urban design controls.

(4) Subclause (2) does not apply for the following development—

(a) a subdivision of land that does not further fragment the land,

(b) a subdivision of land for the purpose only of defining the boundary of a special area, retaining a riparian protection area in one lot or for dedicating land for environmental protection purposes,

(c) a subdivision of land that only provides for a public purpose, including a public road or open space,

(d) a subdivision of land that is not for the purpose of enabling the construction of structures,

(e) development on land that is a riparian protection area owned by a public authority,

(f) development the consent authority is satisfied is minor or will not affect future development outcomes, including the remediation of land, for special areas.

(5) In this clause—

remediation of land includes environmental protection works and the remediation of contaminated land.
riparian protection area means a riparian protection area shown on the Riparian Protection Area Map.

Schedule 1 Additional permitted uses

1 Use of particular land adjacent to Oran Park Town Centre

(1) This clause applies to land in Zone R3 Medium Density Residential adjacent to Oran Park Town Centre and shown hatched red on Sheet LZN 004 of the Land Zoning Map.

(2) Development for the purpose of exhibition homes is permitted with consent.

Schedule 4 Classification and reclassification of public land

Part 1 Land classified, or reclassified, as operational land—no interests changed

<table>
<thead>
<tr>
<th>Column 1</th>
<th>Column 2</th>
</tr>
</thead>
<tbody>
<tr>
<td>Locality</td>
<td>Description</td>
</tr>
</tbody>
</table>

Part 2 Land classified, or reclassified, as operational land—interests changed

<table>
<thead>
<tr>
<th>Column 1</th>
<th>Column 2</th>
<th>Column 3</th>
</tr>
</thead>
<tbody>
<tr>
<td>Locality</td>
<td>Description</td>
<td>Any trusts etc not discharged</td>
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</tbody>
</table>

Part 3 Land classified, or reclassified, as community land

<table>
<thead>
<tr>
<th>Column 1</th>
<th>Column 2</th>
</tr>
</thead>
<tbody>
<tr>
<td>Locality</td>
<td>Description</td>
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</table>

Schedule 5 Environmental heritage

Heritage items

<table>
<thead>
<tr>
<th>Precinct</th>
<th>Item name</th>
<th>Address</th>
<th>Significance</th>
</tr>
</thead>
<tbody>
<tr>
<td>Oran Park</td>
<td>Denbigh (including homestead, grounds and gardens, slab outbuildings, coach house, stable, dairy and sheds)</td>
<td>421 The Northern Road, Bringelly</td>
<td>State</td>
</tr>
</tbody>
</table>
Appendix 2 North Kellyville Precinct Plan

Part 1 Preliminary

Note. The Standard Instrument (Local Environmental Plans) Order 2006 sets out matters to be included in standard local environmental plans. While this Precinct Plan is not a standard local environmental plan, it is generally consistent with standard plans. A number of clauses from the Standard Instrument (Local Environmental Plans) Order 2006 have been included in this Precinct Plan and the clause numbering from that order has been retained. This means that the numbering in this Precinct Plan may contain some gaps. Additional provisions have been inserted and are numbered accordingly.

1.1 Name of Precinct Plan

This Plan is the North Kellyville Precinct Plan 2008.

1.2 Aims of Precinct Plan

The aims of this Precinct Plan are—

(a) to make development controls for land in the North Kellyville Precinct within the North West Growth Centre that will ensure the creation of a quality environment and good design outcomes, and

(b) to protect and enhance the environmentally sensitive areas and natural and cultural heritage of the Precinct, and

(c) to promote employment, residential and recreational opportunities in the Precinct, and

(d) to promote housing choice and affordability in the Precinct, and

(e) to provide for the sustainable development of the Precinct.

1.3 Land to which Precinct Plan applies

This Precinct Plan applies to land within the North Kellyville Precinct.

1.4 Definitions

In this Precinct Plan, Council means the Hills Shire Council.

Note. The Dictionary at the end of this State Environmental Planning Policy defines words and expressions for the purposes of this Precinct Plan, including the relevant maps.

1.6 Consent authority

The consent authority for the purposes of this Precinct Plan is (subject to the Act) the Council.

1.8 Repeal of other local planning instruments applying to land

(1) All local environmental plans and deemed environmental planning instruments applying only to the land to which this Precinct Plan applies are repealed.

(2) All local environmental plans and deemed environmental planning instruments applying to the land to which this Precinct Plan applies and to other land cease to apply to the land to which this Precinct Plan applies.

(2A) This clause does not affect the operation of other provisions of this State Environmental Planning Policy.
Planning Policy.

1.9 Application of SEPPs

(1) This Precinct Plan is subject to the provisions of any State environmental planning policy that prevails over this State Environmental Planning Policy as provided by section 3.28 of the Act.

Note. Section 3.28 of the Act generally provides that SEPPs prevail over LEPs. However, a LEP may (by an additional provision included in the LEP) displace or amend a SEPP to deal specifically with the relationship between this Precinct Plan and the SEPP.

(2) State Environmental Planning Policy No 1—Development Standards does not apply to the land to which this Precinct Plan applies.

(2A) Subject to section 74 (1) of the Act, in the event of an inconsistency between this Precinct Plan and another environmental planning instrument whether made before or after the commencement of this Precinct Plan, this Precinct Plan prevails to the extent of the inconsistency.

Note. This State Environmental Planning Policy also contains provisions applying development controls to the North West Growth Centre, including the North Kellyville Precinct.

1.9A Suspension of covenants, agreements and instruments

(1) For the purpose of enabling development on land in any zone to be carried out in accordance with this Precinct Plan or with a development consent granted under the Act, any agreement, covenant or other similar instrument that restricts the carrying out of that development does not apply to the extent necessary to serve that purpose.

(2) This clause does not apply—

(a) to a covenant imposed by the Council or that the Council requires to be imposed, or

(b) to any relevant instrument within the meaning of section 13.4 of the Crown Land Management Act 2016, or

(c) to any conservation agreement within the meaning of the National Parks and Wildlife Act 1974, or

(d) to any Trust agreement within the meaning of the Nature Conservation Trust Act 2001, or

(e) to any property vegetation plan within the meaning of the Native Vegetation Act 2003, or

(f) to any biobanking agreement within the meaning of Part 7A of the Threatened Species Conservation Act 1995, or

(g) to any planning agreement within the meaning of Division 7.1 of the Act.

(3) This clause does not affect the rights or interests of any public authority under any registered instrument.

(4) Under section 28 of the Act, the Governor, before the making of this clause, approved of subclauses (1)–(3).
Part 2 Permitted or prohibited development

2.1 Land use zones

The land use zones under this Precinct Plan are as follows—

Residential Zones
- R1 General Residential
- R2 Low Density Residential
- R3 Medium Density Residential

Business Zones
- B1 Neighbourhood Centre
- B2 Local Centre

Special Purpose Zones
- SP2 Infrastructure

Recreation Zones
- RE1 Public Recreation

Environment Protection Zones
- E3 Environmental Management
- E4 Environmental Living

2.2 Zoning of land to which Precinct Plan applies

For the purposes of this Precinct Plan, land is within the zones shown on the Land Zoning Map.

2.3 Zone objectives and land use table

(1) The Land Use Table at the end of this Part specifies for each zone—
   (a) the objectives for development, and
   (b) development that may be carried out without consent, and
   (c) development that may be carried out only with consent, and
   (d) development that is prohibited.

(2) The consent authority must have regard to the objectives for development in a zone when determining a development application in respect of land within the zone.

(3) In the Land Use Table at the end of this Part—
   (a) a reference to a type of building or other thing is a reference to development for the purposes of that type of building or other thing, and
   (b) a reference to a type of building or other thing does not include (despite any definition in
this Precinct Plan) a reference to a type of building or other thing referred to separately in
the Table in relation to the same zone.

(4) This clause is subject to the other provisions of this Part.

Notes.
1 Schedule 1 sets out additional permitted uses for particular land.
2 Clause 2.6 requires consent for subdivision of land.
3 Part 5 contains other provisions that require consent for particular development.

2.3A Demolition

The demolition of a building or work may be carried out only with consent.

Note. The demolition of certain buildings and works is identified in the North Kellyville Precinct Development
Control Plan as exempt or complying development.

2.4 Unzoned land

(1) Development may be carried out on unzoned land only with consent.

(2) Before granting consent, the consent authority—

(a) must consider whether the development will impact on adjoining zoned land and, if so,
consider the objectives for development in the zones of the adjoining land, and

(b) must be satisfied that the development is appropriate and is compatible with permissible
land uses in any such adjoining land.

2.5 Additional permitted uses for particular land

(1) Development on particular land that is described or referred to in Schedule 1 may be carried
out—

(a) with consent, or

(b) if the Schedule so provides—without consent,

in accordance with the conditions (if any) specified in that Schedule in relation to that
development.

(2) This clause has effect despite anything to the contrary in the Land Use Table at the end of this
Part or other provision of this Precinct Plan.

2.6 Subdivision—consent requirements

(1) Land to which this Precinct Plan applies may be subdivided, but only with consent.

Note. State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 specifies
certain subdivision development as exempt development.

(2) (Repealed)
Land Use Table

Zone R1  General Residential

1 Objectives of zone

• To provide for the housing needs of the community.

• To provide for a variety of housing types and densities.

• To enable other land uses that provide facilities or services to meet the day to day needs of residents.

• To encourage medium density housing in locations of high amenity adjoining open space and accessible transport corridors.

• To support the well being of the community, including educational, recreational, community, religious and other activities and, where appropriate, neighbourhood shops if there will be no adverse effect on the amenity of proposed or existing nearby residential development.

• To allow for low intensity tourist and visitor accommodation that does not interfere with residential amenity.

• To provide for a variety of recreational uses within open space areas.

2 Permitted without consent

Home occupations

3 Permitted with consent

Attached dwellings; Bed and breakfast accommodation; Boarding houses; Centre-based child care facilities; Community facilities; Dual occupancies; Dwelling houses; Educational establishments; Group homes; Home businesses; Hostels; Multi dwelling housing; Neighbourhood shops; Places of public worship; Residential flat buildings; Roads; Secondary dwellings; Semi-detached dwellings; Seniors housing; Studio dwellings; Any other development not specified in item 2 or 4

4 Prohibited

Agriculture; Amusement centres; Biosolid waste applications; Bulky goods premises; Business premises; Canal estate developments; Caravan parks; Cemeteries; Charter and tourism boating facilities; Correctional centres; Crematoria; Depots; Electricity generating works; Entertainment facilities; Extractive industries; Freight transport facilities; Home occupations (sex services); Industries; Information and education facilities; Marinas; Passenger transport facilities; Public administration buildings; Retail premises; Rural workers’ dwellings; Shop top housing; Storage premises; Tourist and visitor accommodation; Vehicle sales or hire premises; Waste or resource management facilities; Wholesale supplies

Zone R2  Low Density Residential

1 Objectives of zone

• To provide for the housing needs of the community within a low density residential environment.
Zone R3 Medium Density Residential

1 Objectives of zone

- To provide for the housing needs of the community within a medium density residential environment.
- To provide a variety of housing types within a medium density residential environment.
- To enable other land uses that provide facilities or services to meet the day to day needs of residents.
- To encourage medium density housing adjoining the North Kellyville Local Centre.
- To support the well being of the community, including educational, recreational, community, religious and other activities where compatible with the amenity of a medium density residential environment.
- To allow for low density tourist and visitor accommodation that does not interfere with residential amenity.

2 Permitted without consent

Home occupations

3 Permitted with consent

Attached dwellings; Bed and breakfast accommodation; Boarding houses; Centre-based child care facilities; Community facilities; Drainage; Dual occupancies; Dwelling houses; Earthworks; Educational establishments; Environmental protection works; Exhibition homes; Exhibition villages; Group homes; Health consulting rooms; Home businesses; Information and education facilities; Recreation areas; Respite day care centres; Roads; Secondary dwellings; Semi-detached dwellings; Seniors housing; Studio dwellings; Water recycling facilities; Waterbodies (artificial)

4 Prohibited

Any development not specified in item 2 or 3
facilities; Community facilities; Dual occupancies; Dwelling houses; Group homes; Home businesses; Manor homes; Multi dwelling housing; Neighbourhood shops; Places of public worship; Residential flat buildings; Roads; Secondary dwellings; Semi-detached dwellings; Seniors housing; Studio dwellings; Any other development not specified in item 2 or 4

4 Prohibited

Agriculture; Amusement centres; Biosolid waste applications; Bulky goods premises; Business premises; Canal estate developments; Caravan parks; Cemeteries; Charter and tourism boating facilities; Correctional centres; Crematoria; Depots; Electricity generating works; Entertainment facilities; Extractive industries; Freight transport facilities; Home occupations (sex services); Industries; Information and education facilities; Marinas; Passenger transport facilities; Retail premises; Rural workers’ dwellings; Shop top housing; Storage premises; Tourist and visitor accommodation; Vehicle sales or hire premises; Waste or resource management facilities; Wholesale supplies

Zone B1 Neighbourhood Centre

1 Objectives of zone

• To provide a range of small-scale retail, business and community uses that serve the needs of people who live or work in the surrounding neighbourhood.

• To ensure the scale and type of business development is compatible with the amenity of surrounding areas.

• To allow for residential development that contributes to the economic and social vitality of the neighbourhood centre.

• To ensure that residential development does not preclude the provision of active retail, business and community uses at street level.

• To ensure that residential development does not detract from the primary function of the zone which is to provide for retail, business and convenience uses to serve the community.

• To promote retail activities in accessible locations that encourage walking.

• To promote a sense of place and focal points for the local community.

• To ensure retail development does not adversely impact on the viability of retail development in the Local Centre Zone.

2 Permitted without consent

Nil

3 Permitted with consent

Business premises; Centre-based child care facilities; Community facilities; Neighbourhood shops; Roads; Shop top housing; Any other development not specified in item 2 or 4

4 Prohibited

Agriculture; Biosolid waste applications; Bulky goods premises; Canal estate developments; Caravan
parks; Cemeteries; Correctional centres; Crematoria; Depots; Dual occupancies; Dwelling houses; Electricity generating works; Extractive industries; Freight transport facilities; Home occupations (sex services); Industries; Passenger transport facilities; Recreation facilities (major); Residential care facilities; Residential flat buildings (other than as a component of a mixed use development); Restricted premises; Roadside stalls; Rural workers’ dwellings; Secondary dwellings; Semi-detached dwellings; Sex services premises; Storage premises; Timber and building supplies; Vehicle sales or hire premises; Waste or resource management facilities

Zone B2  Local Centre

1 Objectives of zone

• To provide a range of retail, business, entertainment and community uses which serve the needs of people who live in, work in and visit the local area.

• To encourage employment opportunities in accessible locations.

• To maximise public transport patronage and encourage walking and cycling.

• To ensure that residential development does not detract from the primary function of the centre being to provide for retail, business, entertainment and community uses.

• To ensure that residential development does not preclude the provision of active uses at street level.

• To provide for land uses of a higher order and density within the Local Centre Zone than are permitted within the Neighbourhood Centre Zone.

• To ensure that retail development in the North Kellyville Local Centre is of an appropriate type and scale relative to the Rouse Hill Regional Centre.

• To provide for residential development that contributes to the vitality of the village centre.

2 Permitted without consent

Nil

3 Permitted with consent

Business premises; Centre-based child care facilities; Community facilities; Educational establishments; Entertainment facilities; Function centres; Information and education facilities; Office premises; Passenger transport facilities; Recreation facilities (indoor); Registered clubs; Retail premises; Roads; Service stations; Shop top housing; Tourist and visitor accommodation; Any other development not specified in item 2 or 4

4 Prohibited

Agriculture; Attached dwellings (other than as a component of mixed use development); Biosolid waste applications; Canal estate developments; Caravan parks; Cemeteries; Correctional centres; Crematoria; Dairies (pasture-based); Depots; Dual occupancies; Dwelling houses; Electricity generating works; Extractive industries; Freight transport facilities; Industrial retail outlets; Industries; Multi dwelling housing (other than as a component of mixed use development); Passenger transport facilities; Residential flat buildings (other than as a component of mixed use
development); Restricted premises; Roadside stalls; Rural workers’ dwellings; Secondary dwellings; Semi-detached dwellings; Sex services premises; Storage premises; Waste or resource management facilities

Zone SP2 Infrastructure

1 Objectives of zone

• To provide for infrastructure and related uses.

• To prevent development that is not compatible with or that may detract from the provision of infrastructure.

2 Permitted without consent

Nil

3 Permitted with consent

The purpose shown on the Land Zoning Map, including any development that is ordinarily incidental or ancillary to development for that purpose; Roads; Water recycling facilities; Waterbodies (artificial)

4 Prohibited

Any development not specified in item 2 or 3

Zone RE1 Public Recreation

1 Objectives of zone

• To enable land to be used for public open space or recreational purposes.

• To provide a range of recreational settings and activities and compatible land uses.

• To protect and enhance the natural environment for recreational purposes.

2 Permitted without consent

Nil

3 Permitted with consent

Community facilities; Drainage; Earthworks; Electricity generating works; Environmental facilities; Environmental protection works; Flood mitigation works; Kiosks; Recreation areas; Recreation facilities (outdoor); Roads; Water recycling facilities; Waterbodies (artificial)

4 Prohibited

Any development not specified in item 2 or 3

Zone E3 Environmental Management

1 Objectives of zone

• To protect, manage and restore areas with special ecological, scientific, cultural or aesthetic values.
• To provide for a limited range of development that does not have an adverse effect on those values.

2 Permitted without consent

Home occupations

3 Permitted with consent

Drainage; Dwelling houses; Earthworks; Electricity generating works; Environmental facilities; Environmental protection works; Flood mitigation works; Roads; Water recycling facilities; Waterbodies (artificial)

4 Prohibited

Industries; Multi dwelling housing; Residential flat buildings; Retail premises; Seniors housing; Service stations; Warehouse or distribution centres; Any other development not specified in item 2 or 3

Zone E4   Environmental Living

1 Objectives of zone

• To provide for low-impact residential development in areas with special ecological, scientific or aesthetic values.

• To ensure that residential development does not have an adverse effect on those values.

2 Permitted without consent

Home occupations

3 Permitted with consent

Bed and breakfast accommodation; Drainage; Dual occupancies; Dwelling houses; Earthworks; Electricity generating works; Environmental facilities; Environmental protection works; Flood mitigation works; Group homes; Health consulting rooms; Home businesses; Home industries; Horticulture; Recreation areas; Recreation facilities (outdoor); Roads; Swimming pools; Water recreation structures; Water recycling facilities; Waterbodies (artificial)

4 Prohibited

Industries; Service stations; Warehouse or distribution centres; Any other development not specified in item 2 or 3

Part 3

3.1–3.3 (Repealed)

Part 4 Principal development standards

4.1 Minimum subdivision lot size

(1) The objectives of this clause are as follows—

(a) to ensure that the minimum size for lots is sufficient for the provision of usable areas for
building and open space,

(b) to facilitate and encourage a range of residential lot types, in particular, small lot housing,

(c) to encourage the efficient use of land for residential purposes.

(2) This clause applies to a subdivision of any land shown on the Lot Size Map that requires development consent and that is carried out after the commencement of this Precinct Plan.

(3) The size of any lot resulting from any such subdivision of land to which this clause applies is not to be less than the minimum size shown on the Lot Size Map in relation to that land.

(4) This clause does not apply in relation to the subdivision of individual lots in a strata plan.

4.1AA Subdivision resulting in lots between 225–300m²

(1) This clause applies to land in the following zones—

(a) Zone R1 General Residential,

(b) Zone R3 Medium Density Residential.

(2) Development consent may be granted to the subdivision of land to which this clause applies resulting in the creation of a lot that has an area of less than 300m² (but not less than 225m²) if the consent authority is satisfied that the lot will contain a sufficient building envelope to enable the erection of a dwelling house on the lot under clause 4.1AD or 4.1AE.

(3) This clause does not apply to a subdivision that is the subject of a development application under clause 4.1AD (2) (b) or 4.1AE.

4.1A Minimum lot sizes for development in Zone B1 Neighbourhood Centre and Zone B2 Local Centre

Development must not be carried out on a lot in Zone B1 Neighbourhood Centre or Zone B2 Local Centre for any of the following purposes, if the area of the lot is less than the area specified below in relation to those purposes—

(a) secondary dwelling—450 square metres,

(b) dual occupancy—600 square metres,

(c) semi-detached dwelling—600 square metres,

(d) multi dwelling housing—1,500 square metres,

(e) attached dwellings—1,500 square metres,

(f) residential flat building—4,000 square metres.

4.1AB Minimum lot sizes for residential development in certain residential zones

(1) The objectives of this clause are as follows—

(a) to establish minimum lot sizes for residential development in Zone R1 General Residential, Zone R2 Low Density Residential and Zone R3 Medium Density Residential,
(b) to ensure that residential development in the North Kellyville Precinct results in the efficient use of land and contributes to the supply of new housing in the North West Growth Centre,

(c) to ensure that residential development has adequate usable areas for buildings and open space,

(d) to ensure that residential development is compatible with the character of the North Kellyville Precinct and with surrounding residential areas,

(e) to facilitate and encourage the provision of a range of residential lot types, in particular, small lot housing.

(2) This clause applies to land in the following zones—

(a) Zone R1 General Residential,

(b) Zone R2 Low Density Residential,

(c) Zone R3 Medium Density Residential.

(3) The minimum lot size for a dwelling house is—

(a) $360m^2$ if the dwelling density (per hectare) shown on the Residential Density Map in relation to the land is 10, or

(b) $300m^2$ if the dwelling density (per hectare) shown on the Residential Density Map in relation to the land is 12.5 or 20.

(4) The minimum lot size for a dual occupancy is—

(a) $600m^2$ if the dwelling density (per hectare) shown on the Residential Density Map in relation to the land is 10 or 12.5, or

(b) $500m^2$ if the dwelling density (per hectare) shown on the Residential Density Map in relation to the land is 20.

(5) The minimum lot size for a semi-detached dwelling is—

(a) $300m^2$ if the dwelling density (per hectare) shown on the Residential Density Map in relation to the land is 10 or 12.5, or

(b) $150m^2$ if the dwelling density (per hectare) shown on the Residential Density Map in relation to the land is 20.

(6) The minimum lot size for attached dwellings is—

(a) $1,500m^2$ if the dwelling density (per hectare) shown on the Residential Density Map in relation to the land is 12.5, or

(b) $375m^2$ if the dwelling density (per hectare) shown on the Residential Density Map in relation to the land is 20.

(7) The minimum lot size for multi dwelling housing is $1,500m^2$ if the dwelling density (per hectare) shown on the Residential Density Map in relation to the land is 12.5 or 20.
(8) The minimum lot size for a manor home is 600m$^2$ if the dwelling density (per hectare) in relation to the land is 20.

(9) The minimum lot size for a residential flat building is—

(a) 4,000m$^2$ if the dwelling density (per hectare) shown on the Residential Density Map in relation to the land is 12.5, or

(b) 2,000m$^2$ if the dwelling density (per hectare) shown on the Residential Density Map in relation to the land is 20.

### 4.1AC Minimum lot sizes for secondary dwellings in certain residential zones

(1) This clause applies to land in the following zones—

(a) Zone R1 General Residential,

(b) Zone R2 Low Density Residential,

(c) Zone R3 Medium Density Residential.

(2) The minimum lot size for a secondary dwelling on land in Zone R1 General Residential or Zone R2 Low Density Residential is 450m$^2$.

(3) The minimum lot size for a secondary dwelling on land in Zone R3 Medium Density Residential is the minimum lot size for the principal dwelling in conjunction with which the secondary dwelling is established, determined in accordance with clause 4.1AB, 4.1AD or 4.1AE.

### 4.1AD Exceptions to minimum lot sizes for dwelling houses

(1) This clause applies to the following—

(a) a lot in Zone R1 General Residential that has an area less than 300m$^2$ (but not less than 240m$^2$),

(b) a lot in Zone R3 Medium Density Residential that has an area less than 300m$^2$ (but not less than 225m$^2$).

(2) Despite clause 4.1AB (3), development consent may be granted to the erection of a dwelling house on a lot to which this clause applies if—

(a) the lot results from a subdivision to which development consent has been granted in accordance with clause 4.1AA and, in determining the development application for the erection of the dwelling house, the consent authority considers any information that it considered for the purposes of that clause in determining the development application for that subdivision, or

(b) the development application is a single development application for development consisting of both of the following—

(i) the subdivision of land into 2 or more lots,

(ii) the erection of the dwelling house on one of the lots resulting from the subdivision.
4.1AE Exceptions to minimum lot sizes for dwelling houses on small lots

(1) This clause applies to a lot in Zone R3 Medium Density Residential that has an area of less than 225m$^2$ (but not less than 200m$^2$).

(2) Despite clause 4.1AB (3), development consent may be granted to the erection of a dwelling house on a lot to which this clause applies if the development application is a single development application for development consisting of is both of the following—

(a) the subdivision of land into 2 or more lots,

(b) the erection of the dwelling house on one of the lots resulting from the subdivision.

4.1AF Minimum lot sizes in split zones

(1) This clause applies to each lot that contains land in Zone R1 General Residential, Zone R2 Low Density Residential or Zone R3 Medium Density Residential and land in any other zone.

(2) For the purposes of clauses 4.1AA–4.1AE, a reference to the area of a lot—

(a) in relation to land in Zone R1 General Residential, means that part of the lot that is in Zone R1 General Residential, and

(b) in relation to land in Zone R2 Low Density Residential, means that part of the lot that is in Zone R2 Low Density Residential, and

(c) in relation to land in Zone R3 Medium Density Residential, means that part of the lot that is in Zone R3 Medium Density Residential, and

(d) does not include any part of the lot that is in any other zone.

4.1B Residential density

(1) The objectives of this clause are as follows—

(a) to establish minimum density requirements for residential development within the North Kellyville Precinct,

(b) to ensure that residential development makes efficient use of land and infrastructure and contributes to the availability of new housing,

(c) to ensure that the scale of residential development is compatible with the character of the precinct and adjoining land.

(2) This clause applies to residential development of the kind referred to in clause 4.1AB or 4.1AC that—

(a) is carried out on land to which this Precinct Plan applies that is shown on the Residential Density Map, and

(b) requires development consent, and

(c) is carried out after the commencement of State Environmental Planning Policy (Sydney Region Growth Centres) Amendment (Housing Diversity) 2014.
The density of any residential development to which this clause applies is not to be less than the density shown on the Residential Density Map in relation to that land.

In this clause—

**density** means the net developable area in hectares of the land on which the development is situated divided by the number of dwellings proposed to be located on that land.

**net developable area** means the land occupied by the development, including internal streets plus half the width of any adjoining access roads that provide vehicular access, but excluding land that is not zoned for residential purposes.

### 4.1C Minimum lot size for certain split zones

(1) The objectives of this clause are as follows—

(a) to provide for the subdivision of lots that are within Zone R2 Low Density Residential and Zone E4 Environmental Living but cannot be subdivided under clause 4.1,

(b) to ensure that the subdivision occurs in a manner that promotes suitable land use and development,

(c) to ensure that the subdivision will not compromise the environmental values of land in Zone E4 Environmental Living.

(2) This clause applies to each lot (an *original lot*) that contains—

(a) land in Zone R2 Low Density Residential, and

(b) land in Zone E4 Environmental Living.

(3) Despite clause 4.1, development consent may be granted to subdivide an original lot to create other lots (the *resulting lots*) if—

(a) each resulting lot containing land only in Zone R2 Low Density Residential will have an area that is not less than the minimum size shown on the Lot Size Map in relation to that land, and

(b) each resulting lot containing land only in Zone E4 Environmental Living will have an area that is not less than the minimum size shown on the Lot Size Map in relation to that land, and

(c) each resulting lot containing land in both Zone R2 Low Density Residential and Zone E4 Environmental Living will have—

(i) at least 50% of the land in the lot in Zone R2 Low Density Residential, and

(ii) an area that is not less than the minimum size shown on the Lot Size Map in relation to the land in Zone R2 Low Density Residential.

### 4.3 Height of buildings

(1) The objectives of this clause are as follows—

(a) to preserve the amenity of adjoining development in terms of solar access to dwellings,
private open space and bulk and scale,

(b) to provide for a range of residential building heights in appropriate locations that provide a high quality urban form,

(c) to facilitate higher density neighbourhood and town centres while minimising impacts on adjacent residential areas,

(d) to provide appropriate height controls for commercial development,

(e) to restrict the height of buildings within the curtilage of heritage items.

(2) Except as provided by this clause, the height of a building on any land is not to exceed the maximum height shown for the land on the Height of Buildings Map.

(2A) The consent authority may grant development consent for development for the purpose of an attached dwelling, a dwelling house, dual occupancy, multi dwelling housing, place of public worship or school on land in Zone R1 General Residential or Zone R2 Low Density Residential, or a dwelling house on land in Zone E4 Environmental Living, that exceeds 9 metres in height above finished ground level, if the consent authority is satisfied that the development—

(a) is located—

(i) on a prominent street corner, or

(ii) adjacent to land in Zone B1 Neighbourhood Centre or Zone B2 Local Centre or that is a public open space, or

(iii) on land with a finished ground level slope equal to or more than 15%, and

(b) is not likely to have an adverse impact on the existing or future amenity of any adjoining land on which residential development is permitted, having regard to overshadowing, visual impact and any impact on privacy.

4.4 Floor space ratio

(1) The objectives of this clause are as follows—

(a) to control the bulk and scale of future development in the North Kellyville Precinct,

(b) to provide for a built form that is compatible with the role of local and neighbourhood centres.

(2) The maximum floor space ratio for a building on any land is not to exceed the floor space ratio shown for the land on the Floor Space Ratio Map.

(2A) (Repealed)

4.5 Calculation of floor space ratio and site area

(1) Objectives The objectives of this clause are as follows—

(a) to define floor space ratio,

(b) to set out rules for the calculation of the site area of development for the purpose of
applying permitted floor space ratios, including rules to—

(i) prevent the inclusion in the site area of an area that has no significant development being carried out on it, and

(ii) prevent the inclusion in the site area of an area that has already been included as part of a site area to maximise floor space area in another building, and

(iii) require community land and public places to be dealt with separately.

(2) **Definition of “floor space ratio”** The *floor space ratio* of buildings on a site is the ratio of the gross floor area of all buildings within the site to the site area.

(3) **Site area** In determining the site area of proposed development for the purpose of applying a floor space ratio, the *site area* is taken to be—

(a) if the proposed development is to be carried out on only one lot, the area of that lot, or

(b) if the proposed development is to be carried out on 2 or more lots, the area of any lot on which the development is proposed to be carried out that has at least one common boundary with another lot on which the development is being carried out.

In addition, subclauses (4)–(7) apply to the calculation of site area for the purposes of applying a floor space ratio to proposed development.

(4) **Exclusions from site area** The following land must be excluded from the site area—

(a) land on which the proposed development is prohibited, whether under this Precinct Plan or any other law,

(b) community land or a public place (except as provided by subclause (7)).

(5) **Strata subdivisions** The area of a lot that is wholly or partly on top of another or others in a strata subdivision is to be included in the calculation of the site area only to the extent that it does not overlap with another lot already included in the site area calculation.

(6) **Only significant development to be included** The site area for proposed development must not include a lot additional to a lot or lots on which the development is being carried out unless the proposed development includes significant development on that additional lot.

(7) **Certain public land to be separately considered** For the purpose of applying a floor space ratio to any proposed development on, above or below community land or a public place, the site area must only include an area that is on, above or below that community land or public place, and is occupied or physically affected by the proposed development, and may not include any other area on which the proposed development is to be carried out.

(8) **Existing buildings** The gross floor area of any existing or proposed buildings within the vertical projection (above or below ground) of the boundaries of a site is to be included in the calculation of the total floor space for the purposes of applying a floor space ratio, whether or not the proposed development relates to all of the buildings.

(9) **Covenants to prevent “double dipping”** When consent is granted to development on a site comprised of 2 or more lots, a condition of the consent may require a covenant to be registered
that prevents the creation of floor area on a lot (the restricted lot) if the consent authority is satisfied that an equivalent quantity of floor area will be created on another lot only because the site included the restricted lot.

(10) **Covenants affect consolidated sites** If—

(a) a covenant of the kind referred to in subclause (9) applies to any land (*affected land*), and

(b) proposed development relates to the affected land and other land that together comprise the site of the proposed development,

the maximum amount of floor area allowed on the other land by the floor space ratio fixed for the site by this Precinct Plan is reduced by the quantity of floor space area the covenant prevents being created on the affected land.

(11) **Definition** In this clause, *public place* has the same meaning as it has in the *Local Government Act 1993*.

### 4.5A Business, office and retail floor area

(1) The objectives of this clause are to provide for the equitable distribution of business, office and retail floor area—

(a) between land in Zone B1 Neighbourhood Centre and Zone B2 Local Centre, and

(b) between land in the northern and southern areas of Zone B1 Neighbourhood Centre, and

(c) between land in the northern and southern areas of Zone B2 Local Centre.

(2) The total gross floor area used for the purposes of business, office and retail premises on all land—

(a) in Zone B1 Neighbourhood Centre must not exceed 4,000 square metres, and

(b) in Zone B2 Local Centre must not exceed 15,000 square metres.

(3) Development consent must not be granted to development on land in Zone B1 Neighbourhood Centre or Zone B2 Local Centre unless the consent authority has considered the objectives of this clause.

### 4.6 Exceptions to development standards

(1) The objectives of this clause are—

(a) to provide an appropriate degree of flexibility in applying certain development standards to particular development, and

(b) to achieve better outcomes for and from development by allowing flexibility in particular circumstances.

(2) Consent may, subject to this clause, be granted for development even though the development would contravene a development standard imposed by this or any other environmental planning instrument. However, this clause does not apply to a development standard that is expressly excluded from the operation of this clause.
(3) Consent must not be granted for development that contravenes a development standard unless the consent authority has considered a written request from the applicant that seeks to justify the contravention of the development standard by demonstrating—

(a) that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and

(b) that there are sufficient environmental planning grounds to justify contravening the development standard.

(4) Consent must not be granted for development that contravenes a development standard unless—

(a) the consent authority is satisfied that—

(i) the applicant’s written request has adequately addressed the matters required to be demonstrated by subclause (3), and

(ii) the proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out, and

(b) the concurrence of the Director-General has been obtained.

(5) In deciding whether to grant concurrence, the Director-General must consider—

(a) whether contravention of the development standard raises any matter of significance for State or regional environmental planning, and

(b) the public benefit of maintaining the development standard, and

(c) any other matters required to be taken into consideration by the Director-General before granting concurrence.

(6) Consent must not be granted under this clause for a subdivision of land within Zone E4 Environmental Living if—

(a) the subdivision will result in 2 or more lots of less than the minimum area specified for such lots by a development standard, or

(b) the subdivision will result in at least one lot that is less than 90% of the minimum area specified for such a lot by a development standard.

(7) After determining a development application made pursuant to this clause, the consent authority must keep a record of its assessment of the factors required to be addressed in the applicant’s written request referred to in subclause (3).

(8) This clause does not allow consent to be granted for development that would contravene any of the following—

(a) a development standard for complying development,

(b) a development standard that arises, under the regulations under the Act, in connection with a commitment set out in a BASIX certificate for a building to which State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004 applies or for the land on
which such a building is situated listed in the table to this clause,

(c) clauses 4.1A, 4.1B, 5.4, 6.2 and 6.4 of this Precinct Plan.

**Part 5 Miscellaneous provisions**

**5.1 Relevant acquisition authority**

(1) The objective of this clause is to identify, for the purposes of section 3.15 of the Act, the authority of the State that will be the relevant authority to acquire land reserved for certain public purposes if the land is required to be acquired under Division 3 of Part 2 of the *Land Acquisition (Just Terms Compensation) Act 1991* (the owner-initiated acquisition provisions).

*Note.* If the landholder will suffer hardship if there is any delay in the land being acquired by the relevant authority, section 23 of the *Land Acquisition (Just Terms Compensation) Act 1991* requires the authority to acquire the land.

(2) The authority of the State that will be the relevant authority to acquire land, if the land is required to be acquired under the owner-initiated acquisition provisions, is the authority of the State specified below in relation to the land shown on the Land Reservation Acquisition Map (or, if an authority of the State is not specified in relation to land required to be so acquired, the authority designated or determined under those provisions).

<table>
<thead>
<tr>
<th>Type of land shown on Map</th>
<th>Authority of the State</th>
</tr>
</thead>
<tbody>
<tr>
<td>Zone SP2 and marked “Local Road Widening”</td>
<td>Council</td>
</tr>
<tr>
<td>Zone SP2 and marked “School”</td>
<td>Minister administering the <em>Education Act 1990</em></td>
</tr>
<tr>
<td>Zone SP2 and marked “Trunk Drainage”</td>
<td>Sydney Water Corporation</td>
</tr>
<tr>
<td>Zone RE1 and marked “Local Open Space”</td>
<td>Council</td>
</tr>
</tbody>
</table>

(3) Development on land acquired by an authority of the State under the owner-initiated acquisition provisions may, before it is used for the purpose for which it is reserved, be carried out, with development consent, for any purpose.

**5.1A Development on land intended to be acquired for public purposes**

(1) The objective of this clause is to protect land that is intended to be acquired for a public purpose.

(2) Development consent must not granted to development on land shown on the Land Reservation Acquisition Map that has not yet been acquired for a public purpose unless the consent authority is satisfied that the development is likely to be consistent with that public purpose as marked on the map.

**5.2 Classification and reclassification of public land**

(1) The objective of this clause is to enable the Council to classify or reclassify public land as “operational land” or “community land” in accordance with Part 2 of Chapter 6 of the *Local Government Act 1993*.

*Note.* Under the *Local Government Act 1993*, “public land” is generally land vested in or under the control of a council (other than roads and certain Crown land). The classification or reclassification of public land may also be made by a resolution of the Council under section 31, 32 or 33 of the *Local Government Act 1993*. 
Section 30 of that Act enables this Precinct Plan to discharge trusts on which public reserves are held if the land is reclassified under this Precinct Plan as operational land.

(2) The public land described in Part 1 or Part 2 of Schedule 4 is classified, or reclassified, as operational land for the purposes of the Local Government Act 1993.

(3) The public land described in Part 3 of Schedule 4 is classified, or reclassified, as community land for the purposes of the Local Government Act 1993.

(4) The public land described in Part 1 of Schedule 4—

(a) does not cease to be a public reserve to the extent (if any) that it is a public reserve, and

(b) continues to be affected by any trusts, estates, interests, dedications, conditions, restrictions or covenants that affected the land before its classification, or reclassification, as operational land.

(5) The public land described in Part 2 of Schedule 4, to the extent (if any) that it is a public reserve, ceases to be a public reserve when the description of the land is inserted into that Part and is discharged from all trusts, estates, interests, dedications, conditions, restrictions and covenants affecting the land or any part of the land, except—

(a) those (if any) specified for the land in Column 3 of Part 2 of Schedule 4, and

(b) any reservations that except land out of the Crown grant relating to the land, and

(c) reservations of minerals (within the meaning of the Crown Land Management Act 2016).

Note. In accordance with section 30 (2) of the Local Government Act 1993, the approval of the Governor to subclause (5) applying to the public land concerned is required before the description of the land is inserted in Part 2 of Schedule 4.

5.3 Development near zone boundaries

(1) The objective of this clause is to provide flexibility where the investigation of a site and its surroundings reveals that a use allowed on the other side of a zone boundary would enable a more logical and appropriate development of the site and be compatible with the planning objectives and land uses for the adjoining zone.

(2) This clause applies to so much of any land that is within the relevant distance of a boundary between any 2 zones. The relevant distance is 20 metres.

(3) This clause does not apply to—

(a) land zoned B1 Neighbourhood Centre, B2 Local Centre, RE1 Public Recreation, E1 National Parks and Nature Reserves, E2 Environmental Conservation, E3 Environmental Management, E4 Environmental Living or W1 Natural Waterways or

(b) land within the coastal zone, or

(c) land proposed to be developed for the purpose of sex services or restricted premises.

(4) Despite the provisions of this Precinct Plan relating to the purposes for which development may be carried out, consent may be granted to development of land to which this clause applies for any purpose that may be carried out in the adjoining zone, but only if the consent authority is
satisfied that—

(a) the development is not inconsistent with the objectives for development in both zones, and

(b) the carrying out of the development is desirable due to compatible land use planning, infrastructure capacity and other planning principles relating to the efficient and timely development of land.

(5) The clause does not prescribe a development standard that may be varied under this Precinct Plan.

5.4 Controls relating to miscellaneous permissible uses

(1) **Bed and breakfast accommodation** If development for the purposes of bed and breakfast accommodation is permitted under this Precinct Plan, the accommodation that is provided to guests must consist of no more than 3 bedrooms.

(2) **Home businesses** If development for the purposes of a home business is permitted under this Precinct Plan, the carrying on of the business must not involve the use of more than 50 square metres of floor area.

(3) **Home industries** If development for the purposes of a home industry is permitted under this Precinct Plan, the carrying on of the home industry must not involve the use of more than 100 square metres of floor area.

(4) **Industrial retail outlets** If development for the purposes of an industrial retail outlet is permitted under this Precinct Plan, the retail floor area must not exceed—

(a) 40% of the combined gross floor area of the industrial retail outlet and the building or place on which the relevant industry is carried out, or

(b) 400 square metres,

whichever is the lesser.

(5) **Farm stay accommodation** If development for the purposes of farm stay accommodation is permitted under this Precinct Plan, the accommodation that is provided to guests must consist of no more than 3 bedrooms.

(6) **Kiosks** If development for the purposes of a kiosk is permitted under this Precinct Plan, the gross floor area must not exceed 10 square metres.

(7) **Neighbourhood shops** If development for the purposes of a neighbourhood shop is permitted under this Precinct Plan, the retail floor area must not exceed 80 square metres.

(8) **Roadside stalls** If development for the purposes of a roadside stall is permitted under this Precinct Plan, the gross floor area must not exceed 20 square metres.

(9) **Secondary dwellings** If development for the purposes of a secondary dwelling is permitted under this Precinct Plan, the total floor area of the dwelling (excluding any area used for parking) must not exceed whichever of the following is the greater—

(a) 60 square metres,
(b) 20% of the total floor area of both the self-contained dwelling and the principal dwelling.

5.8 Conversion of fire alarms

(1) This clause applies to a fire alarm system that can be monitored by New South Wales Fire Brigades or by a private service provider.

(2) The following development may be carried out, but only with consent—

(a) converting a fire alarm system from connection with the alarm monitoring system of New South Wales Fire Brigades to connection with the alarm monitoring system of a private service provider,

(b) converting a fire alarm system from connection with the alarm monitoring system of a private service provider to connection with the alarm monitoring system of another private service provider,

(c) converting a fire alarm system from connection with the alarm monitoring system of a private service provider to connection with a different alarm monitoring system of the same private service provider.

(3), (4) (Repealed)

(5) In this clause—

private service provider means a person or body that has entered into an agreement that is in force with New South Wales Fire Brigades to monitor fire alarm systems.

5.9 Preservation of trees or vegetation

(1) The objective of this clause is to preserve the amenity of the area through the preservation of trees and other vegetation.

(2) This clause applies to species or kinds of trees or other vegetation that are prescribed for the purposes of this clause by a development control plan made by the Director-General.

Note. A development control plan may prescribe the trees or other vegetation to which this clause applies by reference to species, size, location or other manner.

(3) A person must not ringbark, cut down, top, lop, remove, injure or wilfully destroy any tree or other vegetation to which any such development control plan applies without the authority conferred by—

(a) development consent, or

(b) a permit granted by the Council.

(4) The refusal by the Council to grant a permit to a person who has duly applied for the grant of the permit is taken for the purposes of the Act to be a refusal by the Council to grant consent for the carrying out of the activity for which a permit was sought.

(5) This clause does not apply to a tree or other vegetation that the Council is satisfied is dying or dead and is not required as the habitat of native fauna.
(6) This clause does not apply to a tree or other vegetation that the Council is satisfied is a risk to human life or property.

(7) A permit under this clause cannot allow any ringbarking, cutting down, topping, lopping, removal, injuring or destruction of a tree or other vegetation—

(a) that is or forms part of a heritage item, or

(b) that is within a heritage conservation area.

Note. As a consequence of this subclause, the activities concerned will require development consent. The heritage provisions of clause 5.10 will be applicable to any such consent.

(8) This clause does not apply to or in respect of—

(a) the clearing of native vegetation that is authorised by a development consent or property vegetation plan under the Native Vegetation Act 2003 or that is otherwise permitted under Division 2 or 3 of Part 3 of that Act, or

(b) the clearing of vegetation on State protected land (within the meaning of clause 4 of Schedule 3 to the Native Vegetation Act 2003) that is authorised by a development consent under the provisions of the Native Vegetation Conservation Act 1997 as continued in force by that clause, or

(c) trees or other vegetation within a State forest, or land reserved from sale as a timber or forest reserve under the Forestry Act 1916, or

(d) action required or authorised to be done by or under the Electricity Supply Act 1995, the Roads Act 1993 or the Surveying Act 2002, or

(e) plants declared to be noxious weeds under the Noxious Weeds Act 1993, or

(f) existing native vegetation areas to which clause 6.2 of this Precinct Plan applies, or

(g) native vegetation retention areas or riparian protection areas to which clause 6.3 of this Precinct Plan applies.

5.10 Heritage conservation

Note. Heritage items, heritage conservation areas and archaeological sites (if any) are shown on the Heritage Map. The location and nature of any such item, area or site is also described in Schedule 5.

(1) Objectives The objectives of this clause are—

(a) to conserve the environmental heritage of the North Kellyville Precinct, and

(b) to conserve the heritage significance of heritage items and heritage conservation areas including associated fabric, settings and views, and

(c) to conserve archaeological sites, and

(d) to conserve places of Aboriginal heritage significance.

(2) Requirement for consent Development consent is required for any of the following—
(a) demolishing or moving a heritage item or a building, work, relic or tree within a heritage conservation area,

(b) altering a heritage item or a building, work, relic, tree or place within a heritage conservation area, including (in the case of a building) making changes to the detail, fabric, finish or appearance of its exterior,

(c) altering a heritage item that is a building by making structural changes to its interior,

(d) disturbing or excavating an archaeological site while knowing, or having reasonable cause to suspect, that the disturbance or excavation will or is likely to result in a relic being discovered, exposed, moved, damaged or destroyed,

(e) disturbing or excavating a heritage conservation area that is a place of Aboriginal heritage significance,

(f) erecting a building on land on which a heritage item is located or that is within a heritage conservation area,

(g) subdividing land on which a heritage item is located or that is within a heritage conservation area.

(3) **When consent not required** However, consent under this clause is not required if—

(a) the applicant has notified the consent authority of the proposed development and the consent authority has advised the applicant in writing before any work is carried out that it is satisfied that the proposed development—

   (i) is of a minor nature, or is for the maintenance of the heritage item, archaeological site, or a building, work, relic, tree or place within a heritage conservation area, and

   (ii) would not adversely affect the significance of the heritage item, archaeological site or heritage conservation area, or

(b) the development is in a cemetery or burial ground and the proposed development—

   (i) is the creation of a new grave or monument, or excavation or disturbance of land for the purpose of conserving or repairing monuments or grave markers, and

   (ii) would not cause disturbance to human remains, relics, Aboriginal objects in the form of grave goods, or to a place of Aboriginal heritage significance, or

(c) the development is limited to the removal of a tree or other vegetation that the Council is satisfied is a risk to human life or property, or

(d) the development is exempt development.

(4) **Effect on heritage significance** The consent authority must, before granting consent under this clause, consider the effect of the proposed development on the heritage significance of the heritage item or heritage conservation area concerned. This subclause applies regardless of whether a heritage impact statement is prepared under subclause (5) or a heritage conservation management plan is submitted under subclause (6).
(5) **Heritage impact assessment** The consent authority may, before granting consent to any development on land—

(a) on which a heritage item is situated, or

(b) within a heritage conservation area, or

(c) within the vicinity of land referred to in paragraph (a) or (b),

require a heritage impact statement to be prepared that assesses the extent to which the carrying out of the proposed development would affect the heritage significance of the heritage item or heritage conservation area concerned.

(6) **Heritage conservation management plans** The consent authority may require, after considering the significance of a heritage item and the extent of change proposed to it, the submission of a heritage conservation management plan before granting consent under this clause.

(7) **Archaeological sites** The consent authority must, before granting consent under this clause to the carrying out of development on an archaeological site (other than land listed on the State Heritage Register or to which an interim heritage order under the *Heritage Act 1977* applies)—

(a) notify the Heritage Council of its intention to grant consent, and

(b) take into consideration any response received from the Heritage Council within 28 days after the notice is sent.

(8) **Places of Aboriginal heritage significance** The consent authority must, before granting consent under this clause to the carrying out of development in a place of Aboriginal heritage significance—

(a) consider the effect of the proposed development on the heritage significance of the place and any Aboriginal object known or reasonably likely to be located at the place, and

(b) notify the local Aboriginal communities (in such way as it thinks appropriate) about the application and take into consideration any response received within 28 days after the notice is sent.

(9) **Demolition of item of State significance** The consent authority must, before granting consent for the demolition of a heritage item identified in Schedule 5 as being of State significance (other than an item listed on the State Heritage Register or to which an interim heritage order under the *Heritage Act 1977* applies)—

(a) notify the Heritage Council about the application, and

(b) take into consideration any response received from the Heritage Council within 28 days after the notice is sent.

(10) **Conservation incentives** The consent authority may grant consent to development for any purpose of a building that is a heritage item, or of the land on which such a building is erected, even though development for that purpose would otherwise not be allowed by this Precinct Plan, if the consent authority is satisfied that—

(a) the conservation of the heritage item is facilitated by the granting of consent, and
(b) the proposed development is in accordance with a heritage conservation management plan that has been approved by the consent authority, and

c) the consent to the proposed development would require that all necessary conservation work identified in the heritage conservation management plan is carried out, and

d) the proposed development would not adversely affect the heritage significance of the heritage item, including its setting, and

e) the proposed development would not have any significant adverse effect on the amenity of the surrounding area.

5.11 Bush fire hazard reduction

Bush fire hazard reduction work authorised by the Rural Fires Act 1997 may be carried out on any land without consent.

Note. The Rural Fires Act 1997 also makes provision relating to the carrying out of development on bush fire prone land.

5.12 Infrastructure development and use of existing buildings of the Crown

(1) This Precinct Plan does not restrict or prohibit, or enable the restriction or prohibition of, the carrying out of any development, by or on behalf of a public authority, that is permitted to be carried out without consent under the State Environmental Planning Policy (Infrastructure) 2007.

(2) This Precinct Plan does not restrict or prohibit, or enable the restriction or prohibition of, the use of existing buildings of the Crown by the Crown.

Part 6 Additional local provisions

6.1 Public utility infrastructure

(1) The consent authority must not grant development consent to development on land to which this Precinct Plan applies unless it is satisfied that any public utility infrastructure that is essential for the proposed development is available or that adequate arrangements have been made to make that infrastructure available when required.

(2) In this clause, public utility infrastructure includes infrastructure for any of the following—

   (a) the supply of water,

   (b) the supply of electricity,

   (c) the disposal and management of sewage.

(3) This clause does not apply to development for the purpose of providing, extending, augmenting, maintaining or repairing any public utility infrastructure referred to in this clause.

6.2 Development controls—existing native vegetation areas

(1) The objective of this clause is to manage existing native vegetation areas in accordance with the relevant biodiversity measures under Part 7 of Schedule 7 to the Threatened Species

(2) This clause applies to land within an existing native vegetation area as shown on the Native Vegetation Protection Map.

(3) This clause does not apply to any vegetation declared to be noxious weeds under the Noxious Weeds Act 1993.

(4) The consent authority must not grant development consent for development on land to which this clause applies unless the consent authority is satisfied that the proposed development will not result in the clearing of any existing native vegetation (within the meaning of the relevant biodiversity measures under Part 7 of Schedule 7 to the Threatened Species Conservation Act 1995).

6.3 Development controls—native vegetation retention areas and riparian protection areas

(1) The objective of this clause is to prevent the clearing of certain native vegetation.

(2) This clause applies to land—
   (a) within a native vegetation retention area as shown on the Native Vegetation Protection Map, or
   (b) within a riparian protection area as shown on the Riparian Protection Area Map.

(3) This clause does not apply to any native vegetation that the consent authority is satisfied—
   (a) is dying or dead and is not required as the habitat of native fauna, or
   (b) is a risk to human life or property.

(4) This clause does not apply to any native vegetation—
   (a) within a State forest, or land reserved from sale as a timber or forest reserve under the Forestry Act 1916, or
   (b) declared to be noxious weeds under the Noxious Weeds Act 1993.

(5) A person must not clear native vegetation on land to which this clause applies without—
   (a) approval under Part 3A of the Act, or
   (b) development consent.

Note. A consent of the relevant consent authority required under this clause for the clearing of native vegetation is in addition to any development consent required or granted under the Native Vegetation Act 2003 in respect of that clearing.

(6) Development consent under this clause is not to be granted unless the consent authority is satisfied of the following in relation to the disturbance of native vegetation—
   (a) that there is no reasonable alternative available to the disturbance of the native vegetation,
   (b) that as little native vegetation as possible will be disturbed,
(c) that the disturbance of the native vegetation will not increase soil salinity,

(d) that native vegetation disturbed for the purposes of construction will be reinstated where possible on completion of construction,

(e) that the loss of remnant native vegetation caused by the disturbance will be compensated by revegetation on or near the land to avoid any net loss of remnant native vegetation,

(f) that no more than 0.5 hectare of native vegetation will be cleared unless the clearing is essential for a previously permitted use of the land.

(7) The consent authority must, when determining a development application in respect of the clearing of native vegetation on land within a zone under this Precinct Plan, have regard to the objectives for development in that zone.

(8) This clause does not apply to or in respect of action required or authorised to be done by or under the Electricity Supply Act 1995, the Roads Act 1993, the Sydney Water Act 1994 or the Surveying Act 2002.

6.4 Development on land in Zone E3 Environmental Management

(1) This clause applies to land in Zone E3 Environmental Management that is within an existing native vegetation area or native vegetation retention area as shown on the Native Vegetation Protection Map.

(2) The consent authority must not grant development consent to development on land to which this clause applies unless the consent authority is satisfied that the proposed development—

(a) will be undertaken in a manner that is not inconsistent with the North Kellyville Precinct Environmental Management Plan, and

(b) will not result in the clearing of any native vegetation.

6.5 Subdivision of land in Zone E4 Environmental Living

(1) The objectives of this clause are as follows—

(a) to provide for residential development that takes account of the special values of land in Zone E4 Environmental Living,

(b) to encourage development that will ensure the land is managed and conserved in a holistic and sensitive manner,

(c) to promote high quality residential amenity in the urban environment,

(d) to encourage an innovative and contemporary approach to building design and location that is appropriate to the special values of the land.

(2) This clause applies to land in Zone E4 Environmental Living.

(3) The consent authority may grant development consent for the subdivision of land to which this clause applies, only if—

(a) the land is subdivided in accordance with the Community Land Development Act 1989 for a
neighbourhood scheme, and

(b) each lot, other than a lot comprising neighbourhood property, to be created by the subdivision will have an area of not less than 600 square metres, and

(c) the subdivision will not result in more than 7.5 development lots per hectare.

6.6 Additional controls applying to shop top housing and residential flat buildings as part of mixed use development

(1) The objectives of this clause are as follows—

(a) to reinforce the Council’s established centres hierarchy and ensure centres are appropriate in scale and design for their location,

(b) to ensure that shop top housing and residential flat buildings as part of mixed use developments are compatible with the prevailing character and amenity of surrounding land.

(2) Development consent must not be granted to development on land identified as “Area A” on the Key Sites Map for the purposes of shop top housing or a residential flat building as part of a mixed use development if—

(a) the height of the building exceeds 7 metres, or

(b) less than 50% of the total floor area of the building will be used for non-residential purposes.

(3) Development consent must not be granted to development on land identified as “Area B” on the Key Sites Map for the purposes of shop top housing or a residential flat building as part of a mixed use development if—

(a) the height of the building exceeds 10 metres, or

(b) less than 50% of the total floor area of the building will be used for non-residential purposes.

(4) Development consent must not be granted to development on land identified as “Area C” on the Key Sites Map for the purposes of a residential flat building as part of a mixed use development if the height of the building exceeds 7 metres.

Schedule 1 Additional permitted uses

1 Use of certain land at 9 and 21 Hezlett Road and 103 Samantha Riley Drive, Kellyville

(1) This clause applies to the following land at Kellyville, identified as “Item 1” on the Additional Permitted Uses Map—

(a) 9 Hezlett Road, being Lot 101, DP 1082890,

(b) 21 Hezlett Road, being SP 93305,

(c) 103 Samantha Riley Drive, being Lot 2401, DP 1213071.
(2) Development for the purposes of shop top housing is permitted with development consent on land to which this clause applies.

Schedule 4 Classification and reclassification of public land

(Clauses 5.2)

Part 1 Land classified, or reclassified, as operational land—no interests changed

<table>
<thead>
<tr>
<th>Locality</th>
<th>Description</th>
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</thead>
</table>

Part 2 Land classified, or reclassified, as operational land—interests changed

<table>
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<tr>
<th>Locality</th>
<th>Description</th>
<th>Any trusts etc not discharged</th>
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Part 3 Land classified, or reclassified, as community land

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<th>Locality</th>
<th>Description</th>
</tr>
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</table>

Schedule 5 Environmental heritage

(Clauses 5.10)

Heritage items

<table>
<thead>
<tr>
<th>Precinct</th>
<th>Item name</th>
<th>Address</th>
<th>Significance</th>
</tr>
</thead>
<tbody>
<tr>
<td>North Kellyville</td>
<td>“Yalta”, house and immediate garden</td>
<td>Lot B, DP 374973, 45 Hezlett Road, Kellyville</td>
<td>Local</td>
</tr>
</tbody>
</table>

Appendix 3 Riverstone West Precinct Plan

Part 1 Preliminary

Note. The Standard Instrument (Local Environmental Plans) Order 2006 sets out matters to be included in standard local environmental plans. While this Precinct Plan is not a standard local environmental plan, it is generally consistent with standard plans. A number of clauses from the Standard Instrument (Local Environmental Plans) Order 2006 have been included in this Precinct Plan and the clause numbering from that Order has been retained. This means that the numbering in this Precinct Plan may contain some gaps. Additional provisions have been inserted and are numbered accordingly.
1.1 Name of Precinct Plan

This Precinct Plan is the Riverstone West Precinct Plan 2009.

1.2 Aims of Precinct Plan

The aims of this Precinct Plan are as follows—

(a) to make development controls for land in the Riverstone West Precinct within the North West Growth Centre that will ensure the creation of quality environments and good design outcomes,

(b) to protect and enhance the environmentally sensitive natural areas in, and the cultural heritage of, the Precinct,

(c) to provide for recreational opportunities within the Precinct,

(d) to provide for innovative development in the Precinct that encourages employment and economic growth,

(e) to provide for the sustainable development of the Precinct,

(f) to promote pedestrian and vehicle connectivity with adjoining Precincts and localities and within the Precinct.

1.3 Land to which Precinct Plan applies

This Precinct Plan applies to land within the Riverstone West Precinct.

1.4 Definitions

In this Precinct Plan, Council means Blacktown City Council.

Note. The Dictionary at the end of this State Environmental Planning Policy defines words and expressions for the purposes of this Precinct Plan, including the relevant maps.

1.6 Consent authority

The consent authority for the purposes of this Precinct Plan is (subject to the Act) the Council.

1.8 Repeal of other local planning instruments applying to land

(1) All local environmental plans and deemed environmental planning instruments applying only to the land to which this Precinct Plan applies are repealed.

(2) All local environmental plans and deemed environmental planning instruments applying to the land to which this Precinct Plan applies and to other land cease to apply to the land to which this Precinct Plan applies.

(3) This clause does not affect the operation of other provisions of this State Environmental Planning Policy.

(4) Despite this clause, Division 3 of Part 3 of Blacktown Local Environmental Plan 1988 (as in force on the commencement of this Precinct Plan) continues to apply as if those provisions formed part of this Precinct Plan, but only in relation to the following heritage items within the meaning of that Plan—
1.9 Application of SEPPs

(1) This Precinct Plan is subject to the provisions of any State environmental planning policy that prevails over this Precinct Plan as provided by section 3.28 of the Act.

Note. Section 3.28 of the Act generally provides that SEPPs prevail over LEPs. However, an environmental planning instrument may (by an additional provision included in the instrument) displace or amend a SEPP or LEP to deal specifically with the relationship between the instrument and the SEPP or LEP.

(2) State Environmental Planning Policy No 1—Development Standards does not apply to the land to which this Precinct Plan applies.

(3) Subject to section 74 (1) of the Act, in the event of an inconsistency between this Precinct Plan and any other provision of this or any other environmental planning instrument whether made before or after the commencement of this Precinct Plan, this Precinct Plan prevails to the extent of the inconsistency.

Note. The other provisions of this State Environmental Planning Policy also contain provisions applying development controls to the North West Growth Centre, including the Riverstone West Precinct.

1.9A Suspension of covenants, agreements and instruments

(1) For the purpose of enabling development on land within any zone to be carried out in accordance with this Precinct Plan or with a consent granted under the Act, any agreement, covenant or other similar instrument that restricts the carrying out of that development does not apply to the extent necessary to serve that purpose.

(2) This clause does not apply—

(a) to a covenant imposed by the Council or that the Council requires to be imposed, or

(b) to any relevant instrument within the meaning of section 13.4 of the Crown Land Management Act 2016, or

(c) to any conservation agreement within the meaning of the National Parks and Wildlife Act 1974, or

(d) to any Trust agreement within the meaning of the Nature Conservation Trust Act 2001, or

(e) to any property vegetation plan within the meaning of the Native Vegetation Act 2003, or

(f) to any biobanking agreement within the meaning of Part 7A of the Threatened Species Conservation Act 1995, or

(g) to any planning agreement within the meaning of Division 7.1 of the Act.

(3) This clause does not affect the rights or interests of any public authority under any registered instrument.
Pursuant to section 28 of the Act, before the making of this clause, the Governor approved of subclauses (1)–(3).

Part 2 Permitted or prohibited development

2.1 Land use zones

The land use zones under this Precinct Plan are as follows—

Business Zones
B7 Business Park

Industrial Zones
IN1 General Industrial
IN2 Light Industrial

Special Purpose Zones
SP2 Infrastructure

Recreation Zones
RE2 Private Recreation

Environment Protection Zones
E2 Environmental Conservation

2.2 Zoning of land to which Precinct Plan applies

For the purposes of this Precinct Plan, land is within the zones shown on the Land Zoning Map.

2.3 Zone objectives and land use table

(1) The Land Use Table at the end of this Part specifies for each zone—

(a) the objectives for development, and
(b) development that may be carried out without consent, and
(c) development that may be carried out only with consent, and
(d) development that is prohibited.

(2) The consent authority must have regard to the objectives for development in a zone when determining a development application in respect of land within the zone.

(3) In the Land Use Table at the end of this Part—

(a) a reference to a type of building or other thing is a reference to development for the purposes of that type of building or other thing, and
(b) a reference to a type of building or other thing does not include (despite any definition in this Policy) a reference to a type of building or other thing referred to separately in the Table in relation to the same zone.
(4) This clause is subject to the other provisions of this Precinct Plan.

Notes.
1 Schedule 1 sets out additional permitted uses for particular land.
2 Clause 2.6 requires consent for subdivision of land.
3 Part 5 contains other provisions that require consent for particular development.
4 Part 6 sets out additional uses for particular land.

2.4 Unzoned land

(1) Development may be carried out on unzoned land only with consent.

(2) Before granting consent, the consent authority—
   (a) must consider whether the development will impact on adjoining zoned land and, if so, consider the objectives for development in the zones of the adjoining land, and
   (b) must be satisfied that the development is appropriate and is compatible with permissible land uses in any such adjoining land.

2.5 Additional permitted uses for particular land

(1) Development on particular land that is described or referred to in Schedule 1 may be carried out—
   (a) with consent, or
   (b) if the Schedule so provides—without consent,
   in accordance with the conditions (if any) specified in that Schedule in relation to that development.

(2) This clause has effect despite anything to the contrary in the Land Use Table at the end of this Part or other provision of this Precinct Plan.

2.6 Subdivision—consent requirements

(1) Land to which this Precinct Plan applies may be subdivided, but only with consent.

   Note. State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 specifies certain subdivision development as exempt development.

(2) (Repealed)

2.6A Demolition

The demolition of a building or work may be carried out only with consent.

   Note. The demolition of certain buildings and works is identified in the Riverstone West Precinct Development Control Plan and State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 as exempt or complying development.

2.6B Temporary use of land

(1) The objective of this clause is to provide for the temporary use of land if the use does not compromise future development of the land, or have detrimental economic, social, amenity or environmental effects on the land or on adjoining land or development.
(2) Despite any other provision of this Precinct Plan, development consent may be granted for development on land in any zone for a temporary purpose for a maximum period of 52 days (whether or not consecutive days) in any period of 12 months.

(3) Development consent must not be granted unless the consent authority is satisfied that—

(a) the temporary use will not prejudice the subsequent carrying out of development on the land in accordance with this Precinct Plan and this or any other environmental planning instrument, and

(b) the temporary use will not adversely impact on any adjoining land or the amenity of the neighbourhood, and

(c) the temporary use and location of any structures related to the use will not adversely impact on environmental attributes or features of the land, or increase the risk of natural hazards that may affect the land, and

(d) at the end of the temporary use period, the site will, as far as is practicable, be restored to the condition in which it was before the commencement of the use.

(4) This clause does not prescribe a development standard that may be varied under this Precinct Plan.

**Land Use Table**

**Note.** Part 6 of this Precinct Plan sets out local provisions which include additional permissible land uses and heads of consideration for assessment.

**Zone B7 Business Park**

1 **Objectives of zone**

- To provide a range of office and light industrial uses.
- To encourage employment opportunities.
- To enable other land uses that provide facilities or services to meet the day to day needs of workers in the area.

2 **Permitted without consent**

Nil

3 **Permitted with consent**

Centre-based child care facilities; Hotel or motel accommodation; Light industries; Neighbourhood shops; Office premises; Passenger transport facilities; Roads; Warehouse or distribution centres; Any other development not specified in item 2 or 4

4 **Prohibited**

Agriculture; Air transport facilities; Biosolid waste applications; Bulky goods premises; Caravan parks; Cemeteries; Correctional centres; Exhibition homes; Exhibition villages; Extractive industries; Farm buildings; Helipads; Home-based child care; Home businesses; Home industries; Home
occupations; Home occupations (sex services); Industries; Information and education facilities; Recreation facilities (major); Recreation facilities (outdoor); Registered clubs; Residential accommodation; Restriction facilities; Tourist and visitor accommodation; Waste disposal facilities

Zone IN1  General Industrial

1 Objectives of zone

• To provide a wide range of industrial and warehouse land uses.
• To encourage employment opportunities.
• To minimise any adverse effect of industry on other land uses.
• To enable development for the purpose of retail premises only where it serves convenience needs, or where the goods or materials sold are of a type and nature consistent with construction and maintenance of buildings.

2 Permitted without consent

Nil

3 Permitted with consent

Animal boarding or training establishments; Depots; Drainage; Earthworks; Freight transport facilities; Light industries; Neighbourhood shops; Roads; Take away food and drink premises; Warehouse or distribution centres; Any other development not specified in item 2 or 4

4 Prohibited

Agriculture; Air transport facilities; Biosolid waste applications; Bulky goods premises; Business premises; Caravan parks; Cemeteries; Centre-based child care facilities; Community facilities; Correctional centres; Educational establishments; Entertainment facilities; Exhibition homes; Exhibition villages; Extractive industries; Farm buildings; Function centres; Health services facilities; Heavy industries; Home-based child care; Home businesses; Home industries; Home occupations; Home occupations (sex services); Information and education facilities; Office premises; Public administration buildings; Recreation facilities (major); Registered clubs; Residential accommodation; Restriction facilities; Retail premises; Tourist and visitor accommodation; Vehicle sales or hire premises; Waste disposal facilities

Zone IN2  Light Industrial

1 Objectives of zone

• To provide a wide range of light industrial, warehouse and related land uses.
• To encourage employment opportunities and to support the viability of centres.
• To minimise any adverse effect of industry on other land uses.
• To enable other land uses that provide facilities or services to meet the day to day needs of workers in the area.
2 Permitted without consent

Nil

3 Permitted with consent

Depots; Drainage; Earthworks; Food and drink premises; Freight transport facilities; Funeral chapels; Funeral homes; Landscape and garden supplies; Light industries; Mortuaries; Neighbourhood shops; Resource recovery facilities; Roads; Service stations; Timber and building supplies; Vehicle body repair workshops; Vehicle repair stations; Vehicle sales or hire premises; Warehouse or distribution centres; Waste or resource transfer stations; Any other development not specified in item 2 or 4

4 Prohibited

Agriculture; Air transport facilities; Airstrips; Biosolid waste applications; Bulky goods premises; Business premises; Caravan parks; Cemeteries; Correctional centres; Entertainment facilities; Exhibition homes; Exhibition villages; Extractive industries; Farm buildings; Function centres; Helipads; Home-based child care; Home businesses; Home industries; Home occupations; Home occupations (sex services); Hospitals; Industries; Information and education facilities; Office premises; Public administration buildings; Recreation facilities (major); Recreation facilities (outdoor); Residential accommodation; Restriction facilities; Retail premises; Tourist and visitor accommodation; Waste or resource management facilities

Zone SP2 Infrastructure

1 Objectives of zone

• To provide for infrastructure and related uses.
• To prevent development that is not compatible with or that may detract from the provision of infrastructure.

2 Permitted without consent

Nil

3 Permitted with consent

The purpose shown on the Land Zoning Map, including any development that is ordinarily incidental or ancillary to development for that purpose; Drainage; Earthworks; Environmental protection works; Flood mitigation works; Roads; Water recycling facilities; Waterbodies (artificial)

4 Prohibited

Any development not specified in item 2 or 3

Zone RE2 Private Recreation

1 Objectives of zone

• To enable land to be used for private open space or recreational purposes.
• To provide a range of recreational settings and activities and compatible land uses.
• To protect and enhance the natural environment for recreational purposes.

2 Permitted without consent

Nil

3 Permitted with consent

Boat launching ramps; Caravan parks; Community facilities; Drainage; Earthworks; Electricity generating works; Environmental facilities; Environmental protection works; Extensive agriculture; Flood mitigation works; Information and education facilities; Kiosks; Recreation areas; Recreation facilities (indoor); Recreation facilities (major); Recreation facilities (outdoor); Registered clubs; Roads; Signage; Water recycling facilities; Water supply systems; Waterbodies (artificial)

4 Prohibited

Any development not specified in item 3

Zone E2  Environmental Conservation

1 Objectives of zone

• To protect, manage and restore areas of high ecological, scientific, cultural or aesthetic values.

• To prevent development that could destroy, damage or otherwise have an adverse effect on those values.

2 Permitted without consent

Nil

3 Permitted with consent

Drainage; Earthworks; Environmental facilities; Environmental protection works; Flood mitigation works; Information and education facilities; Kiosks; Recreation areas; Roads; Signage; Waterbodies (artificial)

4 Prohibited

Business premises; Hotel or motel accommodation; Industries; Multi dwelling housing; Recreation facilities (major); Residential flat buildings; Retail premises; Seniors housing; Service stations; Warehouse or distribution centres; Any other development not specified in item 2 or 3

Part 3

3.1–3.3 (Repealed)

Part 4 Principal development standards

4.1 Minimum subdivision lot size

(1) The objectives of this clause are as follows—

(a) to ensure orderly and efficient use of land,
(b) to ensure a minimum lot size sufficient for development,

(c) to allow for a range of lot sizes that cater for a diversity of land uses and employment activities.

(2) This clause applies to a subdivision of any land shown on the Lot Size Map that requires development consent and that is carried out after the commencement of this Precinct Plan.

(3) The size of any lot resulting from any such subdivision of land to which this clause applies is not to be less than the minimum size shown on the Lot Size Map in relation to that land.

(4) This clause does not apply in relation to the subdivision of individual lots in a strata plan or community title scheme.

4.3 **Height of buildings**

(1) The objectives of this clause are as follows—

(a) to establish the maximum height of buildings on land within the Riverstone West Precinct,

(b) to provide for a range of building heights in appropriate locations that provide a high quality urban form,

(c) to provide appropriate height controls for commercial and industrial development,

(d) to establish parameters for and promote a high quality built form.

(2) The height of a building on any land is not to exceed the maximum height shown for the land on the Height of Buildings Map.

(3) In this clause, building height (or height of building) means the vertical distance between ground level (finished) at any point to the highest point of the building, including plant and lift overruns, but excluding communication devices, antennae, satellite dishes, masts, flagpoles, chimneys, flues and the like.

4.4 **Floor space ratio**

(1) The objectives of this clause are as follows—

(a) to control the maximum density of development within Zone B7 Business Park,

(b) to control the bulk and scale of buildings within Zone B7 Business Park,

(c) to establish maximum floor space ratios for light industrial use to ensure economic and orderly development of Zone B7 Business Park.

(2) The maximum floor space ratio for a building on any land is not to exceed the floor space ratio shown for the land on the Floor Space Ratio Map.

(3) The maximum floor space ratio for any building (or part of a building) within Zone B7 Business Park used for the purpose of light industry is not to exceed 0.7:1.

*Note.* See clause 6.4 for possible additional floor space.
4.5 Calculation of floor space ratio and site area

(1) **Objectives** The objectives of this clause are as follows—

(a) to define *floor space ratio*,

(b) to set out rules for the calculation of the site area of development for the purpose of applying permitted floor space ratios, including rules to—

(i) prevent the inclusion in the site area of an area that has no significant development being carried out on it, and

(ii) prevent the inclusion in the site area of an area that has already been included as part of a site area to maximise floor space area in another building, and

(iii) require community land and public places to be dealt with separately.

(2) **Definition of “floor space ratio”** The *floor space ratio* of buildings on a site is the ratio of the gross floor area of all buildings within the site to the site area.

(3) **Site area** In determining the site area of proposed development for the purpose of applying a floor space ratio, the *site area* is taken to be—

(a) if the proposed development is to be carried out on only one lot, the area of that lot, or

(b) if the proposed development is to be carried out on 2 or more lots, the area of any lot on which the development is proposed to be carried out that has at least one common boundary with another lot on which the development is being carried out.

In addition, subclauses (4)–(7) apply to the calculation of site area for the purposes of applying a floor space ratio to proposed development.

(4) **Exclusions from site area** The following land must be excluded from the site area—

(a) land on which the proposed development is prohibited, whether under this Precinct Plan or any other law,

(b) community land or a public place (except as provided by subclause (7)).

(5) **Strata subdivisions** The area of a lot that is wholly or partly on top of another or others in a strata subdivision is to be included in the calculation of the site area only to the extent that it does not overlap with another lot already included in the site area calculation.

(6) **Only significant development to be included** The site area for proposed development must not include a lot additional to a lot or lots on which the development is being carried out unless the proposed development includes significant development on that additional lot.

(7) **Certain public land to be separately considered** For the purpose of applying a floor space ratio to any proposed development on, above or below community land or a public place, the site area must only include an area that is on, above or below that community land or public place, and is occupied or physically affected by the proposed development, and may not include any other area on which the proposed development is to be carried out.

(8) **Existing buildings** The gross floor area of any existing or proposed buildings within the vertical
projection (above or below ground) of the boundaries of a site is to be included in the calculation of the total floor space for the purposes of applying a floor space ratio, whether or not the proposed development relates to all of the buildings.

(9) **Covenants to prevent “double dipping”** When consent is granted to development on a site comprised of 2 or more lots, a condition of the consent may require a covenant to be registered that prevents the creation of floor area on a lot (the restricted lot) if the consent authority is satisfied that an equivalent quantity of floor area will be created on another lot only because the site included the restricted lot.

(10) **Covenants affect consolidated sites** If—

(a) a covenant of the kind referred to in subclause (9) applies to any land *(affected land)*, and

(b) proposed development relates to the affected land and other land that together comprise the site of the proposed development,

the maximum amount of floor area allowed on the other land by the floor space ratio fixed for the site by this Precinct Plan is reduced by the quantity of floor space area the covenant prevents being created on the affected land.

(11) **Definition** In this clause, *public place* has the same meaning as it has in the *Local Government Act 1993*.

### 4.5A Shops—maximum gross floor area

(1) The total gross floor area used for the purpose of shops (including neighbourhood shops) on all land within Zone B7 Business Park must not exceed 3,500 square metres.

(2) The total gross floor area used for shops (other than premises for the retail of office supplies) in a particular development for that purpose on land within Zone B7 Business Park must not exceed 500 square metres.

### 4.6 Exceptions to development standards

(1) The objectives of this clause are as follows—

(a) to provide an appropriate degree of flexibility in applying certain development standards to particular development,

(b) to achieve better outcomes for and from development by allowing flexibility in particular circumstances.

(2) Consent may, subject to this clause, be granted for development even though the development would contravene a development standard imposed by this or any other environmental planning instrument. However, this clause does not apply to a development standard that is expressly excluded from the operation of this clause.

(3) Consent must not be granted for development that contravenes a development standard unless the consent authority has considered a written request from the applicant that seeks to justify the contravention of the development standard by demonstrating—

(a) that compliance with the development standard is unreasonable or unnecessary in the
certain circumstances of the case, and

(b) that there are sufficient environmental planning grounds to justify contravening the development standard.

(4) Consent must not be granted for development that contravenes a development standard unless—

(a) the consent authority is satisfied that—

(i) the applicant’s written request has adequately addressed the matters required to be demonstrated by subclause (3), and

(ii) the proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out, and

(b) the concurrence of the Director-General has been obtained.

(5) In deciding whether to grant concurrence, the Director-General must consider—

(a) whether contravention of the development standard raises any matter of significance for State or regional environmental planning, and

(b) the public benefit of maintaining the development standard, and

(c) any other matters required to be taken into consideration by the Director-General before granting concurrence.

(6) Consent must not be granted under this clause for a subdivision of land within Zone E2 Environmental Conservation if—

(a) the subdivision will result in 2 or more lots of less than the minimum area specified for such lots by a development standard, or

(b) the subdivision will result in at least one lot that is less than 90% of the minimum area specified for such a lot by a development standard.

(7) After determining a development application made pursuant to this clause, the consent authority must keep a record of its assessment of the factors required to be addressed in the applicant’s written request referred to in subclause (3).

(8) This clause does not allow consent to be granted for development that would contravene any of the following—

(a) a development standard for complying development,

(b) a development standard that arises, under the regulations under the Act, in connection with a commitment set out in a BASIX certificate for a building to which State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004 applies or for the land on which such a building is situated,

(c) clause 5.4.
Part 5 Miscellaneous provisions

5.1 Relevant acquisition authority

(1) The objective of this clause is to identify, for the purposes of section 3.15 of the Act, the authority of the State that will be the relevant authority to acquire land reserved for certain public purposes if the land is required to be acquired under Division 3 of Part 2 of the Land Acquisition (Just Terms Compensation) Act 1991 (the owner-initiated acquisition provisions).

Note. If the landholder will suffer hardship if there is any delay in the land being acquired by the relevant authority, section 23 of the Land Acquisition (Just Terms Compensation) Act 1991 requires the authority to acquire the land.

(2) The authority of the State that will be the relevant authority to acquire land, if the land is required to be acquired under the owner-initiated acquisition provisions, is the authority of the State specified below in relation to the land shown on the Land Reservation Acquisition Map (or, if an authority of the State is not specified in relation to land required to be so acquired, the authority designated or determined under those provisions).

<table>
<thead>
<tr>
<th>Type of land shown on Map</th>
<th>Authority of the State</th>
</tr>
</thead>
<tbody>
<tr>
<td>This Table is blank on the making of this Precinct Plan.</td>
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</tbody>
</table>

(3) Development on land acquired by an authority of the State under the owner-initiated acquisition provisions may, before it is used for the purpose for which it is reserved, be carried out, with development consent, for any purpose.

Note. If land, other than land specified in the Table to subclause (2), is required to be acquired under the owner-initiated acquisition provisions, the Minister for Planning is required to take action to enable the designation of the acquiring authority under this Part. Pending the designation of the acquiring authority for that land, the acquiring authority is to be the authority determined by order of the Minister for Planning (see section 21 of the Land Acquisition (Just Terms Compensation) Act 1991).

5.2 Classification and reclassification of public land

(1) The objective of this clause is to enable the Council to classify or reclassify public land as “operational land” or “community land” in accordance with Part 2 of Chapter 6 of the Local Government Act 1993.

Note. Under the Local Government Act 1993, "public land" is generally land vested in or under the control of a council (other than roads and certain Crown land). The classification or reclassification of public land may also be made by a resolution of the Council under section 31, 32 or 33 of the Local Government Act 1993. Section 30 of that Act enables this Precinct Plan to discharge trusts on which public reserves are held if the land is reclassified under this Precinct Plan as operational land.

(2) The public land described in Part 1 or Part 2 of Schedule 4 is classified, or reclassified, as operational land for the purposes of the Local Government Act 1993.

(3) The public land described in Part 3 of Schedule 4 is classified, or reclassified, as community land for the purposes of the Local Government Act 1993.

(4) The public land described in Part 1 of Schedule 4—
(a) does not cease to be a public reserve to the extent (if any) that it is a public reserve, and

(b) continues to be affected by any trusts, estates, interests, dedications, conditions, restrictions or covenants that affected the land before its classification, or reclassification, as operational land.

(5) The public land described in Part 2 of Schedule 4, to the extent (if any) that it is a public reserve, ceases to be a public reserve when the description of the land is inserted into that Part and is discharged from all trusts, estates, interests, dedications, conditions, restrictions and covenants affecting the land or any part of the land, except—

(a) those (if any) specified for the land in Column 3 of Part 2 of Schedule 4, and

(b) any reservations that except land out of the Crown grant relating to the land, and

(c) reservations of minerals (within the meaning of the Crown Land Management Act 2016).

Note. In accordance with section 30 (2) of the Local Government Act 1993, the approval of the Governor to subclause (5) applying to the public land concerned is required before the description of the land is inserted in Part 2 of Schedule 4.

5.3 Development near zone boundaries

(1) The objective of this clause is to provide flexibility where the investigation of a site and its surroundings reveals that a use allowed on the other side of a zone boundary would enable a more logical and appropriate development of the site and be compatible with the planning objectives and land uses for the adjoining zone.

(2) This clause applies to so much of any land that is within the relevant distance of a boundary between any 2 zones. The relevant distance is 30 metres between any 2 zones.

(3) This clause does not apply to—

(a) land zoned E2 Environmental Conservation, or

(b) land proposed to be developed for the purpose of sex services or restricted premises.

(4) Despite the provisions of this Precinct Plan relating to the purposes for which development may be carried out, consent may be granted to development of land to which this clause applies for any purpose that may be carried out in the adjoining zone, but only if the consent authority is satisfied that—

(a) the development is not inconsistent with the objectives for development in both zones, and

(b) the carrying out of the development is desirable due to compatible land use planning, infrastructure capacity and other planning principles relating to the efficient and timely development of land.

(5) The clause does not prescribe a development standard that may be varied under this Precinct Plan.

5.4 Controls relating to miscellaneous permissible uses

(1) Bed and breakfast accommodation If development for the purposes of bed and breakfast
accommodation is permitted under this Precinct Plan, the accommodation that is provided to guests must consist of no more than 3 bedrooms.

(2) **Home businesses** If development for the purposes of a home business is permitted under this Precinct Plan, the carrying on of the business must not involve the use of more than 30 square metres of floor area.

(3) **Home industries** If development for the purposes of a home industry is permitted under this Precinct Plan, the carrying on of the home industry must not involve the use of more than 30 square metres of floor area.

(4) **Industrial retail outlets** If development for the purposes of an industrial retail outlet is permitted under this Precinct Plan, the retail floor area must not exceed—

(a) 40% of the combined gross floor area of the industrial retail outlet and the building or place on which the relevant industry is carried out, or

(b) 400 square metres,

whichever is the lesser.

(5) **Farm stay accommodation** If development for the purposes of farm stay accommodation is permitted under this Precinct Plan, the accommodation that is provided to guests must consist of no more than 3 bedrooms.

(6) **Kiosks** If development for the purposes of a kiosk is permitted under this Precinct Plan, the gross floor area must not exceed 30 square metres.

(7) **Neighbourhood shops** If development for the purposes of a neighbourhood shop is permitted under this Precinct Plan, the retail floor area must not exceed 100 square metres.

(8) **Roadside stalls** If development for the purposes of a roadside stall is permitted under this Precinct Plan, the gross floor area must not exceed 8 square metres.

(9) **Secondary dwellings** If development for the purposes of a secondary dwelling is permitted under this Precinct Plan, the total floor area of the dwelling (excluding any area used for parking) must not exceed whichever of the following is the greater—

(a) 110 square metres,

(b) 30% of the total floor area of both the self-contained dwelling and the principal dwelling.

5.6 **Architectural roof features**

(1) The objectives of this clause are—

(a) to ensure that architectural roof features are decorative elements only, and

(b) to ensure that the majority of the roof features are contained within the prescribed building height.

(2) Development that includes an architectural roof feature that exceeds, or causes a building to exceed, the height limits set by clause 4.3 may be carried out, but only with consent.
(3) Development consent must not be granted to any such development unless the consent authority is satisfied that—

(a) the architectural roof feature—

(i) comprises a decorative element on the uppermost portion of a building, and

(ii) is not an advertising structure, and

(iii) does not include floor space area and is not reasonably capable of modification to include floor space area, and

(iv) will cause minimal overshadowing, and

(b) any building identification signage or equipment for servicing the building (such as plant, lift motor rooms, fire stairs and the like) contained in or supported by the roof feature is fully integrated into the design of the roof feature.

5.8 Conversion of fire alarms

(1) This clause applies to a fire alarm system that can be monitored by New South Wales Fire Brigades or by a private service provider.

(2) The following development may be carried out, but only with consent—

(a) converting a fire alarm system from connection with the alarm monitoring system of New South Wales Fire Brigades to connection with the alarm monitoring system of a private service provider,

(b) converting a fire alarm system from connection with the alarm monitoring system of a private service provider to connection with the alarm monitoring system of another private service provider,

(c) converting a fire alarm system from connection with the alarm monitoring system of a private service provider to connection with a different alarm monitoring system of the same private service provider.

(3), (4) (Repealed)

(5) In this clause—

private service provider means a person or body that has entered into an agreement that is in force with New South Wales Fire Brigades to monitor fire alarm systems.

5.9 Preservation of trees or vegetation

(1) The objective of this clause is to preserve the amenity of the area through the preservation of trees and other vegetation.

(2) This clause applies to species or kinds of trees or other vegetation that are prescribed for the purposes of this clause by a development control plan made by the Director-General.

Note. A development control plan may prescribe the trees or other vegetation to which this clause applies by reference to species, size, location or other manner.
(3) A person must not ringbark, cut down, top, lop, remove, injure or wilfully destroy any tree or other vegetation to which any such development control plan applies without the authority conferred by—

(a) development consent, or

(b) a permit granted by the Council.

(4) The refusal by the Council to grant a permit to a person who has duly applied for the grant of the permit is taken for the purposes of the Act to be a refusal by the Council to grant consent for the carrying out of the activity for which a permit was sought.

(5) This clause does not apply to a tree or other vegetation that the Council is satisfied is dying or dead and is not required as the habitat of native fauna.

(6) This clause does not apply to a tree or other vegetation that the Council is satisfied is a risk to human life or property.

(7) This clause does not apply to or in respect of—

(a) the clearing of native vegetation that is authorised by a development consent or property vegetation plan under the Native Vegetation Act 2003 or that is otherwise permitted under Division 2 or 3 of Part 3 of that Act, or

(b) the clearing of vegetation on State protected land (within the meaning of clause 4 of Schedule 3 to the Native Vegetation Act 2003) that is authorised by a development consent under the provisions of the Native Vegetation Conservation Act 1997 as continued in force by that clause, or

(c) trees or other vegetation within a State forest, or land reserved from sale as a timber or forest reserve under the Forestry Act 1916, or

(d) action required or authorised to be done by or under the Electricity Supply Act 1995, the Roads Act 1993 or the Surveying Act 2002, or

(e) plants declared to be noxious weeds under the Noxious Weeds Act 1993, or

(f) existing native vegetation areas to which clause 6.6 of this Precinct Plan applies, or

(g) native vegetation retention areas to which clause 6.7 of this Precinct Plan applies.

5.11 Bush fire hazard reduction

Bush fire hazard reduction work authorised by the Rural Fires Act 1997 may be carried out on any land without consent.

Note. The Rural Fires Act 1997 also makes provision relating to the carrying out of development on bush fire prone land.

5.12 Infrastructure development and use of existing buildings of the Crown

(1) This Precinct Plan does not restrict or prohibit, or enable the restriction or prohibition of, the carrying out of any development, by or on behalf of a public authority, that is permitted to be carried out without consent under the State Environmental Planning Policy (Infrastructure)
(2) This Precinct Plan does not restrict or prohibit, or enable the restriction or prohibition of, the use of existing buildings of the Crown by the Crown.

Part 6 Additional local provisions

6.1 Public utility infrastructure

(1) The consent authority must not grant development consent to development on land to which this Precinct Plan applies unless it is satisfied that any public utility infrastructure that is essential for the proposed development is available or that adequate arrangements have been made to make that infrastructure available when required.

(2) In this clause, public utility infrastructure includes infrastructure for any of the following—

(a) the supply of water,

(b) the supply of electricity,

(c) the disposal and management of sewage.

(3) This clause does not apply to development for the purpose of providing, extending, augmenting, maintaining or repairing any public utility infrastructure referred to in this clause.

6.2 Development in Zone E2 Environmental Conservation

(1) This clause applies to land within Zone E2 Environmental Conservation (other than any such land owned by a public authority).

(2) Despite any other provision of this Precinct Plan, the consent authority must not grant development consent for development on land to which this clause applies unless it has considered a vegetation management plan that relates to all of that land.

(3) The vegetation management plan must address, to the satisfaction of the consent authority, the following matters—

(a) the environmental values of the land,

(b) methods to be used to revegetate and rehabilitate the land,

(c) weed control,

(d) the monitoring and ongoing management of the land,

(e) other measures—

(i) to control threats to the health of any remnant riparian vegetation on the land, and

(ii) to increase species diversification and riparian vegetation cover on the land, and

(iii) to improve the land’s resistance to future weed colonisation.
6.3 Subdivision or other development of certain land

(1) The objectives of this clause are as follows—

(a) to ensure the rehabilitation and revegetation of land within the Riverstone West Precinct that is within Zone E2 Environmental Conservation (other than any such land owned by a public authority),

(b) to ensure that land within the Riverstone West Precinct is managed and conserved in a holistic and sensitive manner.

(2) This clause applies to all land within the Riverstone West Precinct other than—

(a) land within Zone SP2 Infrastructure, and

(b) land within Zone E2 Environmental Conservation that is owned by a public authority.

(3) Despite any other provision of this Precinct Plan, the consent authority must not grant consent for subdivision of land to which this clause applies or any other development on that land unless it is satisfied that—

(a) appropriate arrangements have been made for the revegetation and rehabilitation of that land that is within the Riverstone West Precinct within Zone E2 Environmental Conservation, and

(b) those arrangements—

(i) provide for the ongoing monitoring and management of that land, and

(ii) will take effect before, or simultaneously with, the proposed subdivision or development concerned, and

(iii) are appropriate when considered in conjunction with any vegetation management plan prepared in accordance with clause 6.2.

6.4 Development of land within Zone B7 Business Park—additional floor space ratio

(1) This clause applies to land within Zone B7 Business Park.

(2) The objectives of this clause are as follows—

(a) to encourage the rehabilitation and revegetation of land within the Riverstone West Precinct that is within Zone E2 Environmental Conservation,

(b) to ensure that land within the Riverstone West Precinct is managed and conserved in a holistic and sensitive manner,

(c) to encourage community title subdivision.

(3) If all of the land within the Riverstone West Precinct that is within Zone B7 Business Park and Zone E2 Environmental Conservation (other than any such Zone E2 land owned by a public authority)—

(a) is the subject of a subdivision undertaken in accordance with the Community Land Development Act 1989 for a neighbourhood scheme, and
(b) all the land within Zone E2 Environmental Conservation (other than any such land owned by a public authority) forms neighbourhood property under that scheme,

then, despite clause 4.4 (2), the maximum floor space ratio for a building on land within Zone B7 Business Park is—

(d) 2.25:1—for land shown with a floor space ratio of 1.75:1 on the Floor Space Ratio Map, or

(e) 3.25:1—for land shown with a floor space ratio of 2.75:1 on the Floor Space Ratio Map.

6.5 Educational establishments, hotels, motels, office premises and registered clubs on certain land within Zone IN1 Light Industrial

(1) This clause applies to the land shown hatched on the Land Zoning Map.

(2) Despite any other provision of this Precinct Plan, the consent authority may grant consent to development for the purposes of educational establishments, hotel or motel accommodation, office premises or registered clubs, but only if the development is associated with or to be carried out in conjunction with development for the purposes of a recreation facility (outdoor).

6.6 Development controls—existing native vegetation

(1) The objective of this clause is to manage existing native vegetation in accordance with the relevant biodiversity measures under Part 7 of Schedule 7 to the Threatened Species Conservation Act 1995.

(2) This clause applies to land within an existing native vegetation area as shown on the Native Vegetation Protection Map.

(3) This clause does not apply to any vegetation declared to be noxious weeds under the Noxious Weeds Act 1993.

(4) The consent authority must not grant development consent for development on land to which this clause applies unless it is satisfied that the proposed development will not result in the clearing of any existing native vegetation (within the meaning of the relevant biodiversity measures under Part 7 of Schedule 7 to the Threatened Species Conservation Act 1995).

6.7 Development controls—native vegetation retention areas

(1) The objective of this clause is to prevent the clearing of certain native vegetation.

(2) This clause applies to land within a native vegetation retention area as shown on the Native Vegetation Protection Map.

(3) This clause does not apply to native vegetation that the Council is satisfied—

(a) is dying or dead and is not required as the habitat of native fauna, or

(b) is a risk to human life or property.

(4) This clause does not apply to any native vegetation—

(a) within a State forest, or land reserved from sale as a timber or forest reserve under the Forestry Act 1916, or
(b) declared to be noxious weeds under the *Noxious Weeds Act 1993*.

(5) A person must not clear native vegetation on land to which this clause applies without—

(a) approval under Part 3A of the Act, or

(b) development consent.

(6) Development consent under this clause is not to be granted unless the consent authority is satisfied of the following in relation to the disturbance of native vegetation—

(a) that there is no reasonable alternative available to the disturbance of the native vegetation,

(b) that as little native vegetation as possible will be disturbed,

(c) that the disturbance of the native vegetation will not increase salinity,

(d) that native vegetation disturbed for the purposes of construction will be reinstated where possible on completion of construction,

(e) that the loss of remnant native vegetation caused by the disturbance will be compensated by revegetation on or near the land to avoid any net loss of remnant native vegetation,

(f) that no more than 0.5 hectares of native vegetation will be cleared unless the clearing is essential for a previously permitted use of the land.

(7) The consent authority must, when determining a development application in respect of the clearing of native vegetation on land within a zone under this Precinct Plan, have regard to the objectives for development in that zone.

(8) This clause does not apply to or in respect of action required or authorised to be done by or under the *Electricity Supply Act 1995*, the *Roads Act 1993*, the *Surveying Act 2002* or the *Sydney Water Act 1994*.

### Schedule 1 Additional permitted uses

(Clause 2.5)

#### 1 Certain land adjoining Zone B7 Business Park

(1) This clause applies to that part of Lot 10, DP 736235 that is within Zone SP2 Infrastructure.

(2) Development that is permitted with consent on land within Zone B7 Business Park is permitted with consent on land to which this clause applies.

### Schedule 4 Classification and reclassification of public land

(Clause 5.2)

This schedule is blank on the making of this Precinct Plan.
Part 1 Land classified, or reclassified, as operational land—no interests changed

<table>
<thead>
<tr>
<th>Locality</th>
<th>Description</th>
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Part 2 Land classified, or reclassified, as operational land—interests changed

<table>
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<th>Locality</th>
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Part 3 Land classified, or reclassified, as community land

<table>
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<th>Locality</th>
<th>Description</th>
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Appendix 4 Alex Avenue and Riverstone Precinct Plan 2010

Part 1 Preliminary

Note. The Standard Instrument (Local Environmental Plans) Order 2006 sets out matters to be included in standard local environmental plans. While this Precinct Plan is not a standard local environmental plan, it is generally consistent with standard plans. A number of clauses from the Standard Instrument (Local Environmental Plans) Order 2006 have been included in this Precinct Plan and the clause numbering from that order has been retained. This means that the numbering in this Precinct Plan may contain some gaps. Additional provisions have been inserted and are numbered accordingly.

1.1 Name of Precinct Plan

This Precinct Plan is the Alex Avenue and Riverstone Precinct Plan 2010.

1.2 Aims of Precinct Plan

The particular aims of this Precinct Plan are as follows—

(a) to make development controls for land in the Alex Avenue and Riverstone Precincts within the North West Growth Centre that will ensure the creation of quality environments and good design outcomes,

(b) to protect and enhance the environmentally sensitive and natural areas and the cultural heritage of those Precincts,

(c) to provide for recreational opportunities within those Precincts,

(d) to provide for multifunctional and innovative development in those Precincts that encourages employment and economic growth,
(e) to promote housing choice and affordability in those Precincts,

(f) to provide for the sustainable development of those Precincts,

(g) to promote pedestrian and vehicle connectivity with adjoining Precincts and localities and within the Alex Avenue and Riverstone Precincts,

(h) to provide transport infrastructure to meet the needs of the community,

(i) to provide for the orderly development of the Riverstone Scheduled Lands.

1.3 Land to which Precinct Plan applies

This Precinct Plan applies to land within the Alex Avenue and Riverstone Precincts as shown on the Land Application Map.

Note. The Land Application Map differs from the Precinct Boundary Map and, as such, this Precinct Plan does not apply to all the land within the Alex Avenue and Riverstone Precincts (as shown on the Precinct Boundary Map).

1.4 Definitions

In this Precinct Plan, Council means the Blacktown City Council.

Note. The Dictionary at the end of this State Environmental Planning Policy defines words and expressions for the purposes of this Precinct Plan, including the relevant maps.

1.6 Consent authority

The consent authority for the purposes of this Precinct Plan is (subject to the Act) the Council.

1.8 Repeal of other local planning instruments applying to land

(1) All local environmental plans and deemed environmental planning instruments applying only to the land to which this Precinct Plan applies are repealed.

(2) All local environmental plans and deemed environmental planning instruments applying to the land to which this Precinct Plan applies and to other land cease to apply to the land to which this Precinct Plan applies.

(3) This clause does not affect the operation of other provisions of this State Environmental Planning Policy.

1.8A Savings provision relating to pending development applications

If a development application has been made before the commencement of this Precinct Plan in relation to land to which this Precinct Plan applies and the application has not been finally determined before that commencement, the application must be determined as if this Precinct Plan had been exhibited but had not commenced.

1.9 Application of SEPPs

(1) This Precinct Plan is subject to the provisions of any State environmental planning policy that prevails over this Precinct Plan as provided by section 3.28 of the Act.

Note. Section 3.28 of the Act generally provides that SEPPs prevail over LEPs. However, an environmental planning instrument may (by an additional provision included in the instrument) displace or amend a SEPP or
LEP to deal specifically with the relationship between the instrument and the SEPP or LEP.

(2) State Environmental Planning Policy No 1—Development Standards does not apply to the land to which this Precinct Plan applies.

(3) Subject to section 74 (1) of the Act, in the event of an inconsistency between this Precinct Plan and any other provision of this State Environmental Planning Policy or any other environmental planning instrument whether made before or after the commencement of this Precinct Plan, this Precinct Plan prevails to the extent of the inconsistency.

Note. The other provisions of this State Environmental Planning Policy also contain provisions applying development controls to the North West Growth Centre, including the Alex Avenue and Riverstone Precincts.

1.9A Suspension of covenants, agreements and instruments

(1) For the purpose of enabling development on land within any zone to be carried out in accordance with this Precinct Plan or with a consent granted under the Act, any agreement, covenant or other similar instrument that restricts the carrying out of that development does not apply to the extent necessary to serve that purpose.

(2) This clause does not apply—

(a) to a covenant imposed by the Council or that the Council requires to be imposed, or

(b) to any relevant instrument within the meaning of section 13.4 of the Crown Land Management Act 2016, or

(c) to any conservation agreement within the meaning of the National Parks and Wildlife Act 1974, or

(d) to any Trust agreement within the meaning of the Nature Conservation Trust Act 2001, or

(e) to any property vegetation plan within the meaning of the Native Vegetation Act 2003, or

(f) to any biobanking agreement within the meaning of Part 7A of the Threatened Species Conservation Act 1995, or

(g) to any planning agreement within the meaning of Division 7.1 of the Act.

(3) This clause does not affect the rights or interests of any public authority under any registered instrument.

(4) Pursuant to section 28 of the Act, before the making of this clause, the Governor approved of subclauses (1)–(3).

Part 2 Permitted or prohibited development

2.1 Land use zones

The land use zones under this Precinct Plan are as follows—

Residential Zones

R2 Low Density Residential

R3 Medium Density Residential
Business Zones
B1 Neighbourhood Centre
   B2 Local Centre
   B4 Mixed Use

Industrial Zones
IN2 Light Industrial

Special Purpose Zones
SP2 Infrastructure

Recreation Zones
RE1 Public Recreation

Environment Protection Zones
E2 Environmental Conservation

Note. At the commencement of this Precinct Plan, land within the Alex Avenue Precinct was within the R2 Low Density Residential Zone, the R3 Medium Density Residential Zone, the B2 Local Centre Zone, the B4 Mixed Use Zone, the SP2 Infrastructure Zone, and the RE1 Public Recreation Zone.

Land within the Riverstone Precinct was within the R2 Low Density Residential Zone, the R3 Medium Density Residential Zone, the B1 Neighbourhood Centre Zone, the IN2 Light Industrial Zone, the RE1 Public Recreation Zone and the E2 Environmental Conservation Zone.

2.2 Zoning of land to which Precinct Plan applies

For the purposes of this Precinct Plan, land is within the zones shown on the Land Zoning Map.

2.3 Zone objectives and land use table

(1) The Table at the end of this Part specifies for each zone—
   (a) the objectives for development, and
   (b) development that may be carried out without consent, and
   (c) development that may be carried out only with consent, and
   (d) development that is prohibited.

(2) The consent authority must have regard to the objectives for development in a zone when determining a development application in respect of land within the zone.

(3) In the Table at the end of this Part—
   (a) a reference to a type of building or other thing is a reference to development for the purposes of that type of building or other thing, and
   (b) a reference to a type of building or other thing does not include (despite any definition in this Precinct Plan) a reference to a type of building or other thing referred to separately in
the Table in relation to the same zone.

(4) This clause is subject to the other provisions of this Precinct Plan.

Notes.
1 Schedule 1 sets out additional permitted uses for particular land.
2 Clause 2.6 requires consent for subdivision of land.
3 Part 5 contains other provisions that require consent for particular development.
4 Part 6 sets out additional permitted uses for particular land.

2.4 Unzoned land

(1) Development may be carried out on unzoned land only with consent.

(2) Before granting consent, the consent authority—

(a) must consider whether the development will impact on adjoining zoned land and, if so,
consider the objectives for development in the zones of the adjoining land, and

(b) must be satisfied that the development is appropriate and is compatible with permissible
land uses in any such adjoining land.

2.5 Additional permitted uses for particular land

(1) Development on particular land that is described or referred to in Schedule 1 to this Appendix
may be carried out—

(a) with consent, or

(b) if the Schedule so provides—without consent,

in accordance with the conditions (if any) specified in that Schedule in relation to that
development.

(2) This clause has effect despite anything to the contrary in the Land Use Table at the end of this
Part or other provision of this Precinct Plan.

2.6 Subdivision—consent requirements

(1) Land to which this Precinct Plan applies may be subdivided, but only with consent.

Note. State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 specifies
certain subdivision development as exempt development.

(2) (Repealed)

2.6A Demolition requires consent

The demolition of a building or work may be carried out only with consent.

Note. The demolition of certain buildings and works is identified in Schedules 1 and 2 to this Policy and State
Environmental Planning Policy (Exempt and Complying Development Codes) 2008 as exempt or complying
development.

2.6B Temporary use of land

(1) The objective of this clause is to provide for the temporary use of land if the use does not
compromise future development of the land, or have detrimental economic, social, amenity or environmental effects on the land or on adjoining land or development.

(2) Despite any other provision of this Precinct Plan, development consent may be granted for development on land in any zone for a temporary purpose for a maximum period of 52 days (whether or not consecutive days) in any period of 12 months.

(3) Development consent must not be granted unless the consent authority is satisfied that—

(a) the temporary use will not prejudice the subsequent carrying out of development on the land in accordance with this Precinct Plan and this or any other environmental planning instrument, and

(b) the temporary use will not adversely impact on any adjoining land or the amenity of the neighbourhood, and

(c) the temporary use and location of any structures related to the use will not adversely impact on environmental attributes or features of the land, or increase the risk of natural hazards that may affect the land, and

(d) at the end of the temporary use period, the site will, as far as is practicable, be restored to the condition in which it was before the commencement of the use.

(4) This clause does not prescribe a development standard that may be varied under this Precinct Plan.

Land Use Table

Note. Part 6 of this Precinct Plan sets out local provisions which include additional permissible land uses and heads of consideration for assessment.

Zone R2  Low Density Residential

1 Objectives of zone

• To provide for the housing needs of the community within a low density residential environment.

• To enable other land uses that provide facilities or services to meet the day to day needs of residents.

• To allow people to carry out a reasonable range of activities from their homes, where such activities are not likely to adversely affect the living environment of neighbours.

• To support the well being of the community, by enabling educational, recreational, community, religious and other activities where compatible with the amenity of a low density residential environment.

2 Permitted without consent

Home occupations

3 Permitted with consent

Bed and breakfast accommodation; Business identification signs; Centre-based child care facilities;
Community facilities; Drainage; Dual occupancies; Dwelling houses; Earthworks; Educational establishments; Environmental protection works; Exhibition homes; Exhibition villages; Group homes; Health consulting rooms; Home-based child care; Home businesses; Home industries; Neighbourhood shops; Places of public worship; Roads; Secondary dwellings; Semi-detached dwellings; Shop top housing; Studio dwellings; Veterinary hospitals

4 Prohibited

Any other development not specified in item 2 or 3

Zone R3  Medium Density Residential

1 Objectives of zone

• To provide for the housing needs of the community within a medium density residential environment.

• To provide a variety of housing types within a medium density residential environment.

• To enable other land uses that provide facilities or services to meet the day to day needs of residents.

• To support the well being of the community, by enabling educational, recreational, community, and other activities where compatible with the amenity of a medium density residential environment.

2 Permitted without consent

Home occupations

3 Permitted with consent

Attached dwellings; Bed and breakfast accommodation; Boarding houses; Centre-based child care facilities; Community facilities; Dual occupancies; Dwelling houses; Group homes; Manor homes; Multi dwelling housing; Neighbourhood shops; Places of public worship; Residential flat buildings; Roads; Secondary dwellings; Semi-detached dwellings; Seniors housing; Shop top housing; Studio dwellings; Any other development not specified in item 2 or 4

4 Prohibited

Agriculture; Air transport facilities; Airstrips; Amusement centres; Boat repair facilities; Boat sheds; Business premises; Caravan parks; Cemeteries; Charter and tourism boating facilities; Correctional centres; Crematoria; Depots; Electricity generating works; Entertainment facilities; Extractive industries; Freight transport facilities; Function centres; Helipads; Highway service centres; Home occupations (sex services); Industrial retail outlets; Industries; Information and education facilities; Marinas; Mortuaries; Office premises; Passenger transport facilities; Port facilities; Public administration buildings; Recreation facilities (indoor); Recreation facilities (major); Recreation facilities (outdoor); Registered clubs; Restriction facilities; Retail premises; Rural supplies; Rural workers’ dwellings; Service stations; Sex services premises; Signage; Storage premises; Tourist and visitor accommodation; Transport depots; Truck depots; Vehicle body repair workshops; Vehicle repair stations; Vehicle sales or hire premises; Waste management facilities; Waste or resource management facilities; Wholesale supplies
**Zone B1  Neighbourhood Centre**

1 **Objectives of zone**

   - To provide a range of small-scale retail, business and community uses that serve the needs of people who live or work in the surrounding neighbourhood.

   - To ensure the scale and type of business development is compatible with the scale of the surrounding area.

   - To ensure residential development does not preclude the provision of active retail, business and community uses at street level.

   - To allow for residential development that does not detract from the primary function of the zone which is to provide retail, business and community uses to serve the community.

   - To promote a sense of place and focal points for the local community.

2 **Permitted without consent**

   Home occupations

3 **Permitted with consent**

   Business premises; Car parks; Centre-based child care facilities; Community facilities; Educational establishments; Entertainment facilities; Food and drink premises; Function centres; Information and education facilities; Markets; Neighbourhood shops; Recreation facilities (indoor); Retail premises; Roads; Service stations; Shop top housing; Vehicle repair stations; Any other development not specified in item 2 or 4

4 **Prohibited**

   Agriculture; Air transport facilities; Airstrips; Biosolids treatment facilities; Boat repair facilities; Boat sheds; Bulky goods premises; Caravan parks; Cemeteries; Correctional centres; Crematoria; Depots; Electricity generating works; Exhibition villages; Extractive industries; Farm buildings; Freight transport facilities; Funeral chapels; Funeral homes; Helipads; Highway service centres; Home occupations (sex services); Industrial retail outlets; Industries; Landscape and garden supplies; Mortuaries; Office premises; Passenger transport facilities; Port facilities; Registered clubs; Residential accommodation; Restriction facilities; Rural supplies; Sex services premises; Storage premises; Timber and building supplies; Tourist and visitor accommodation; Transport depots; Vehicle body repair workshops; Warehouse or distribution centres; Waste management facilities; Waste or resource management facilities

**Zone B2  Local Centre**

1 **Objectives of zone**

   - To provide a range of retail, business, entertainment and community uses that serve the needs of people who live in, work in and visit the local area.

   - To encourage employment opportunities in accessible locations.

   - To maximise public transport patronage and encourage walking and cycling.

   - To provide for residential development that contributes to the vitality of the local centre.
• To ensure that residential development within the centre does not detract from the primary function of the centre being to provide for retail, business, entertainment and community uses.

• To facilitate active retail, commercial, entertainment and community facility uses at ground level of mixed use developments.

• To encourage development which will contribute to the economic growth of, and creation of employment opportunities within, the City of Blacktown.

2 Permitted without consent

Home occupations

3 Permitted with consent

Business premises; Centre-based child care facilities; Community facilities; Educational establishments; Entertainment facilities; Function centres; Information and education facilities; Office premises; Passenger transport facilities; Recreation facilities (indoor); Registered clubs; Retail premises; Roads; Service stations; Shop top housing; Tourist and visitor accommodation; Vehicle repair stations; Any other development not specified in item 2 or 4

4 Prohibited

Agriculture; Air transport facilities; Airstrips; Biosolids treatment facilities; Boat repair facilities; Boat sheds; Caravan parks; Cemeteries; Correctional centres; Crematoria; Depots; Electricity generating works; Exhibition villages; Extractive industries; Farm buildings; Freight transport facilities; Funeral chapels; Funeral homes; Helipads; Highway service centres; Home occupations (sex services); Industrial retail outlets; Industries; Mortuaries; Port facilities; Residential accommodation; Restricted premises; Restriction facilities; Roadside stalls; Rural industries; Rural supplies; Rural workers’ dwellings; Sex services premises; Storage premises; Transport depots; Vehicle body repair workshops; Warehouse or distribution centres; Waste management facilities; Waste or resource management facilities

Zone B4 Mixed Use

1 Objectives of zone

• To provide a mixture of compatible land uses.

• To integrate suitable business, office, residential, retail and other development in accessible locations so as to maximise public transport patronage and encourage walking and cycling.

• To facilitate active retail, commercial, entertainment and community uses at ground level of mixed use developments.

• To provide for residential development that contributes to the vitality of the local centre.

• To ensure that residential development adjacent to the local centre does not detract from the primary function of the centre being to provide for retail, business, entertainment and community uses.
2 Permitted without consent

Home occupations

3 Permitted with consent

Boarding houses; Business premises; Car parks; Centre-based child care facilities; Community facilities; Educational establishments; Entertainment facilities; Function centres; Hotel or motel accommodation; Information and education facilities; Office premises; Passenger transport facilities; Recreation facilities (indoor); Registered clubs; Residential flat buildings; Retail premises; Roads; Seniors housing; Shop top housing; Any other development not specified in item 2 or 4

4 Prohibited

Agriculture; Air transport facilities; Airstrips; Biosolids treatment facilities; Boat repair facilities; Boat sheds; Bulky goods premises; Caravan parks; Cemeteries; Correctional centres; Crematoria; Depots; Exhibition villages; Extractive industries; Farm buildings; Freight transport facilities; Funeral chapels; Funeral homes; Helipads; Highway service centres; Home occupations (sex services); Industrial retail outlets; Industries; Mortuaries; Port facilities; Public administration buildings; Recreation facilities (major); Residential accommodation; Restricted premises; Rural industries; Rural supplies; Rural workers’ dwellings; Sex services premises; Storage premises; Transport depots; Truck depots; Vehicle body repair workshops; Vehicle repair stations; Warehouse or distribution centres; Waste management facilities; Waste or resource management facilities; Wholesale supplies

Zone IN2  Light Industrial

1 Objectives of zone

• To provide a wide range of light industrial, warehouse and related uses.
• To encourage employment opportunities.
• To minimise any adverse effect of industry on other land uses.
• To enable other land uses that provide facilities that meet the day to day needs of workers in the area.

2 Permitted without consent

Nil

3 Permitted with consent

Depots; Drainage; Earthworks; Food and drink premises; Freight transport facilities; Funeral chapels; Funeral homes; Landscape and garden supplies; Light industries; Mortuaries; Neighbourhood shops; Resource recovery facilities; Roads; Service stations; Timber and building supplies; Vehicle body repair workshops; Vehicle repair stations; Vehicle sales or hire premises; Warehouse or distribution centres; Waste or resource transfer stations; Any other development not specified in item 2 or 4

4 Prohibited

Agriculture; Air transport facilities; Airstrips; Bulky goods premises; Business premises; Caravan
parks; Cemeteries; Correctional centres; Entertainment facilities; Exhibition homes; Exhibition villages; Extractive industries; Farm buildings; Function centres; Helipads; Home-based child care; Home businesses; Home industries; Home occupations; Home occupations (sex services); Hospitals; Industries; Information and education facilities; Office premises; Public administration buildings; Recreation facilities (major); Recreation facilities (outdoor); Residential accommodation; Restriction facilities; Retail premises; Tourist and visitor accommodation; Waste or resource management facilities

Zone SP2  Infrastructure

1 Objectives of zone

• To provide for infrastructure and related uses.

• To prevent development that is not compatible with or that may detract from the provision of infrastructure.

2 Permitted without consent

Nil

3 Permitted with consent

The purpose shown on the Land Zoning Map, including any development that is ordinarily incidental or ancillary to development for that purpose; Drainage; Earthworks; Environmental protection works; Flood mitigation works; Roads; Water recycling facilities; Waterbodies (artificial)

4 Prohibited

Any other development not specified in item 2 or 3

Zone RE1  Public Recreation

1 Objectives of zone

• To enable land to be used for public open space or recreational purposes.

• To provide a range of recreational settings and activities and compatible land uses.

• To protect and enhance the natural environment for recreational purposes.

2 Permitted without consent

Nil

3 Permitted with consent

Building identification signs; Business identification signs; Community facilities; Drainage; Earthworks; Environmental facilities; Environmental protection works; Flood mitigation works; Kiosks; Recreation areas; Recreation facilities (indoor); Recreation facilities (outdoor); Roads; Water recycling facilities; Waterbodies (artificial)

4 Prohibited

Any development not specified in item 2 or 3
Zone E2  Environmental Conservation

1 Objectives of zone

- To protect, manage and restore areas of high ecological, scientific, cultural or aesthetic values.
- To prevent development that could destroy, damage or otherwise have an adverse effect on those values.

2 Permitted without consent

Nil

3 Permitted with consent

Drainage; Earthworks; Environmental facilities; Environmental protection works; Flood mitigation works; Information and education facilities; Kiosks; Recreation areas; Roads; Signage; Waterbodies (artificial)

4 Prohibited

Business premises; Hotel or motel accommodation; Industries; Multi dwelling housing; Recreation facilities (major); Residential flat buildings; Retail premises; Seniors housing; Service stations; Warehouse or distribution centres; Any other development not specified in item 2 or 3

Part 3

3.1–3.3 (Repealed)

Part 4 Principal development standards

4.1A Minimum lot sizes for residential development in non-residential zones

(1) The objectives of this clause are as follows—

(a) to establish minimum lot sizes for residential development,

(b) to ensure that residential development in the Alex Avenue and Riverstone Precincts results in the efficient use of land and contributes to the supply of new housing in the North West Growth Centre,

(c) to ensure that residential development has adequate usable areas for buildings and open space,

(d) to ensure that residential development is compatible with the character of the Alex Avenue and Riverstone Precincts and with surrounding residential areas,

(e) to facilitate and encourage the provision of a range of dwelling types.

(2) The minimum lot size for residential flat buildings is 2,000m².

(3) This clause does not apply to land in Zone R2 Low Density Residential or Zone R3 Medium Density Residential.

(4) (Repealed)
4.1AB Minimum lot sizes for residential development in Zone R2 Low Density Residential and Zone R3 Medium Density Residential

(1) The objectives of this clause are as follows—

(a) to establish minimum lot sizes for residential development in Zone R2 Low Density Residential and Zone R3 Medium Density Residential,

(b) to ensure that residential development in the Alex Avenue and Riverstone Precincts results in the efficient use of land and contributes to the supply of new housing in the North West Growth Centre,

(c) to ensure that residential development has adequate usable areas for buildings and open space,

(d) to ensure that residential development is compatible with the character of the Alex Avenue and Riverstone Precincts and with surrounding residential areas,

(e) to facilitate and encourage the provision of a range of residential lot types, in particular, small lot housing.

(2) This clause applies to land in the following zones—

(a) Zone R2 Low Density Residential,

(b) Zone R3 Medium Density Residential.

(3) The minimum lot size for a dwelling house is 300m² if the dwelling density (per hectare) shown on the Residential Density Map in relation to the land is 12.5, 15, 20, 25, 40 or 45.

(4) The minimum lot size for a dual occupancy is—

(a) 600m² if the dwelling density (per hectare) shown on the Residential Density Map in relation to the land is 12.5, or

(b) 500m² if the dwelling density (per hectare) shown on the Residential Density Map in relation to the land is 15 or 20, or

(c) 400m² if the dwelling density (per hectare) shown on the Residential Density Map in relation to the land is 25, or

(d) 250m² if the dwelling density (per hectare) shown on the Residential Density Map in relation to the land is 40 or 45.

(5) The minimum lot size for a semi-detached dwelling is—

(a) 300m² if the dwelling density (per hectare) shown on the Residential Density Map in relation to the land is 12.5, or

(b) 200m² if the dwelling density (per hectare) shown on the Residential Density Map in relation to the land is 15, or

(b1) 150m² if the dwelling density (per hectare) shown on the Residential Density Map in relation to the land is 20, or
(c) 125m² if the dwelling density (per hectare) shown on the Residential Density Map in relation to the land is 25, 40 or 45.

(6) The minimum lot size for an attached dwelling is—
   (a) 1,500m² if the dwelling density (per hectare) shown on the Residential Density Map in relation to the land is 15, or
   (b) 375m² if the dwelling density (per hectare) shown on the Residential Density Map in relation to the land is 25, 40 or 45.

(7) The minimum lot size for multi dwelling housing is—
   (a) 1,500m² if the dwelling density (per hectare) shown on the Residential Density Map in relation to the land is 15 or 20, or
   (b) 375m² if the dwelling density (per hectare) shown on the Residential Density Map in relation to the land is 25, 40 or 45.

(8) The minimum lot size for a manor home is 600m² if the dwelling density (per hectare) shown on the Residential Density Map in relation to the land is 20, 25, 40 or 45.

(9) The minimum lot size for a residential flat building is—
   (a) 2,000m² if the dwelling density (per hectare) shown on the Residential Density Map in relation to the land is 25, or
   (b) 1,000m² if the dwelling density (per hectare) shown on the Residential Density Map in relation to the land is 40 or 45.

4.1AC Minimum lot sizes for secondary dwellings in Zone R2 Low Density Residential and Zone R3 Medium Density Residential

(1) This clause applies to land in the following zones—
   (a) Zone R2 Low Density Residential,
   (b) Zone R3 Medium Density Residential.

(2) The minimum lot size for a secondary dwelling on land in Zone R2 Low Density Residential is 450m².

(3) The minimum lot size for a secondary dwelling on land in Zone R3 Medium Density Residential is the minimum lot size for the principal dwelling in conjunction with which the secondary dwelling is established as determined in accordance with clause 4.1AB, 4.1AE or 4.1AG.

4.1AD Subdivision resulting in lots between 225–300m²

(1) This clause applies to land in the following zones—
   (a) Zone R2 Low Density Residential,
   (b) Zone R3 Medium Density Residential.

(2) Development consent may be granted to the subdivision of land to which this clause applies
resulting in the creation of a lot that has an area of less than 300m\(^2\) (but not less than 225m\(^2\)) if the consent authority is satisfied that the lot will contain a sufficient building envelope to enable the erection of a dwelling house on the lot under clause 4.1AE or 4.1AF.

(3) This clause does not apply to a subdivision that is the subject of a development application referred to in 4.1AE (2) (b) or 4.1AF (2) (b).

4.1AE Exceptions to minimum lot sizes for dwelling houses

(1) This clause applies to the following—

(a) a lot in Zone R2 Low Density Residential that has an area of less than 300m\(^2\) (but not less than 250m\(^2\)) if the dwelling density (per hectare) shown on the Residential Density Map for the land is 15,

(b) a lot in Zone R2 Low Density Residential that has an area of less than 300m\(^2\) (but not less than 225m\(^2\)) if the dwelling density (per hectare) shown on the Residential Density Map for the land is 20,

(c) a lot in Zone R3 Medium Density Residential that has an area of less than 300m\(^2\) (but not less than 225m\(^2\)) if the dwelling density (per hectare) shown on the Residential Density Map for the land is not less than 25.

(2) Despite clause 4.1AB, development consent may be granted to the erection of a dwelling house on a lot to which this clause applies if—

(a) the lot results from a subdivision to which development consent has been granted in accordance with clause 4.1AD and, in determining the development application for the erection of the dwelling house, the consent authority considers any information that it considered for the purposes of that clause in determining the development application for that subdivision, or

(b) the development application is a single development application for development consisting of both of the following—

(i) the subdivision of land into 2 or more lots,

(ii) the erection of the dwelling house on one of the lots resulting from the subdivision.

4.1AF Exceptions to minimum lot sizes for dwelling houses on other lots in Zone R2 Low Density Residential

(1) This clause applies to a lot in Zone R2 Low Density Residential that has an area that is less than 250m\(^2\) (but not less than 225m\(^2\)) if the dwelling density (per hectare) shown on the Residential Density Map for the land is 15.

(2) Despite clause 4.1AB (3), development consent may be granted to the erection of a dwelling house on a lot to which this clause applies if the lot meets the requirements of subclause (3) and—

(a) the lot results from a subdivision for which development consent has been granted in accordance with clause 4.1AD and, in determining the development application for the erection of the dwelling house, the consent authority considers any information that it
considered for the purposes of that clause in determining the development application for that subdivision, or

(b) the development application is a single development application for development consisting of both of the following—

(i) the subdivision of land into 2 or more lots,

(ii) the erection of the dwelling house on one of the lots resulting from the subdivision.

(3) A lot meets the requirements of this subclause if—

(a) the lot adjoins land within Zone RE1 Public Recreation, or is separated from that land only by a public road, or

(b) the lot adjoins land within Zone B1 Neighbourhood Centre, Zone B2 Local Centre or Zone B4 Mixed Use, or is separated from that land only by a public road, or

(c) the lot is within 400m of land within Zone B1 Neighbourhood Centre or Zone B2 Local Centre and the lot—

(i) adjoins land within Zone SP2 Infrastructure that is set aside for drainage or educational purposes, or

(ii) is separated from land within Zone SP2 Infrastructure that is set aside for drainage or educational purposes only by a public road.

(4) Despite subclause (2), development consent must not be granted to the erection of a dwelling house to which this clause applies unless the consent authority is satisfied that the dwelling house—

(a) will not adversely impact on the amenity of adjoining residential properties, and

(b) will be designed and orientated to provide active frontages to and surveillance of the public recreation or drainage land, and

(c) will not adversely impact on or limit solar access to adjoining residential or public open space land.

4.1AG Exceptions to minimum lot sizes for dwelling houses on small lots

(1) This clause applies to the following—

(a) a lot in Zone R2 Low Density Residential that has an area of less than 225m$^2$ (but not less than 200m$^2$) if the dwelling density (per hectare) shown on the Residential Density Map in relation to the land is 20, or

(b) a lot in Zone R3 Medium Density Residential that has an area of less than 225m$^2$ (but not less than 125m$^2$) if the dwelling density (per hectare) shown on the Residential Density Map in relation to the land is 25, 40 or 45.

(2) Despite clause 4.1AB (3), development consent may be granted to the erection of a dwelling house on a lot to which this clause applies if the development application is a single development application for development consisting of both of the following—
(a) the subdivision of land into 2 or more lots,

(b) the erection of the dwelling house on one of the lots resulting from the subdivision.

4.1AH Minimum lot sizes in split zones

(1) This clause applies to each lot that contains land in Zone R2 Low Density Residential or Zone R3 Medium Density Residential and land in any other zone.

(2) For the purposes of clauses 4.1AB, 4.1AC and 4.1AE–4.1AG, a reference to the area of a lot—

(a) in relation to land in Zone R2 Low Density Residential, means the area of that part of the lot that is in Zone R2 Low Density Residential, and

(b) in relation to land in Zone R3 Medium Density Residential, means the area of that part of the lot that is in Zone R3 Medium Density Residential, and

(c) does not include any part of the lot that is in any other zone.

4.1B Residential density

(1) The objectives of this clause are—

(a) to establish minimum density requirements for residential development within the Alex Avenue and Riverstone Precincts, and

(b) to ensure that residential development makes efficient use of land and infrastructure, and contributes to the availability of new housing, and

(c) to ensure that the scale of residential development is compatible with the character of the precinct and adjoining land.

(2) This clause applies to residential development of the kind referred to in clause 4.1AB or 4.1AC that—

(a) is carried out on land to which this Precinct Plan applies that is shown on the Residential Density Map, and

(b) requires development consent, and

(c) is carried out after the commencement of this Precinct Plan.

(3) The density of any residential development to which this clause applies is not to be less than the density shown on the Residential Density Map in relation to that land.

(4) In this clause—

*density* means the net developable area in hectares of the land on which the development is situated divided by the number of dwellings proposed to be located on that land.

*net developable area* means the land occupied by the development, including internal streets plus half the width of any adjoining access roads that provide vehicular access, but excluding land that is not zoned for residential purposes.
4.1C Dwellings on Riverstone Scheduled Lands

(1) This clause applies to Riverstone Scheduled Lands.

(2) A dwelling must not be erected on land to which this clause applies on any lot with a depth that exceeds 35 metres.

(3) Subclause (2) does not apply to a lot that has direct frontage to Loftus Street, Bandon Road or Windsor Road.

4.3 Height of buildings

(1) The objectives of this clause are as follows—
   (a) to establish the maximum height of buildings for development on land within the Alex Avenue and Riverstone Precincts,
   (b) to protect the amenity of adjoining development and land in terms of solar access to buildings and open space,
   (c) to facilitate higher density development in and around the local centre, the neighbourhood centres and major transport routes while minimising impacts on adjacent residential, commercial and open space areas,
   (d) to provide for a range of building heights in appropriate locations that provide a high quality urban form.

(2) The height of a building on any land is not to exceed the maximum height shown for the land on the Height of Buildings Map.

4.4 Floor space ratio

(1) The objective of this clause is to control the bulk and scale of buildings within the Alex Avenue and Riverstone Precincts by setting maximum floor space ratios for development in Zone R3 Medium Density Residential, Zone B1 Neighbourhood Centre, Zone B2 Local Centre, Zone B4 Mixed Use and Zone IN2 Light Industrial.

(2) The maximum floor space ratio for a building on any land is not to exceed the maximum floor space ratio shown for the land on the Floor Space Ratio Map.

4.5 Calculation of floor space ratio and site area

(1) Objectives The objectives of this clause are as follows—
   (a) to define floor space ratio,
   (b) to set out rules for the calculation of the site area of development for the purpose of applying permitted floor space ratios, including rules to—
      (i) prevent the inclusion in the site area of an area that has no significant development being carried out on it, and
      (ii) prevent the inclusion in the site area of an area that has already been included as part of a site area to maximise floor space area in another building, and
(iii) require community land and public places to be dealt with separately.

(2) **Definition of “floor space ratio”** The *floor space ratio* of buildings on a site is the ratio of the gross floor area of all buildings within the site to the site area.

(3) **Site area** In determining the site area of proposed development for the purpose of applying a floor space ratio, the site area is taken to be—

(a) if the proposed development is to be carried out on only one lot, the area of that lot, or

(b) if the proposed development is to be carried out on 2 or more lots, the area of any lot on which the development is proposed to be carried out that has at least one common boundary with another lot on which the development is being carried out.

In addition, subclauses (4)–(7) apply to the calculation of site area for the purposes of applying a floor space ratio to proposed development.

(4) **Exclusions from site area** The following land must be excluded from the site area—

(a) land on which the proposed development is prohibited, whether under this Precinct Plan or any other law,

(b) community land or a public place (except as provided by subclause (7)).

(5) **Strata subdivisions** The area of a lot that is wholly or partly on top of another or others in a strata subdivision is to be included in the calculation of the site area only to the extent that it does not overlap with another lot already included in the site area calculation.

(6) **Only significant development to be included** The site area for proposed development must not include a lot additional to a lot or lots on which the development is being carried out unless the proposed development includes significant development on that additional lot.

(7) **Certain public land to be separately considered** For the purpose of applying a floor space ratio to any proposed development on, above or below community land or a public place, the site area must only include an area that is on, above or below that community land or public place, and is occupied or physically affected by the proposed development, and may not include any other area on which the proposed development is to be carried out.

(8) **Existing buildings** The gross floor area of any existing or proposed buildings within the vertical projection (above or below ground) of the boundaries of a site is to be included in the calculation of the total floor space for the purposes of applying a floor space ratio, whether or not the proposed development relates to all of the buildings.

(9) **Covenants to prevent “double dipping”** When consent is granted to development on a site comprised of 2 or more lots, a condition of the consent may require a covenant to be registered that prevents the creation of floor area on a lot (*the restricted lot*) if the consent authority is satisfied that an equivalent quantity of floor area will be created on another lot only because the site included the restricted lot.

(10) **Covenants affect consolidated sites** If—

(a) a covenant of the kind referred to in subclause (9) applies to any land (*affected land*), and
(b) proposed development relates to the affected land and other land that together comprise the site of the proposed development,

the maximum amount of floor area allowed on the other land by the floor space ratio fixed for the site by this Precinct Plan is reduced by the quantity of floor space area the covenant prevents being created on the affected land.

(11) Definition In this clause, public place has the same meaning as it has in the Local Government Act 1993.

4.6 Exceptions to development standards

(1) The objectives of this clause are as follows—

(a) to provide an appropriate degree of flexibility in applying certain development standards to particular development,

(b) to achieve better outcomes for and from development by allowing flexibility in particular circumstances.

(2) Consent may, subject to this clause, be granted for development even though the development would contravene a development standard imposed by this Policy or any other environmental planning instrument. However, this clause does not apply to a development standard that is expressly excluded from the operation of this clause.

(3) Consent must not be granted for development that contravenes a development standard unless the consent authority has considered a written request from the applicant that seeks to justify the contravention of the development standard by demonstrating—

(a) that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and

(b) that there are sufficient environmental planning grounds to justify contravening the development standard.

(4) Consent must not be granted for development that contravenes a development standard unless—

(a) the consent authority is satisfied that—

(i) the applicant’s written request has adequately addressed the matters required to be demonstrated by subclause (3), and

(ii) the proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out, and

(b) the concurrence of the Director-General has been obtained.

(5) In deciding whether to grant concurrence, the Director-General must consider—

(a) whether contravention of the development standard raises any matter of significance for State or regional environmental planning, and

(b) the public benefit of maintaining the development standard, and
(c) any other matters required to be taken into consideration by the Director-General before granting concurrence.

(6) Consent must not be granted under this clause for a subdivision of land in Zone E2 if—

(a) the subdivision will result in 2 or more lots of less than the minimum area specified for such lots by a development standard, or

(b) the subdivision will result in at least one lot that is less than 90% of the minimum area specified for such a lot by a development standard.

(7) After determining a development application made pursuant to this clause, the consent authority must keep a record of its assessment of the factors required to be addressed in the applicant’s written request referred to in subclause (3).

(8) This clause does not allow consent to be granted for development that would contravene any of the following—

(a) a development standard for complying development,

(b) a development standard that arises, under the regulations under the Act, in connection with a commitment set out in a BASIX certificate for a building to which State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004 applies or for the land on which such a building is situated,

(c) clause 5.4.

(d), (e) (Repealed)

Part 5 Miscellaneous provisions

5.1 Relevant acquisition authority

(1) The objective of this clause is to identify, for the purposes of section 3.15 of the Act, the authority of the State that will be the relevant authority to acquire land reserved for certain public purposes if the land is required to be acquired under Division 3 of Part 2 of the Land Acquisition (Just Terms Compensation) Act 1991 (the owner-initiated acquisition provisions).

Note. If the landholder will suffer hardship if there is any delay in the land being acquired by the relevant authority, section 23 of the Land Acquisition (Just Terms Compensation) Act 1991 requires the authority to acquire the land.

(2) The authority of the State that will be the relevant authority to acquire land, if the land is required to be acquired under the owner-initiated acquisition provisions, is the authority of the State specified below in relation to the land shown on the Land Reservation Acquisition Map (or, if an authority of the State is not specified in relation to land required to be so acquired, the authority designated or determined under those provisions).

<table>
<thead>
<tr>
<th>Type of land shown on Map</th>
<th>Authority of the State</th>
</tr>
</thead>
<tbody>
<tr>
<td>Zone RE1 Public Recreation and marked “Local Open Space”</td>
<td>Council</td>
</tr>
</tbody>
</table>
Zone SP2 Infrastructure and marked “Local Drainage” Council
Zone SP2 Infrastructure and marked “Classified Roads and Traffic Authority Road”
Zone SP2 Infrastructure and marked “Local Road” Council
Zone SP2 Infrastructure and marked “School” The Minister administering the Education Act 1990
Zone SP2 Infrastructure and marked “Railway” Rail Corporation New South Wales
Zone E2 Environmental Conservation and marked “Public Recreation—Local” Council
Zone E2 Environmental Conservation and marked “Environmental Conservation” The corporation constituted under section 2.5 of the Act

(3) Development on land acquired by an authority of the State under the owner-initiated acquisition provisions may, before it is used for the purpose for which it is reserved, be carried out, with development consent, for any purpose.

Note. If land, other than land specified in the Table to subclause (2), is required to be acquired under the owner-initiated acquisition provisions, the Minister for Planning is required to take action to enable the designation of the acquiring authority under this Part. Pending the designation of the acquiring authority for that land, the acquiring authority is to be the authority determined by order of the Minister for Planning (see section 21 of the Land Acquisition (Just Terms Compensation) Act 1991).

5.2 Classification and reclassification of public land

(1) The objective of this clause is to enable the Council to classify or reclassify public land as “operational land” or “community land” in accordance with Part 2 of Chapter 6 of the Local Government Act 1993.

Note. Under the Local Government Act 1993, “public land” is generally land vested in or under the control of a council (other than roads and certain Crown land). The classification or reclassification of public land may also be made by a resolution of the Council under section 31, 32 or 33 of the Local Government Act 1993. Section 30 of that Act enables this Precinct Plan to discharge trusts on which public reserves are held if the land is reclassified under this Precinct Plan as operational land.

(2) The public land described in Part 1 or Part 2 of Schedule 4 to this Precinct Plan is classified, or reclassified, as operational land for the purposes of the Local Government Act 1993.

(3) The public land described in Part 3 of Schedule 4 to this Precinct Plan is classified, or reclassified, as community land for the purposes of the Local Government Act 1993.

(4) The public land described in Part 1 of Schedule 4 to this Precinct Plan—

(a) does not cease to be a public reserve to the extent (if any) that it is a public reserve, and

(b) continues to be affected by any trusts, estates, interests, dedications, conditions, restrictions or covenants that affected the land before its classification, or reclassification, as operational land.

(5) The public land described in Part 2 of Schedule 4 to this Precinct Plan, to the extent (if any) that
it is a public reserve, ceases to be a public reserve when the description of the land is inserted into that Part and is discharged from all trusts, estates, interests, dedications, conditions, restrictions and covenants affecting the land or any part of the land, except—

(a) those (if any) specified for the land in Column 3 of Part 2 of Schedule 4 to this Precinct Plan, and

(b) any reservations that except land out of the Crown grant relating to the land, and

(c) reservations of minerals (within the meaning of the Crown Land Management Act 2016).

Note. In accordance with section 30 (2) of the Local Government Act 1993, the approval of the Governor to subclause (5) applying to the public land concerned is required before the description of the land is inserted in Part 2 of Schedule 4 to this Precinct Plan.

5.3 Development near zone boundaries

(1) The objective of this clause is to provide flexibility where the investigation of a site and its surroundings reveals that a use allowed on the other side of a zone boundary would enable a more logical and appropriate development of the site and be compatible with the planning objectives and land uses for the adjoining zone.

(2) This clause applies to so much of any land that is within the relevant distance of a boundary between any 2 zones. The relevant distance is—

(a) 10 metres between Zone RE1 and any other zone, and

(b) 10 metres between Zone E2 and any other zone, and

(c) 30 metres between any two zones excluding Zones RE1 and E2.

(3) This clause does not apply to land proposed to be developed for the purpose of sex services or restricted premises.

(4) Despite the provisions of this Precinct Plan relating to the purposes for which development may be carried out, consent may be granted to development of land to which this clause applies for any purpose that may be carried out in the adjoining zone, but only if the consent authority is satisfied that—

(a) the development is not inconsistent with the objectives for development in both zones, and

(b) the carrying out of the development is desirable due to compatible land use planning, infrastructure capacity and other planning principles relating to the efficient and timely development of land.

(5) The clause does not prescribe a development standard that may be varied under this Precinct Plan.

5.4 Controls relating to miscellaneous permissible uses

(1) **Bed and breakfast accommodation** If development for the purposes of bed and breakfast accommodation is permitted under this Precinct Plan, the accommodation that is provided to guests must consist of no more than 3 bedrooms.
(2) **Home businesses** If development for the purposes of a home business is permitted under this Precinct Plan, the carrying on of the business must not involve the use of more than 30 square metres of floor area.

(3) **Home industries** If development for the purposes of a home industry is permitted under this Precinct Plan, the carrying on of the home industry must not involve the use of more than 30 square metres of floor area.

(4) **Industrial retail outlets** If development for the purposes of an industrial retail outlet is permitted under this Precinct Plan, the retail floor area must not exceed—

(a) 40% of the combined gross floor area of the industrial retail outlet and the building or place on which the relevant industry is carried out, or

(b) 400 square metres,

whichever is the lesser.

(5) **Farm stay accommodation** If development for the purposes of farm stay accommodation is permitted under this Precinct Plan, the accommodation that is provided to guests must consist of no more than 3 bedrooms.

(6) **Kiosks** If development for the purposes of a kiosk is permitted under this Precinct Plan, the gross floor area must not exceed 30 square metres.

(7) **Neighbourhood shops** If development for the purposes of a neighbourhood shop is permitted under this Precinct Plan, the retail floor area must not exceed 100 square metres.

(8) **Roadside stalls** If development for the purposes of a roadside stall is permitted under this Precinct Plan, the gross floor area must not exceed 8 square metres.

(9) **Secondary dwellings** If development for the purposes of a secondary dwelling is permitted under this Precinct Plan, the total floor area of the dwelling (excluding any area used for parking) must not exceed whichever of the following is the greater—

(a) 110 square metres,

(b) 30% of the total floor area of both the self-contained dwelling and the principal dwelling.

### 5.6 Architectural roof features

(1) The objectives of this clause are as follows—

(a) to ensure that architectural roof features are decorative elements only,

(b) to ensure that the majority of the roof features are contained within the prescribed building height set out in clause 4.3.

(2) Development that includes an architectural roof feature that exceeds, or causes a building to exceed, the height limits set by clause 4.3 may be carried out, but only with consent.

(3) Development consent must not be granted to any such development unless the consent authority is satisfied that—
(a) the architectural roof feature—

(i) comprises a decorative element on the uppermost portion of a building, and

(ii) is not an advertising structure, and

(iii) does not include floor space area and is not reasonably capable of modification to include floor space area, and

(iv) will cause minimal overshadowing, and

(b) any building identification signage or equipment for servicing the building (such as plant, lift motor rooms, fire stairs and the like) contained in or supported by the roof feature is fully integrated into the design of the roof feature.

5.8 Conversion of fire alarms

(1) This clause applies to a fire alarm system that can be monitored by New South Wales Fire Brigades or by a private service provider.

(2) The following development may be carried out, but only with consent—

(a) converting a fire alarm system from connection with the alarm monitoring system of New South Wales Fire Brigades to connection with the alarm monitoring system of a private service provider,

(b) converting a fire alarm system from connection with the alarm monitoring system of a private service provider to connection with the alarm monitoring system of another private service provider,

(c) converting a fire alarm system from connection with the alarm monitoring system of a private service provider to connection with a different alarm monitoring system of the same private service provider.

(3), (4) (Repealed)

(5) In this clause—

private service provider means a person or body that has entered into an agreement that is in force with New South Wales Fire Brigades to monitor fire alarm systems.

5.9 Preservation of trees or vegetation

(1) The objective of this clause is to preserve the amenity of the area through the preservation of trees and other vegetation.

(2) This clause applies to species or kinds of trees or other vegetation that are prescribed for the purposes of this clause by a development control plan made by the Director-General.

Note. A development control plan may prescribe the trees or other vegetation to which this clause applies by reference to species, size, location or other manner.

(3) A person must not ringbark, cut down, top, lop, remove, injure or wilfully destroy any tree or other vegetation to which any such development control plan applies without the authority
conferred by—

(a) development consent, or

(b) a permit granted by the Council.

(4) The refusal by the Council to grant a permit to a person who has duly applied for the grant of the permit is taken for the purposes of the Act to be a refusal by the Council to grant consent for the carrying out of the activity for which a permit was sought.

(5) This clause does not apply to a tree or other vegetation that the Council is satisfied is dying or dead and is not required as the habitat of native fauna.

(6) This clause does not apply to a tree or other vegetation that the Council is satisfied is a risk to human life or property.

(7) A permit under this clause cannot allow any ringbarking, cutting down, topping, lopping, removal, injuring or destruction of a tree or other vegetation—

(a) that is or forms part of a heritage item, or

(b) that is within a heritage conservation area.

Note. As a consequence of this subclause, the activities concerned will require development consent. The heritage provisions of clause 5.10 will be applicable to any such consent.

(8) This clause does not apply to or in respect of—

(a) the clearing of native vegetation that is authorised by a development consent or property vegetation plan under the Native Vegetation Act 2003 or that is otherwise permitted under Division 2 or 3 of Part 3 of that Act, or

(b) the clearing of vegetation on State protected land (within the meaning of clause 4 of Schedule 3 to the Native Vegetation Act 2003) that is authorised by a development consent under the provisions of the Native Vegetation Conservation Act 1997 as continued in force by that clause, or

(c) trees or other vegetation within a State forest, or land reserved from sale as a timber or forest reserve under the Forestry Act 1916, or

(d) action required or authorised to be done by or under the Electricity Supply Act 1995, the Roads Act 1993 or the Surveying Act 2002, or

(e) plants declared to be noxious weeds under the Noxious Weeds Act 1993, or

(f) native vegetation to which clause 6.4 of this Precinct Plan applies, or

(g) existing native vegetation to which clause 6.5 of this Precinct Plan applies.

5.10 Heritage conservation

Note. Heritage items, heritage conservation areas and archaeological sites (if any) are shown on the Heritage Map. The location and nature of any such item, area or site is also described in Schedule 5 to this Precinct Plan.

(1) Objectives The objectives of this clause are—
(a) to conserve the environmental heritage of the Alex Avenue and Riverstone Precincts, and
(b) to conserve the heritage significance of heritage items and heritage conservation areas including associated fabric, settings and views, and
(c) to conserve archaeological sites, and
(d) to conserve places of Aboriginal heritage significance.

(2) **Requirement for consent** Development consent is required for any of the following—
(a) demolishing or moving a heritage item or a building, work, relic or tree within a heritage conservation area,
(b) altering a heritage item or a building, work, relic, tree or place within a heritage conservation area, including (in the case of a building) making changes to the detail, fabric, finish or appearance of its exterior,
(c) altering a heritage item that is a building by making structural changes to its interior,
(d) disturbing or excavating an archaeological site while knowing, or having reasonable cause to suspect, that the disturbance or excavation will or is likely to result in a relic being discovered, exposed, moved, damaged or destroyed,
(e) disturbing or excavating a heritage conservation area that is a place of Aboriginal heritage significance,
(f) erecting a building on land on which a heritage item is located or that is within a heritage conservation area,
(g) subdividing land on which a heritage item is located or that is within a heritage conservation area.

(3) **When consent not required** However, consent under this clause is not required if—
(a) the applicant has notified the consent authority of the proposed development and the consent authority has advised the applicant in writing before any work is carried out that it is satisfied that the proposed development—
   (i) is of a minor nature, or is for the maintenance of the heritage item, archaeological site, or a building, work, relic, tree or place within a heritage conservation area, and
   (ii) would not adversely affect the significance of the heritage item, archaeological site or heritage conservation area, or
(b) the development is in a cemetery or burial ground and the proposed development—
   (i) is the creation of a new grave or monument, or excavation or disturbance of land for the purpose of conserving or repairing monuments or grave markers, and
   (ii) would not cause disturbance to human remains, relics, Aboriginal objects in the form of grave goods, or to a place of Aboriginal heritage significance, or
(c) the development is limited to the removal of a tree or other vegetation that the Council is
satisfied is a risk to human life or property, or

(d) the development is exempt development.

(4) **Effect on heritage significance** The consent authority must, before granting consent under this clause, consider the effect of the proposed development on the heritage significance of the heritage item or heritage conservation area concerned. This subclause applies regardless of whether a heritage impact statement is prepared under subclause (5) or a heritage conservation management plan is submitted under subclause (6).

(5) **Heritage impact assessment** The consent authority may, before granting consent to any development on land—

(a) on which a heritage item is situated, or

(b) within a heritage conservation area, or

(c) within the vicinity of land referred to in paragraph (a) or (b),

require a heritage impact statement to be prepared that assesses the extent to which the carrying out of the proposed development would affect the heritage significance of the heritage item or heritage conservation area concerned.

(6) **Heritage conservation management plans** The consent authority may require, after considering the significance of a heritage item and the extent of change proposed to it, the submission of a heritage conservation management plan before granting consent under this clause.

(7) **Archaeological sites** The consent authority must, before granting consent under this clause to the carrying out of development on an archaeological site (other than land listed on the State Heritage Register or to which an interim heritage order under the *Heritage Act 1977* applies)—

(a) notify the Heritage Council of its intention to grant consent, and

(b) take into consideration any response received from the Heritage Council within 28 days after the notice is sent.

(8) **Places of Aboriginal heritage significance** The consent authority must, before granting consent under this clause to the carrying out of development in a place of Aboriginal heritage significance—

(a) consider the effect of the proposed development on the heritage significance of the place and any Aboriginal object known or reasonably likely to be located at the place, and

(b) notify the local Aboriginal communities (in such way as it thinks appropriate) about the application and take into consideration any response received within 28 days after the notice is sent.

(9) **Demolition of item of State significance** The consent authority must, before granting consent for the demolition of a heritage item identified in Schedule 5 to this Precinct Plan as being of State significance (other than an item listed on the State Heritage Register or to which an interim heritage order under the *Heritage Act 1977* applies)—

(a) notify the Heritage Council about the application, and
(b) take into consideration any response received from the Heritage Council within 28 days after the notice is sent.

(10) **Conservation incentives** The consent authority may grant consent to development for any purpose of a building that is a heritage item, or of the land on which such a building is erected, even though development for that purpose would otherwise not be allowed by this Precinct Plan, if the consent authority is satisfied that—

(a) the conservation of the heritage item is facilitated by the granting of consent, and

(b) the proposed development is in accordance with a heritage conservation management plan that has been approved by the consent authority, and

(c) the consent to the proposed development would require that all necessary conservation work identified in the heritage conservation management plan is carried out, and

(d) the proposed development would not adversely affect the heritage significance of the heritage item, including its setting, and

(e) the proposed development would not have any significant adverse effect on the amenity of the surrounding area.

5.11 **Bush fire hazard reduction**

Bush fire hazard reduction work authorised by the *Rural Fires Act 1997* may be carried out on any land without consent.

**Note.** The *Rural Fires Act 1997* also makes provision relating to the carrying out of development on bush fire prone land.

5.12 **Infrastructure development and use of existing buildings of the Crown**

(1) This Precinct Plan does not restrict or prohibit, or enable the restriction or prohibition of, the carrying out of any development, by or on behalf of a public authority, that is permitted to be carried out with or without consent, or that is exempt development, under the *State Environmental Planning Policy (Infrastructure) 2007*.

(2) This Precinct Plan does not restrict or prohibit, or enable the restriction or prohibition of, the use of existing buildings of the Crown by the Crown.

**Part 6 Additional local provisions**

6.1 **Public utility infrastructure**

(1) The consent authority must not grant development consent to development on land to which this Precinct Plan applies unless it is satisfied that any public utility infrastructure that is essential for the proposed development is available or that adequate arrangements have been made to make that infrastructure available when required.

(2) In this clause, **public utility infrastructure** includes infrastructure for any of the following—

(a) the supply of water,

(b) the supply of electricity,
the disposal and management of sewage.

(3) This clause does not apply to development for the purpose of providing, extending, augmenting, maintaining or repairing any public utility infrastructure referred to in this clause.

6.2 Attached dwellings, manor homes and multi dwelling housing in Zone R2 Low Density Residential

(1) The objectives of this clause are—

(a) to permit, with development consent, attached dwellings, manor homes and multi dwelling housing within Zone R2 Low Density Residential in limited circumstances, and

(b) to provide location and development criteria that must be satisfied before development consent can be granted.

(2) Development for the purposes of attached dwellings or multi dwelling housing is permissible with development consent on land within Zone R2 Low Density Residential if the dwelling density (per hectare) shown on the Residential Density Map in relation to the land is 15 and the land—

(a) adjoins land in Zone RE1 Public Recreation, or is separated from land in that zone only by a public road, or

(b) adjoins land in Zone B1 Neighbourhood Centre, Zone B2 Local Centre or Zone B4 Mixed Use, or is separated from land in any of those zones only by a public road, or

(c) is within 400m of land within Zone B1 Neighbourhood Centre or Zone B2 Local Centre and—

(i) adjoins land within Zone SP2 Infrastructure that is set aside for drainage or educational purposes, or

(ii) is separated from land within Zone SP2 Infrastructure that is set aside for drainage or educational purposes only by a public road.

(2A) Development for the purposes of attached dwellings or multi dwelling housing is permissible with development consent on land within Zone R2 Low Density Residential if the dwelling density (per hectare) shown on the Residential Density Map in relation to the land is 20.

(2B) Development for the purposes of manor homes is permissible with development consent on land within Zone R2 Low Density Residential if—

(a) the dwelling density (per hectare) shown on the Residential Density Map in relation to the land is 20, and

(b) the land is located on the corner of 2 streets.

(3) Before granting development consent under this clause the Council must be satisfied that—

(a) the attached dwellings, manor homes or multi dwelling housing will not adversely impact on the amenity of adjoining residential properties, and

(b) the attached dwellings or multi dwelling housing will be designed and oriented to provide
active frontages to and surveillance of the public recreation or drainage land, and

(c) the attached dwellings, manor homes or multi dwelling housing will not adversely impact upon or limit solar access to adjoining residential or public open space land.

(4) This clause has effect despite anything to the contrary in the Land Use Table at the end of Part 2 or other provision of this Precinct Plan.

6.3 Information and educational facilities in Zone R2 Low Density Residential

(1) The objectives of this clause are as follows—

(a) to permit, with development consent, information and educational facilities within Zone R2 Low Density Residential in limited circumstances,

(b) to provide criteria for the location and development of information and educational facilities within Zone R2 Low Density Residential in the Alex Avenue and Riverstone Precincts,

(c) to ensure that development for the purposes of information and educational facilities does not detract from the character and amenity of the low density residential area.

(2) Development for the purpose of information and educational facilities is permissible with development consent on land within Zone R2 Low Density Residential located—

(a) on land adjoining land within Zone RE1 Public Recreation or Zone E2 Environmental Conservation, or separated from land within Zone RE1 Public Recreation or Zone E2 Environmental Conservation only by a public road, or

(b) within 90 metres of a public transport stop, or

(c) adjoining an educational establishment or a community facility or separated from an educational establishment or a community facility only by a public road.

(3) Development consent must not be granted to an information and educational facility located within 800 metres of another information and educational facility within Zone R2 Low Density Residential.

(4) This clause has effect despite anything to the contrary in the Land Use Table at the end of Part 2 or other provision of this Precinct Plan.

6.4 Development controls—native vegetation retention areas

(1) The objective of this clause is to prevent the clearing of certain native vegetation.

(2) This clause applies to land within a native vegetation retention area as shown on the Native Vegetation Protection Map.

(3) This clause does not apply to native vegetation that the Council is satisfied—

(a) is dying or dead and is not required as the habitat of native fauna, or

(b) is a risk to human life or property.

(4) This clause does not apply to any native vegetation—
(a) within a State forest, or land reserved from sale as a timber or forest reserve under the
Forestry Act 1916, or
(b) declared to be noxious weeds under the Noxious Weeds Act 1993.

(5) A person must not clear native vegetation on land to which this clause applies without—
(a) approval under Part 3A of the Act, or
(b) development consent.

(6) Development consent under this clause is not to be granted unless the consent authority is
satisfied of the following in relation to the disturbance of native vegetation—
(a) that there is no reasonable alternative available to the disturbance of the native vegetation,
(b) that as little native vegetation as possible will be disturbed,
(c) that the disturbance of the native vegetation will not increase salinity,
(d) that native vegetation disturbed for the purposes of construction will be reinstated where
possible on completion of construction,
(e) that the loss of remnant native vegetation caused by the disturbance will be compensated by
revegetation on or near the land to avoid any net loss of remnant native vegetation,
(f) that no more than 0.5 hectares of native vegetation will be cleared unless the clearing is
essential for a previously permitted use of the land.

(7) The consent authority must, when determining a development application in respect of the
clearing of native vegetation on land within a zone under this Precinct Plan, have regard to the
objectives for development in that zone.

(8) This clause does not apply to or in respect of action required or authorised to be done by or
under the Electricity Supply Act 1995, the Roads Act 1993, the Sydney Water Act 1994 or the

Note. A consent of the relevant consent authority required under this clause for the clearing of native vegetation is
in addition to any development consent required or granted by the Minister for Climate Change and the
Environment under the Native Vegetation Act 2003 in respect of that clearing.

6.5 Development controls—existing native vegetation

(1) The objective of this clause is to manage existing native vegetation in accordance with the
relevant biodiversity measures under Part 7 of Schedule 7 to the Threatened Species

(2) This clause applies to land within an existing native vegetation area as shown on the Native
Vegetation Protection Map.

(3) This clause does not apply to any vegetation declared to be noxious weeds under the Noxious

(4) The consent authority must not grant development consent for development on land to which this
clause applies unless it is satisfied that the proposed development will not result in the clearing of any existing native vegetation (within the meaning of the relevant biodiversity measures under Part 7 of Schedule 7 to the Threatened Species Conservation Act 1995).

6.6 Ground floor development in Zone B4 Mixed Use

(1) The objective of this clause is to ensure active uses are provided at the street level for certain buildings to encourage the presence and movement of people on certain land within Zone B4 Mixed Use.

(2) This clause applies to land that is within Zone B4 Mixed Use and is adjacent to land within Zone RE1 Public Recreation or separated from land within Zone RE1 Public Recreation only by a road.

(3) The ground floor of any building on land to which this clause applies—
   (a) must not be used for the purposes of residential accommodation, and
   (b) must have the primary building entrance and any ground floor tenancy or strata unit entrances facing land zoned RE1 Public Recreation.

6.7 Development in Zone B1 Neighbourhood Centre

(1) The objective of this clause is to ensure active uses are provided at the street level to encourage the presence and movement of people.

(2) This clause applies to land that is within Zone B1 Neighbourhood Centre.

(3) The ground floor of any building on land to which this clause applies must not be used for the purposes of residential accommodation.

6.8 Development on Riverstone Scheduled Lands

(1) The objectives of this clause are as follows—
   (a) to provide co-ordinated subdivision of Riverstone Scheduled Lands so that lots created have adequate infrastructure and access,
   (b) to facilitate residential development on Riverstone Scheduled Lands.

(2) Consent must not be granted for the subdivision of any Riverstone Scheduled Lands unless every lot created by the subdivision has a frontage directly onto a public road and a maximum depth of 35 metres.

(3) Subclause (2) does not apply to the subdivision of land that has a frontage directly onto Loftus Street, Bandon Road or Windsor Road.

6.9 Development on certain land identified as Green and Golden Bell Frog habitat

(1) The clause applies to land within the Riverstone Precinct that is shown as “Green and Golden Bell Frog habitat” on the Land Zoning Map.

(2) The objectives of this clause are as follows—
(a) to ensure that suitable habitat for the Green and Golden Bell Frog species is created on certain land to which this clause applies,

(b) to ensure that the biodiversity values of that habitat are protected and preserved,

(c) to ensure that appropriate measures are in place to minimise or prevent any adverse impacts of development on the species or its habitat by protecting land surrounding that habitat.

(3) Consent must not be granted for any development on the land to which this clause applies that is within Zone SP2 Infrastructure and marked “Drainage” unless the consent authority is satisfied that the development is consistent with any recovery plan (within the meaning of the Threatened Species Conservation Act 1995) for the Green and Golden Bell Frog or, if no such plan has been prepared and approved under that Act, the draft recovery plan for that frog prepared by the Department of Environment and Conservation dated February 2005.

(4) Consent must not be granted for development on land to which this clause applies unless the consent authority is satisfied that the development will not adversely affect the quality and condition of any habitat of the Green and Golden Bell Frog on the land to which this clause applies that is within Zone SP2 Infrastructure and marked “Drainage”.

6.10 Development of land within or adjacent to public transport corridor

(1) Consent must not be granted to development in the area marked “N” on the Land Zoning Map without the concurrence of Transport for NSW.

(2) In determining whether to provide concurrence, Transport for NSW is to take into account the likely effect of the development on—

(a) the practicability and cost of carrying out public transport projects on the land in the future, and

(b) without limiting paragraph (a), the structural integrity or safety of, or ability to operate, public transport projects on the land in the future, and

(c) without limiting paragraph (a), the land acquisition costs and the costs of construction, operation or maintenance of public transport projects on the land in the future.

Schedule 1 Additional permitted uses

(Clause 2.5)

1 Multi dwelling housing in the Riverstone Precinct

On a lot that has an area of at least 1,500m², being land shown on the Land Zoning Map as “Low density residential (Multi dwelling housing)”—multi dwelling housing.

Schedule 4 Classification and reclassification of public land

(Clause 5.2)

This schedule is blank on the making of this Precinct Plan
Part 1 Land classified, or reclassified, as operational land—no interests changed

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<tr>
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<td>Description</td>
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Part 2 Land classified, or reclassified, as operational land—interests changed

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<th>Column 2</th>
<th>Column 3</th>
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<tr>
<td>Locality</td>
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<td>Any trusts etc not discharged</td>
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Part 3 Land classified, or reclassified, as community land

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Schedule 5 Environmental heritage

(Clause 5.10 and the definition of “heritage item” in Dictionary)

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<td>Riverstone</td>
<td>Schofields Produce Store</td>
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<td>Riverstone</td>
<td>House</td>
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<tr>
<td>Riverstone</td>
<td>Riverstone High School—Slab Building</td>
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</tbody>
</table>

Appendix 5 Marsden Park Industrial Precinct Plan

Part 1 Preliminary

Note. The Standard Instrument (Local Environmental Plans) Order 2006 sets out matters to be included in standard local
environmental plans. While this Precinct Plan is not a standard local environmental plan, it is generally consistent with standard plans. A number of clauses from the Standard Instrument (Local Environmental Plans) Order 2006 have been included in this Precinct Plan and the clause numbering from that Order has been retained. This means that the numbering in this Precinct Plan may contain some gaps. Additional provisions have been inserted and are numbered accordingly.

1.1 Name of Precinct Plan

This Precinct Plan is the Marsden Park Industrial Precinct Plan 2010.

1.2 Aims of Precinct Plan

The aims of this Precinct Plan are as follows—

(a) to make development controls for land in the Marsden Park Industrial Precinct within the North West Growth Centre that will ensure the creation of quality environments and good design outcomes,

(b) to protect and enhance the environmentally sensitive natural areas in, and the cultural heritage of, the Precinct,

(c) to provide for recreational opportunities within the Precinct,

(d) to provide for multifunctional and innovative development in the Precinct that encourages employment and economic growth,

(e) to promote housing choice and affordability in the Precinct,

(f) to provide for the sustainable development of the Precinct,

(g) to promote pedestrian and vehicle connectivity with adjoining Precincts and localities and within the Precinct.

1.3 Land to which Precinct Plan applies

This Precinct Plan applies to land within the Marsden Park Industrial Precinct as shown on the Land Application Map.

1.4 Definition

In this Precinct Plan, Council means Blacktown City Council.

Note. The Dictionary at the end of this State Environmental Planning Policy defines words and expressions for the purposes of this Precinct Plan, including the relevant maps.

1.6 Consent authority

The consent authority for the purposes of this Precinct Plan is (subject to the Act) the Council.

1.8 Repeal of other local planning instruments applying to land

(1) All local environmental plans and deemed environmental planning instruments applying only to the land to which this Precinct Plan applies are repealed.

(2) All local environmental plans and deemed environmental planning instruments applying to the land to which this Precinct Plan applies and to other land cease to apply to the land to which this Precinct Plan applies.
(3) This clause does not affect the operation of other provisions of this State Environmental Planning Policy.

1.8A Savings provision relating to pending development applications

If a development application has been made before the commencement of this Precinct Plan in relation to land to which this Precinct Plan applies and the application has not been finally determined before that commencement, the application must be determined as if this Precinct Plan had not commenced.

1.9 Application of SEPPs

(1) This Precinct Plan is subject to the provisions of any State environmental planning policy that prevails over this Precinct Plan as provided by section 3.28 of the Act.

**Note.** Section 3.28 of the Act generally provides that SEPPs prevail over LEPs and other instruments. However, an environmental planning instrument may (by an additional provision included in the instrument) displace or amend a SEPP or LEP to deal specifically with the relationship between the instrument and the SEPP or LEP.

(2) State Environmental Planning Policy No 1—Development Standards does not apply to the land to which this Precinct Plan applies.

(3) Subject to section 74 (1) of the Act, in the event of an inconsistency between this Precinct Plan and any other provision of this or any other environmental planning instrument whether made before or after the commencement of this Precinct Plan, this Precinct Plan prevails to the extent of the inconsistency.

**Note.** The other provisions of this State Environmental Planning Policy also contain provisions applying development controls to the North West Growth Centre, including the Marsden Park Industrial Precinct.

1.9A Suspension of covenants, agreements and instruments

(1) For the purpose of enabling development on land within any zone to be carried out in accordance with this Precinct Plan or with a consent granted under the Act, any agreement, covenant or other similar instrument that restricts the carrying out of that development does not apply to the extent necessary to serve that purpose.

(2) This clause does not apply—

   (a) to a covenant imposed by the Council or that the Council requires to be imposed, or

   (b) to any relevant instrument within the meaning of section 13.4 of the Crown Land Management Act 2016, or

   (c) to any conservation agreement within the meaning of the National Parks and Wildlife Act 1974, or

   (d) to any Trust agreement within the meaning of the Nature Conservation Trust Act 2001, or

   (e) to any property vegetation plan within the meaning of the Native Vegetation Act 2003, or

   (f) to any biobanking agreement within the meaning of Part 7A of the Threatened Species Conservation Act 1995, or
(g) to any planning agreement within the meaning of Division 7.1 of the Act.

(3) This clause does not affect the rights or interests of any public authority under any registered instrument.

(4) Pursuant to section 28 of the Act, the Governor, before the making of this clause, approved of subclauses (1)–(3).

Part 2 Permitted or prohibited development

2.1 Land use zones

The land use zones under this Precinct Plan are as follows—

Residential Zones
R2 Low Density Residential
R3 Medium Density Residential

Business Zones
B5 Business Development
B7 Business Park

Industrial Zones
IN1 General Industrial
IN2 Light Industrial

Special Purpose Zones
SP2 Infrastructure

Recreation Zones
RE1 Public Recreation

Environment Protection Zones
E2 Environmental Conservation

2.2 Zoning of land to which Precinct Plan applies

For the purposes of this Precinct Plan, land is within the zones shown on the Land Zoning Map.

2.3 Zone objectives and Land Use Table

(1) The Land Use Table at the end of this Part specifies for each zone—

(a) the objectives for development, and

(b) development that may be carried out without consent, and

(c) development that may be carried out only with consent, and

(d) development that is prohibited.
(2) The consent authority must have regard to the objectives for development in a zone when determining a development application in respect of land within the zone.

(3) In the Land Use Table at the end of this Part—

(a) a reference to a type of building or other thing is a reference to development for the purposes of that type of building or other thing, and

(b) a reference to a type of building or other thing does not include (despite any definition in this Policy) a reference to a type of building or other thing referred to separately in the Table in relation to the same zone.

(4) This clause is subject to the other provisions of this Precinct Plan.

Notes.
1 Schedule 1 sets out additional permitted uses for particular land.
2 Clause 2.6 requires consent for subdivision of land.
3 Part 5 contains other provisions that require consent for particular development.
4 Part 6 sets out additional permitted uses for particular land.

2.4 Unzoned land

(1) Development may be carried out on unzoned land only with consent.

(2) Before granting consent, the consent authority—

(a) must consider whether the development will impact on adjoining zoned land and, if so, consider the objectives for development in the zones of the adjoining land, and

(b) must be satisfied that the development is appropriate and is compatible with permissible land uses in any such adjoining land.

2.5 Additional permitted uses for particular land

(1) Development on particular land that is described or referred to in Schedule 1 to this Appendix may be carried out—

(a) with consent, or

(b) if the Schedule so provides—without consent,

in accordance with the conditions (if any) specified in that Schedule in relation to that development.

(2) This clause has effect despite anything to the contrary in the Land Use Table at the end of this Part or other provision of this Precinct Plan.

2.6 Subdivision—consent requirements

(1) Land to which this Precinct Plan applies may be subdivided, but only with consent.

Note. State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 specifies certain subdivision development as exempt development.

(2) (Repealed)
2.6A Demolition

The demolition of a building or work may be carried out only with consent.

*Note.* The demolition of certain buildings and works is identified in *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008* as exempt development.

2.6BB Temporary use of land

(1) The objective of this clause is to provide for the temporary use of land if the use does not compromise future development of the land, or have detrimental economic, social, amenity or environmental effects on the land.

(2) Despite any other provision of this Precinct Plan, development consent may be granted for development on land in any zone for a temporary use for a maximum period of 52 days (whether or not consecutive days) in any period of 12 months.

(3) Development consent must not be granted unless the consent authority is satisfied that—

(a) the temporary use will not prejudice the subsequent carrying out of development on the land in accordance with this Precinct Plan and this or any other applicable environmental planning instrument, and

(b) the temporary use will not adversely impact on any adjoining land or the amenity of the neighbourhood, and

(c) the temporary use and location of any structures related to the use will not adversely impact on environmental attributes or features of the land, or increase the risk of natural hazards that may affect the land, and

(d) at the end of the temporary use period, the site will, as far as is practicable, be restored to the condition in which it was before the commencement of the use.

(4) Despite subclause (2), the temporary use of a dwelling as a sales office for a new release area or a new housing estate may exceed the maximum number of days specified in that subclause.

(5) Subclause (3) (d) does not apply to the temporary use of a dwelling as a sales office mentioned in subclause (4).

(6) This clause does not prescribe a development standard that may be varied under this Precinct Plan.

Land Use Table

*Note.* Part 6 of this Precinct Plan sets out local provisions which include additional permissible land uses and heads of consideration for assessment.

**Zone R2 Low Density Residential**

1 Objectives of zone

- To provide for the housing needs of the community within a low density residential environment.
- To enable other land uses that provide facilities or services to meet the day to day needs of residents.
• To allow people to carry out a reasonable range of activities from their homes, where such activities are not likely to adversely affect the living environment of neighbours.

• To support the well-being of the community, by enabling educational, recreational, community, religious and other activities where compatible with the amenity of a low density residential environment.

2 Permitted without consent

Home occupations

3 Permitted with consent

Bed and breakfast accommodation; Business identification signs; Centre-based child care facilities; Community facilities; Dual occupancies; Dwelling houses; Earthworks; Educational establishments; Environmental protection works; Exhibition homes; Exhibition villages; Group homes; Health consulting rooms; Home-based child care; Home businesses; Home industries; Neighbourhood shops; Places of public worship; Roads; Secondary dwellings; Semi-detached dwellings; Shop top housing; Studio dwellings; Swimming pools; Veterinary hospitals

4 Prohibited

Any development not specified in item 2 or 3

Zone R3 Medium Density Residential

1 Objectives of zone

• To provide for the housing needs of the community within a medium density residential environment.

• To provide a variety of housing types within a medium density residential environment.

• To enable other land uses that provide facilities or services to meet the day to day needs of residents.

• To support the well-being of the community, by enabling educational, recreational, community, religious and other activities where compatible with the amenity of a medium density residential environment.

2 Permitted without consent

Home occupations

3 Permitted with consent

Attached dwellings; Bed and breakfast accommodation; Boarding houses; Centre-based child care facilities; Community facilities; Dual occupancies; Dwelling houses; Group homes; Manor homes; Multi dwelling housing; Neighbourhood shops; Places of public worship; Residential flat buildings; Roads; Secondary dwellings; Semi-detached dwellings; Shop top housing; Studio dwellings; Any other development not specified in item 2 or 4
4 Prohibited

Agriculture; Air transport facilities; Airstrips; Amusement centres; Biosolid waste applications; Boat repair facilities; Boat sheds; Business premises; Caravan parks; Cemeteries; Charter and tourism boating facilities; Correctional centres; Crematoria; Depots; Entertainment facilities; Freight transport facilities; Function centres; Helipads; Highway service centres; Home occupations (sex services); Industries; Information and education facilities; Marinas; Mortuaries; Moveable dwellings; Office premises; Passenger transport facilities; Port facilities; Public administration buildings; Recreation facilities (indoor); Recreation facilities (major); Recreation facilities (outdoor); Registered clubs; Restriction facilities; Retail premises; Rural supplies; Rural workers’ dwellings; Service stations; Sex services premises; Signage; Storage premises; Tourist and visitor accommodation; Transport depots; Truck depots; Vehicle body repair workshops; Vehicle repair stations; Waste or resource management facilities; Wholesale supplies

Zone B5 Business Development

1 Objectives of zone

- To enable a mix of business and warehouse uses in locations that are close to, and that support the viability of, centres.
- To allow development that is compatible with the scale, form and character of existing buildings and the surrounding area.

2 Permitted without consent

Nil

3 Permitted with consent

Bulky goods premises; Business premises; Car parks; Centre-based child care facilities; Community facilities; Earthworks; Educational establishments; Entertainment facilities; Function centres; Garden centres; Hardware and building supplies; Landscaping material supplies; Passenger transport facilities; Places of public worship; Pubs; Recreation areas; Recreation facilities (indoor); Recreation facilities (outdoor); Registered clubs; Roads; Service stations; Signage; Storage premises; Vehicle sales or hire premises; Veterinary hospitals; Warehouse or distribution centres

4 Prohibited

Any development not specified in item 2 or 3

Zone B7 Business Park

1 Objectives of zone

- To provide a range of office and light industrial uses.
- To encourage employment opportunities.
- To enable other land uses that provide facilities or services to meet the day to day needs of workers in the area.
2 **Permitted without consent**

Nil

3 **Permitted with consent**

Centre-based child care facilities; Hotel or motel accommodation; Light industries; Neighbourhood shops; Office premises; Passenger transport facilities; Roads; Warehouse or distribution centres; Any other development not specified in item 2 or 4

4 **Prohibited**

Agriculture; Air transport facilities; Biosolid waste applications; Bulky goods premises; Caravan parks; Cemeteries; Correctional centres; Exhibition homes; Exhibition villages; Farm buildings; Helipads; Home-based child care; Home businesses; Home industries; Home occupations; Home occupations (sex services); Industries; Information and education facilities; Moveable dwellings; Recreation facilities (major); Recreation facilities (outdoor); Registered clubs; Residential accommodation; Restriction facilities; Tourist and visitor accommodation; Waste disposal facilities

**Zone IN1  General Industrial**

1 **Objectives of zone**

- To provide a wide range of industrial and warehouse land uses.
- To encourage employment opportunities.
- To minimise any adverse effect of industry on other land uses.
- To enable development for the purpose of retail premises only where it serves convenience needs, or where the goods or materials sold are of a type and nature consistent with construction and maintenance of buildings.

2 **Permitted without consent**

Nil

3 **Permitted with consent**

Animal boarding or training establishments; Depots; Drainage; Earthworks; Freight transport facilities; Light industries; Neighbourhood shops; Recreation facilities (major); Registered clubs; Roads; Take away food and drink premises; Warehouse or distribution centres; Waste or resource management facilities; Any other development not specified in item 2 or 4

4 **Prohibited**

Agriculture; Air transport facilities; Biosolid waste applications; Bulky goods premises; Business premises; Caravan parks; Cemeteries; Centre-based child care facilities; Community facilities; Correctional centres; Educational establishments; Entertainment facilities; Exhibition homes; Exhibition villages; Extractive industries; Farm buildings; Function centres; Health services facilities; Heavy industries; Home-based child care; Home businesses; Home industries; Home occupations; Home occupations (sex services); Information and education facilities; Office premises; Public administration buildings; Residential accommodation; Restriction facilities; Retail premises; Tourist and visitor accommodation; Vehicle sales or hire premises; Waste disposal facilities
**Zone IN2  Light Industrial**

1 **Objectives of zone**

- To provide a wide range of light industrial, warehouse and related land uses.
- To encourage employment opportunities and to support the viability of centres.
- To minimise any adverse effect of industry on other land uses.
- To enable other land uses that provide facilities or services to meet the day to day needs of workers in the area.

2 **Permitted without consent**

Nil

3 **Permitted with consent**

Depots; Earthworks; Food and drink premises; Freight transport facilities; Garden centres; Hardware and building supplies; Landscaping material supplies; Light industries; Neighbourhood shops; Roads; Service stations; Vehicle body repair workshops; Vehicle repair stations; Warehouse or distribution centres; Any other development not specified in item 2 or 4

4 **Prohibited**

Agriculture; Air transport facilities; Airstrips; Biosolid waste applications; Bulky goods premises; Business premises; Caravan parks; Cemeteries; Correctional centres; Entertainment facilities; Exhibition homes; Exhibition villages; Farm buildings; Function centres; Hazardous storage establishments; Helipads; Home-based child care; Home businesses; Home occupations; Home occupations (sex services); Hospitals; Industries; Information and education facilities; Moveable dwellings; Offensive storage establishments; Office premises; Public administration buildings; Recreation facilities (major); Recreation facilities (outdoor); Registered clubs; Residential accommodation; Restriction facilities; Retail premises; Tourist and visitor accommodation; Waste or resource management facilities

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**Zone SP2  Infrastructure**

1 **Objectives of zone**

- To provide for infrastructure and related uses.
- To prevent development that is not compatible with or that may detract from the provision of infrastructure.

2 **Permitted without consent**

Nil

3 **Permitted with consent**

The purpose shown on the Land Zoning Map, including any development that is ordinarily incidental or ancillary to development for that purpose; Earthworks; Environmental protection works; Flood mitigation works; Recreation areas; Recreation facilities (outdoor); Roads; Water recycling facilities; Waterbodies (artificial)
Zone RE1 Public Recreation

1 Objectives of zone

- To enable land to be used for public open space or recreational purposes.
- To provide a range of recreational settings and activities and compatible land uses.
- To protect and enhance the natural environment for recreational purposes.

2 Permitted without consent

Nil

3 Permitted with consent

- Building identification signs; Business identification signs; Community facilities; Earthworks; Environmental facilities; Environmental protection works; Flood mitigation works; Kiosks; Recreation areas; Recreation facilities (indoor); Recreation facilities (outdoor); Roads; Water recycling facilities; Waterbodies (artificial)

4 Prohibited

Any development not specified in item 2 or 3

Zone E2 Environmental Conservation

1 Objectives of zone

- To protect, manage and restore areas of high ecological, scientific, cultural or aesthetic values.
- To prevent development that could destroy, damage or otherwise have an adverse effect on those values.

2 Permitted without consent

Nil

3 Permitted with consent

- Earthworks; Environmental facilities; Environmental protection works; Flood mitigation works; Information and education facilities; Kiosks; Recreation areas; Roads; Signage; Waterbodies (artificial)

4 Prohibited

- Business premises; Hotel or motel accommodation; Industries; Multi dwelling housing; Recreation facilities (major); Residential flat buildings; Retail premises; Seniors housing; Service stations; Warehouse or distribution centres; Any other development not specified in item 2 or 3
Part 3

3.1–3.3 (Repealed)

Part 4 Principal development standards

4.1 Minimum subdivision lot size

(1) The objectives of this clause are as follows—
   (a) to ensure orderly and efficient use of land,
   (b) to ensure a minimum lot size sufficient for development,
   (c) to allow for a range of lot sizes that cater for a diversity of land uses and employment activities.

(2) This clause applies to a subdivision of any land shown on the Lot Size Map that requires development consent and that is carried out after the commencement of this Precinct Plan.

(3) The size of any lot resulting from any such subdivision of land to which this clause applies is not to be less than the minimum size shown on the Lot Size Map in relation to that land.

(4) This clause does not apply in relation to the subdivision of individual lots in a strata plan or community title scheme.

4.1AA Subdivision resulting in lots between 225–300m²

(1) This clause applies to land in the following zones—
   (a) Zone R2 Low Density Residential,
   (b) Zone R3 Medium Density Residential.

(2) Development consent may be granted to the subdivision of land to which this clause applies resulting in the creation of either of the following if the consent authority is satisfied that the lot will contain a sufficient building envelope to enable the erection of a dwelling house on the lot—
   (a) in the case of land in Zone R2 Low Density Residential—a lot that has an area less than 300m² (but not less than 250m²),
   (b) in the case of land in Zone R3 Medium Density Residential—a lot that has an area less than 300m² (but not less than 225m²).

(3) This clause does not apply to a subdivision that is the subject of a development application under clause 4.1AD (2) (b), 4.1AE (2) (b) or 4.1AF.

4.1AB Minimum lot sizes for other development

Development must not be carried out on a lot in Zone R2 Low Density Residential or Zone R3 Medium Density Residential for any of the following purposes if the area of the lot is less than the area specified below in relation to those purposes—
(a) dwelling house—300m$^2$,
(b) dual occupancy—500m$^2$,
(c) attached dwelling—1,500m$^2$,
(d) residential flat building—2,000m$^2$,
(e) semi-detached dwelling—200m$^2$ for land in Zone R2 Low Density Residential and 150m$^2$ for land in Zone R3 Medium Density Residential,
(f) manor home—600m$^2$,
(g) multi dwelling housing—1,500m$^2$.

**Note.** In accordance with clause 6.2, attached dwellings and multi dwelling housing are permitted with development consent in limited circumstances on land in Zone R2 Low Density Residential.

### 4.1AC Minimum lot sizes for secondary dwellings in Zone R2 Low Density Residential and Zone R3 Medium Density Residential

(1) This clause applies to land in the following zones—
   (a) Zone R2 Low Density Residential,
   (b) Zone R3 Medium Density Residential.

(2) The minimum lot size for a secondary dwelling on land in Zone R2 Low Density Residential is 450m$^2$.

(3) The minimum lot size for a secondary dwelling on land in Zone R3 Medium Density Residential is the minimum lot size for the principal dwelling in conjunction with which the secondary dwelling is established, determined in accordance with clause 4.1AB, 4.1AD or 4.1AF.

### 4.1AD Exceptions to minimum lot sizes for dwelling houses

(1) This clause applies to the following—
   (a) a lot in Zone R2 Low Density Residential that has an area of less than 300m$^2$ (but not less than 250m$^2$),
   (b) a lot in Zone R3 Medium Density Residential that has an area of less than 300m$^2$ (but not less than 225m$^2$).

(2) Despite clause 4.1AB (1), development consent may be granted to the erection of a dwelling house on a lot to which this clause applies if—
   (a) the lot results from a subdivision to which development consent has been granted in accordance with clause 4.1AA and, in determining the development application for the erection of the dwelling house, the consent authority considers any information that it considered for the purposes of that clause in determining the development application for that subdivision, or
   (b) the development application is a single development application for development that consisting of both of the following—
the subdivision of land into 2 or more lots,

(ii) the erection of the dwelling house on one of the lots resulting from the subdivision.

4.1AE Exceptions to minimum lot sizes for dwelling houses on other lots in Zone R2 Low Density Residential

(1) This clause applies to a lot in Zone R2 Low Density Residential that has an area less than 250m$^2$ (but not less than 225m$^2$).

(2) Despite clause 4.1AB (1), development consent may be granted to the erection of a dwelling house on a lot to which this clause applies if the lot meets the requirements of subclause (3) and—

(a) the lot results from a subdivision to which development consent has been granted in accordance with clause 4.1AA and, in determining the development application for the erection of the dwelling house, the consent authority considers any information that it considered for the purposes of that clause in determining the development application for that subdivision, or

(b) the development application is a single development application for development consisting of both of the following—

(i) the subdivision of land into 2 or more lots,

(ii) the erection of the dwelling house on one of the lots resulting from the subdivision.

(3) A lot meets the requirements of this subclause if—

(a) the lot adjoins land in Zone RE1 Public Recreation, or is separated from land in that zone only by a public road, or

(b) the lot adjoins land in Zone B1 Neighbourhood Centre, Zone B2 Local Centre or Zone B4 Mixed Use (whether in this or any other Precinct), or is separated from land in any of those zones only by a public road, or

(c) the lot is within 400m of land in Zone B1 Neighbourhood Centre or Zone B2 Local Centre and—

(i) adjoins land in Zone SP2 Infrastructure that is set aside for drainage or educational purposes, or

(ii) is separated from land in Zone SP2 Infrastructure that is set aside for drainage or educational purposes only by a public road.

(4) Despite subclause (2), development consent must not be granted to the erection of a dwelling house on a lot to which this clause applies unless the consent authority is satisfied that the dwelling house—

(a) will not adversely impact on the amenity of adjoining residential properties, and

(b) will be designed and orientated to provide active frontages to and surveillance of the public recreation or drainage land, and
(c) will not adversely impact on or limit solar access to adjoining residential or public open space land.

4.1AF Exceptions to minimum lot sizes for dwelling houses on small lots

(1) This clause applies to a lot in Zone R3 Medium Density Residential that has an area less than 225m$^2$ (but not less than 125m$^2$).

(2) Despite clause 4.1AB (1), development consent may be granted to the erection of a dwelling house on a lot to which this clause applies if the development application is a single development application for development that is both of the following—

(a) the subdivision of land into 2 or more lots,

(b) the erection of the dwelling house on one of the lots resulting from the subdivision.

4.1AG Minimum lot sizes in split zones

(1) This clause applies to each lot that contains land in Zone R2 Low Density Residential or Zone R3 Medium Density Residential and land in any other zone.

(2) For the purposes of clauses 4.1AA–4.1AF, a reference to the area of a lot—

(a) in relation to land in Zone R2 Low Density Residential, means the area of that part of the lot that is in Zone R2 Low Density Residential, and

(b) in relation to land in Zone R3 Medium Density Residential, means the area of that part of the lot that is in Zone R3 Medium Density Residential, and

(c) does not include any part of the lot that is in any other zone.

4.3 Height of buildings

(1) The objectives of this clause are as follows—

(a) to establish the maximum height of buildings on land within the Marsden Park Industrial Precinct,

(b) to provide for a range of building heights in appropriate locations that provide a high quality urban form,

(c) to provide appropriate height controls for commercial, industrial and residential development,

(d) to establish parameters for and promote a high quality built form,

(e) to protect the amenity of adjoining development and land in terms of solar access to buildings and open space.

(2) The height of a building on any land is not to exceed the maximum height shown for the land on the Height of Buildings Map.

4.4 Floor space ratio

(1) The objective of this clause is to control the bulk and scale of buildings within the Marsden Park
Industrial Precinct by setting maximum floor space ratios for development within Zone R2 Low Density Residential, Zone R3 Medium Density Residential, Zone B5 Business Development, Zone B7 Business Park and Zone IN2 Light Industrial.

(2) The maximum floor space ratio for a building on any land is not to exceed the floor space ratio shown for the land on the Floor Space Ratio Map.

4.5 Calculation of floor space ratio and site area

(1) Objectives The objectives of this clause are as follows—

(a) to define floor space ratio,

(b) to set out rules for the calculation of the site area of development for the purpose of applying permitted floor space ratios, including rules to—

(i) prevent the inclusion in the site area of an area that has no significant development being carried out on it, and

(ii) prevent the inclusion in the site area of an area that has already been included as part of a site area to maximise floor space area in another building, and

(iii) require community land and public places to be dealt with separately.

(2) Definition of “floor space ratio” The floor space ratio of buildings on a site is the ratio of the gross floor area of all buildings within the site to the site area.

(3) Site area In determining the site area of proposed development for the purpose of applying a floor space ratio, the site area is taken to be—

(a) if the proposed development is to be carried out on only one lot, the area of that lot, or

(b) if the proposed development is to be carried out on 2 or more lots, the area of any lot on which the development is proposed to be carried out that has at least one common boundary with another lot on which the development is being carried out.

In addition, subclauses (4)–(7) apply to the calculation of site area for the purposes of applying a floor space ratio to proposed development.

(4) Exclusions from site area The following land must be excluded from the site area—

(a) land on which the proposed development is prohibited, whether under this Precinct Plan or any other law,

(b) community land or a public place (except as provided by subclause (7)).

(5) Strata subdivisions The area of a lot that is wholly or partly on top of another or others in a strata subdivision is to be included in the calculation of the site area only to the extent that it does not overlap with another lot already included in the site area calculation.

(6) Only significant development to be included The site area for proposed development must not include a lot additional to a lot or lots on which the development is being carried out unless the proposed development includes significant development on that additional lot.
(7) **Certain public land to be separately considered** For the purpose of applying a floor space ratio to any proposed development on, above or below community land or a public place, the site area must only include an area that is on, above or below that community land or public place, and is occupied or physically affected by the proposed development, and may not include any other area on which the proposed development is to be carried out.

(8) **Existing buildings** The gross floor area of any existing or proposed buildings within the vertical projection (above or below ground) of the boundaries of a site is to be included in the calculation of the total floor space for the purposes of applying a floor space ratio, whether or not the proposed development relates to all of the buildings.

(9) **Covenants to prevent “double dipping”** When consent is granted to development on a site comprised of 2 or more lots, a condition of the consent may require a covenant to be registered that prevents the creation of floor area on a lot (the restricted lot) if the consent authority is satisfied that an equivalent quantity of floor area will be created on another lot only because the site included the restricted lot.

(10) **Covenants affect consolidated sites** If—

(a) a covenant of the kind referred to in subclause (9) applies to any land (affected land), and

(b) proposed development relates to the affected land and other land that together comprise the site of the proposed development,

the maximum amount of floor area allowed on the other land by the floor space ratio fixed for the site by this Precinct Plan is reduced by the quantity of floor space area the covenant prevents being created on the affected land.

(11) **Definition** In this clause, public place has the same meaning as it has in the Local Government Act 1993.

### 4.5A Shops—total gross floor area

(1) The total gross floor area used for the purpose of shops (including neighbourhood shops) on all land within Zone B7 Business Park must not exceed 3,500 square metres.

(2) The total gross floor area used for the purpose of shops in a particular development for that purpose on land within Zone B7 Business Park must not exceed 500 square metres.

(3) The total gross floor area used for the purpose of neighbourhood shops on all land within Zone IN1 General Industrial and Zone IN2 Light Industrial combined must not exceed 3,500 square metres.

### 4.6 Exceptions to development standards

(1) The objectives of this clause are as follows—

(a) to provide an appropriate degree of flexibility in applying certain development standards to particular development,

(b) to achieve better outcomes for and from development by allowing flexibility in particular circumstances.
(2) Consent may, subject to this clause, be granted for development even though the development would contravene a development standard imposed by this or any other environmental planning instrument. However, this clause does not apply to a development standard that is expressly excluded from the operation of this clause.

(3) Consent must not be granted for development that contravenes a development standard unless the consent authority has considered a written request from the applicant that seeks to justify the contravention of the development standard by demonstrating—

(a) that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and

(b) that there are sufficient environmental planning grounds to justify contravening the development standard.

(4) Consent must not be granted for development that contravenes a development standard unless—

(a) the consent authority is satisfied that—

(i) the applicant’s written request has adequately addressed the matters required to be demonstrated by subclause (3), and

(ii) the proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out, and

(b) the concurrence of the Director-General has been obtained.

(5) In deciding whether to grant concurrence, the Director-General must consider—

(a) whether contravention of the development standard raises any matter of significance for State environmental planning, and

(b) the public benefit of maintaining the development standard, and

(c) any other matters required to be taken into consideration by the Director-General before granting concurrence.

(6) Consent must not be granted under this clause for a subdivision of land within Zone E2 Environmental Conservation if—

(a) the subdivision will result in 2 or more lots of less than the minimum area specified for such lots by a development standard, or

(b) the subdivision will result in at least one lot that is less than 90% of the minimum area specified for such a lot by a development standard.

(7) After determining a development application made pursuant to this clause, the consent authority must keep a record of its assessment of the factors required to be addressed in the applicant’s written request referred to in subclause (3).

(8) This clause does not allow consent to be granted for development that would contravene any of the following—
(a) a development standard for complying development,

(b) a development standard that arises, under the regulations under the Act, in connection with a commitment set out in a BASIX certificate for a building to which *State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004* applies or for the land on which such a building is situated,

(c) clause 4.1,

(d) clause 5.4.

**Part 5 Miscellaneous provisions**

5.1 Relevant acquisition authority

(1) The objective of this clause is to identify, for the purposes of section 3.15 of the Act, the authority of the State that will be the relevant authority to acquire land reserved for certain public purposes if the land is required to be acquired under Division 3 of Part 2 of the *Land Acquisition (Just Terms Compensation) Act 1991* (*the owner-initiated acquisition provisions*).

**Note.** If the landholder will suffer hardship if there is any delay in the land being acquired by the relevant authority, section 23 of the *Land Acquisition (Just Terms Compensation) Act 1991* requires the authority to acquire the land.

(2) The authority of the State that will be the relevant authority to acquire land, if the land is required to be acquired under the owner-initiated acquisition provisions, is the authority of the State specified below in relation to the land shown on the *Land Reservation Acquisition Map* (or, if an authority of the State is not specified in relation to land required to be so acquired, the authority designated or determined under those provisions).

<table>
<thead>
<tr>
<th>Type of land shown on Map</th>
<th>Authority of the State</th>
</tr>
</thead>
<tbody>
<tr>
<td>Zone RE1 Public Recreation and marked “Local Open Space (RE1)”</td>
<td>Council</td>
</tr>
<tr>
<td>Zone SP2 Infrastructure and marked “Local Road Widening (SP2)”</td>
<td>Council</td>
</tr>
<tr>
<td>Zone SP2 Infrastructure and marked “Local Drainage (SP2)”</td>
<td>Council</td>
</tr>
<tr>
<td>Zone SP2 Infrastructure and marked “Local Road (SP2)”</td>
<td>Council</td>
</tr>
<tr>
<td>Zone SP2 Infrastructure and marked “Classified Roads and Traffic Authority Road Widening”</td>
<td>Roads and Traffic Authority</td>
</tr>
<tr>
<td>Zone SP2 Infrastructure and marked “Classified Roads and Traffic Authority Road”</td>
<td>Roads and Traffic Authority</td>
</tr>
<tr>
<td>Zone SP2 Infrastructure and marked “Bus Only Transport for NSW Link”</td>
<td>Transport for NSW</td>
</tr>
</tbody>
</table>

(3) Development on land acquired by an authority of the State under the owner-initiated acquisition provisions may, before it is used for the purpose for which it is reserved, be carried out, with
development consent, for any purpose.

Note. If land, other than land specified in the Table to subclause (2), is required to be acquired under the owner-initiated acquisition provisions, the Minister for Planning is required to take action to enable the designation of the acquiring authority under this Part. Pending the designation of the acquiring authority for that land, the acquiring authority is to be the authority determined by order of the Minister for Planning (see section 21 of the Land Acquisition (Just Terms Compensation) Act 1991).

5.2 Classification and reclassification of public land

(1) The objective of this clause is to enable the Council to classify or reclassify public land as “operational land” or “community land” in accordance with Part 2 of Chapter 6 of the Local Government Act 1993.

Note. Under the Local Government Act 1993, “public land” is generally land vested in or under the control of a council (other than roads and certain Crown land). The classification or reclassification of public land may also be made by a resolution of the Council under section 31, 32 or 33 of the Local Government Act 1993. Section 30 of that Act enables this Precinct Plan to discharge trusts on which public reserves are held if the land is reclassified under this Precinct Plan as operational land.

(2) The public land described in Part 1 or Part 2 of Schedule 4 to this Appendix is classified, or reclassified, as operational land for the purposes of the Local Government Act 1993.

(3) The public land described in Part 3 of Schedule 4 to this Appendix is classified, or reclassified, as community land for the purposes of the Local Government Act 1993.

(4) The public land described in Part 1 of Schedule 4—

(a) does not cease to be a public reserve to the extent (if any) that it is a public reserve, and

(b) continues to be affected by any trusts, estates, interests, dedications, conditions, restrictions or covenants that affected the land before its classification, or reclassification, as operational land.

(5) The public land described in Part 2 of Schedule 4, to the extent (if any) that it is a public reserve, ceases to be a public reserve when the description of the land is inserted into that Part and is discharged from all trusts, estates, interests, dedications, conditions, restrictions and covenants affecting the land or any part of the land, except—

(a) those (if any) specified for the land in Column 3 of Part 2 of Schedule 4, and

(b) any reservations that except land out of the Crown grant relating to the land, and

(c) reservations of minerals (within the meaning of the Crown Land Management Act 2016).

Note. In accordance with section 30 (2) of the Local Government Act 1993, the approval of the Governor to subclause (5) applying to the public land concerned is required before the description of the land is inserted in Part 2 of Schedule 4 to this Appendix.

5.3 Development near zone boundaries

(1) The objective of this clause is to provide flexibility where the investigation of a site and its surroundings reveals that a use allowed on the other side of a zone boundary would enable a more logical and appropriate development of the site and be compatible with the planning objectives and land uses for the adjoining zone.
(2) This clause applies to so much of any land that is within the relevant distance of a boundary between any 2 zones. The relevant distance is as follows—

(a) in the case of a boundary between Zone SP2 Infrastructure and any other zone—100 metres,

(b) in any other case—30 metres.

(3) This clause does not apply to—

(a) land zoned E2 Environmental Conservation, or

(b) land proposed to be developed for the purpose of sex services or restricted premises.

(4) Despite the provisions of this Precinct Plan relating to the purposes for which development may be carried out, consent may be granted to development of land to which this clause applies for any purpose that may be carried out in the adjoining zone, but only if the consent authority is satisfied that—

(a) the development is not inconsistent with the objectives for development in both zones, and

(b) the carrying out of the development is desirable due to compatible land use planning, infrastructure capacity and other planning principles relating to the efficient and timely development of land.

(5) The clause does not prescribe a development standard that may be varied under this Precinct Plan.

5.4 Controls relating to miscellaneous permissible uses

(1) Bed and breakfast accommodation If development for the purposes of bed and breakfast accommodation is permitted under this Precinct Plan, the accommodation that is provided to guests must consist of no more than 3 bedrooms.

(2) Home businesses If development for the purposes of a home business is permitted under this Precinct Plan, the carrying on of the business must not involve the use of more than 30 square metres of gross floor area.

(3) Home industries If development for the purposes of a home industry is permitted under this Precinct Plan, the carrying on of the home industry must not involve the use of more than 30 square metres of gross floor area.

(4) Industrial retail outlets If development for the purposes of an industrial retail outlet is permitted under this Precinct Plan, the retail gross floor area must not exceed—

(a) 40% of the combined gross floor area of the industrial retail outlet and the building or place on which the relevant industry is carried out, or

(b) 400 square metres,

whichever is the lesser.

(5) Farm stay accommodation If development for the purposes of farm stay accommodation is permitted under this Precinct Plan, the accommodation that is provided to guests must consist of no more than 3 bedrooms.
(6) **Kiosks** If development for the purposes of a kiosk is permitted under this Precinct Plan, the gross floor area must not exceed 30 square metres.

(7) **Neighbourhood shops** If development for the purposes of a neighbourhood shop is permitted under this Precinct Plan, the retail gross floor area must not exceed 500 square metres.

(8) **Roadside stalls** If development for the purposes of a roadside stall is permitted under this Precinct Plan, the gross floor area must not exceed 8 square metres.

(9) **Secondary dwellings** If development for the purposes of a secondary dwelling is permitted under this Precinct Plan, the total gross floor area of the dwelling (excluding any area used for parking) must not exceed whichever of the following is the greater—

(a) 110 square metres,

(b) 30% of the total gross floor area of both the self-contained dwelling and the principal dwelling.

### 5.6 Architectural roof features

(1) The objectives of this clause are—

(a) to ensure that architectural roof features are decorative elements only, and

(b) to ensure that the majority of the roof features are contained within the prescribed building height.

(2) Development that includes an architectural roof feature that exceeds, or causes a building to exceed, the height limits set by clause 4.3 may be carried out, but only with consent.

(3) Development consent must not be granted to any such development unless the consent authority is satisfied that—

(a) the architectural roof feature—

(i) comprises a decorative element on the uppermost portion of a building, and

(ii) is not an advertising structure, and

(iii) does not include floor space area and is not reasonably capable of modification to include floor space area, and

(iv) will cause minimal overshadowing, and

(b) any building identification signage or equipment for servicing the building (such as plant, lift motor rooms, fire stairs and the like) contained in or supported by the roof feature is fully integrated into the design of the roof feature.

### 5.8 Conversion of fire alarms

(1) This clause applies to a fire alarm system that can be monitored by New South Wales Fire Brigades or by a private service provider.

(2) The following development may be carried out, but only with consent—
(a) converting a fire alarm system from connection with the alarm monitoring system of New South Wales Fire Brigades to connection with the alarm monitoring system of a private service provider,

(b) converting a fire alarm system from connection with the alarm monitoring system of a private service provider to connection with the alarm monitoring system of another private service provider,

(c) converting a fire alarm system from connection with the alarm monitoring system of a private service provider to connection with a different alarm monitoring system of the same private service provider.

(3), (4) (Repealed)

(5) In this clause—

private service provider means a person or body that has entered into an agreement that is in force with New South Wales Fire Brigades to monitor fire alarm systems.

5.9 Preservation of trees or vegetation

(1) The objective of this clause is to preserve the amenity of the area through the preservation of trees and other vegetation.

(2) This clause applies to species or kinds of trees or other vegetation that are prescribed for the purposes of this clause by a development control plan made by the Director-General.

Note. A development control plan may prescribe the trees or other vegetation to which this clause applies by reference to species, size, location or other manner.

(3) A person must not ringbark, cut down, top, lop, remove, injure or wilfully destroy any tree or other vegetation to which any such development control plan applies without the authority conferred by—

(a) development consent, or

(b) a permit granted by the Council.

(4) The refusal by the Council to grant a permit to a person who has duly applied for the grant of the permit is taken for the purposes of the Act to be a refusal by the Council to grant consent for the carrying out of the activity for which a permit was sought.

(5) This clause does not apply to a tree or other vegetation that the Council is satisfied is dying or dead and is not required as the habitat of native fauna.

(6) This clause does not apply to a tree or other vegetation that the Council is satisfied is a risk to human life or property.

(7) This clause does not apply to or in respect of—

(a) the clearing of native vegetation that is authorised by a development consent or property vegetation plan under the Native Vegetation Act 2003 or that is otherwise permitted under Division 2 or 3 of Part 3 of that Act,
(b) the clearing of vegetation on State protected land (within the meaning of clause 4 of Schedule 3 to the *Native Vegetation Act 2003*) that is authorised by a development consent under the provisions of the *Native Vegetation Conservation Act 1997* as continued in force by that clause, or

(c) trees or other vegetation within a State forest, or land reserved from sale as a timber or forest reserve under the *Forestry Act 1916*, or

(d) action required or authorised to be done by or under the *Electricity Supply Act 1995*, the *Roads Act 1993* or the *Surveying and Spatial Information Act 2002*, or

(e) plants declared to be noxious weeds under the *Noxious Weeds Act 1993*, or

(f) native vegetation retention areas to which clause 6.4 of this Precinct Plan applies, or

(g) existing native vegetation to which clause 6.5 of this Precinct Plan applies.

5.11 Bush fire hazard reduction

Bush fire hazard reduction work authorised by the *Rural Fires Act 1997* may be carried out on any land without consent.

*Note.* The *Rural Fires Act 1997* also makes provision relating to the carrying out of development on bush fire prone land.

5.12 Infrastructure development and use of existing buildings of the Crown

(1) This Precinct Plan does not restrict or prohibit, or enable the restriction or prohibition of, the carrying out of any development, by or on behalf of a public authority, that is permitted to be carried out without consent under the *State Environmental Planning Policy (Infrastructure) 2007*.

(2) This Precinct Plan does not restrict or prohibit, or enable the restriction or prohibition of, the use of existing buildings of the Crown by the Crown.

Part 6 Additional local provisions

6.1 Public utility infrastructure

(1) The consent authority must not grant development consent to development on land to which this Precinct Plan applies unless it is satisfied that any public utility infrastructure that is essential for the proposed development is available or that adequate arrangements have been made to make that infrastructure available when required.

(2) In this clause, *public utility infrastructure* includes infrastructure for any of the following—

   (a) the supply of water,

   (b) the supply of electricity,

   (c) the disposal and management of sewage.

(3) This clause does not apply to development for the purpose of providing, extending, augmenting, maintaining or repairing any public utility infrastructure referred to in this clause.
6.2 Attached dwellings and multi dwelling housing in Zone R2 Low Density Residential

(1) The objectives of this clause are—

(a) to permit, with development consent, attached dwellings and multi dwelling housing within Zone R2 Low Density Residential in limited circumstances, and

(b) to provide location and development criteria that must be satisfied before development consent can be granted.

(2) Development for the purposes of attached dwellings or multi dwelling housing is permissible with development consent on land in Zone R2 Low Density Residential that—

(a) adjoins land in Zone RE1 Public Recreation, or is separated from land in that zone only by a public road, or

(b) adjoins land in Zone B1 Neighbourhood Centre, Zone B2 Local Centre or Zone B4 Mixed Use (whether in this or any other Precinct), or is separated from land within any of those zones land only by a public road, or

(c) is within 400m of land in Zone B1 Neighbourhood Centre or Zone B2 Local Centre and—

(i) adjoins land in Zone SP2 Infrastructure that is set aside for drainage or educational purposes, or

(ii) is separated from land in Zone SP2 Infrastructure that is set aside for drainage or educational purposes only by a public road.

(3) Development consent must not be granted under this clause unless the consent authority is satisfied that—

(a) the attached dwellings or multi dwelling housing will not adversely impact on the amenity of any adjoining residential properties, and

(b) the attached dwellings or multi dwelling housing will be designed and oriented to provide active frontages to and surveillance of the public recreation or drainage land, and

(c) the attached dwellings or multi dwelling housing will not adversely impact on or limit solar access to any adjoining residential properties or public open space land.

(4) This clause has effect despite anything to the contrary in the Land Use Table or any other provision of this Precinct Plan.

6.3 Information and educational facilities in Zone R2 Low Density Residential

(1) The objectives of this clause are as follows—

(a) to permit, with development consent, information and education facilities within Zone R2 Low Density Residential in limited circumstances,

(b) to provide criteria for the location and development of information and education facilities within Zone R2 Low Density Residential in the Marsden Park Industrial Precinct,

(c) to ensure that development for the purposes of information and education facilities does not
detract from the character and amenity of land within Zone R2 Low Density Residential.

(2) Development for the purpose of information and education facilities is permissible with development consent only on land within Zone R2 Low Density Residential that—

(a) adjoins land within the Public Recreation—Regional Zone (as referred to in Part 3 of this Policy) or Zone E2 Environmental Conservation, or that is separated from land within the Public Recreation—Regional Zone or Zone E2 Environmental Conservation only by a public road, or

(b) is within 90 metres of a public transport stop, or

(c) adjoins an educational establishment or a community facility or that is separated from an educational establishment or a community facility only by a public road.

(3) Development consent must not be granted for an information and education facility if it would be located within 800 metres of another information and educational facility within Zone R2 Low Density Residential.

6.4 Development controls—native vegetation retention areas and riparian protection areas

(1) The objective of this clause is to prevent the clearing of certain native vegetation.

(2) This clause applies to land—

(a) within a native vegetation retention area as shown on the Native Vegetation Protection Map, or

(b) within a riparian protection area as shown on the Riparian Protection Area Map.

(3) This clause does not apply to native vegetation that the Council is satisfied—

(a) is dying or dead and is not required as the habitat of native fauna, or

(b) is a risk to human life or property.

(4) This clause does not apply to any native vegetation—

(a) within a State forest, or land reserved from sale as a timber or forest reserve under the Forestry Act 1916, or

(b) declared to be noxious weeds under the Noxious Weeds Act 1993.

(5) A person must not clear native vegetation on land to which this clause applies without—

(a) approval under Part 3A of the Act, or

(b) development consent.

(6) Development consent under this clause is not to be granted unless the consent authority is satisfied of the following in relation to the disturbance of native vegetation—

(a) that there is no reasonable alternative available to the disturbance of the native vegetation, or

(b) that as little native vegetation as possible will be disturbed,
(c) that the disturbance of the native vegetation will not increase salinity,

(d) that native vegetation disturbed for the purposes of construction will be reinstated where possible on completion of construction,

(e) that the loss of remnant native vegetation caused by the disturbance will be compensated by revegetation on or near the land to avoid any net loss of remnant native vegetation,

(f) that no more than 0.5 hectares of native vegetation will be cleared unless the clearing is essential for a previously permitted use of the land.

(7) The consent authority must, when determining a development application in respect of the clearing of native vegetation on land within a zone under this Precinct Plan, have regard to the objectives for development in that zone.

(8) This clause does not apply to or in respect of action required or authorised to be done by or under the Electricity Supply Act 1995, the Roads Act 1993, the Surveying and Spatial Information Act 2002 or the Sydney Water Act 1994.

6.5 Development controls—existing native vegetation

(1) The objective of this clause is to manage existing native vegetation in accordance with the relevant biodiversity measures under Part 7 of Schedule 7 to the Threatened Species Conservation Act 1995.

(2) This clause applies to land within an existing native vegetation area as shown on the Native Vegetation Protection Map.

(3) This clause does not apply to any vegetation declared to be noxious weeds under the Noxious Weeds Act 1993.

(4) The consent authority must not grant development consent for development on land to which this clause applies unless it is satisfied that the proposed development will not result in the clearing of any existing native vegetation (within the meaning of the relevant biodiversity measures under Part 7 of Schedule 7 to the Threatened Species Conservation Act 1995).

Schedule 1 Additional permitted uses

(Clause 2.5)

1 Take away food and drink premises within Zone B5 Business Development

Land shown hatched on the Land Zoning Map—development for the purpose of take away food and drink premises.

2 Retail premises and vehicle repair stations at Hollinsworth Road, Marsden Park

(1) This clause applies to land at Hollinsworth Road, Marsden Park, being part of Lot 141, DP 1190289, identified as “B” on the Special Areas Map.

(2) Development for the purposes of retail premises and vehicle repair stations is permitted with development consent if—

(a) the site area is at least 20,000m², and
(b) the gross floor area is at least 13,000m², and

(c) the Council is satisfied that the development is to be managed by a single operator.

Schedule 4 Classification and reclassification of public land

(Clause 5.2)

This Schedule is blank on the making of this Precinct Plan

Part 1 Land classified, or reclassified, as operational land—no interests changed

| Column 1 | Column 2 |
| Localities | Description |

Part 2 Land classified, or reclassified, as operational land—interests changed

| Column 1 | Column 2 | Column 3 |
| Localities | Description | Any trusts etc not discharged |

Part 3 Land classified, or reclassified, as community land

| Column 1 | Column 2 |
| Localities | Description |

Appendix 6 Area 20 Precinct Plan

Part 1 Preliminary

Note. The Standard Instrument (Local Environmental Plans) Order 2006 sets out matters to be included in standard local environmental plans. While this Precinct Plan is not a standard local environmental plan, it is generally consistent with standard plans. A number of clauses from the Standard Instrument (Local Environmental Plans) Order 2006 have been included in this Precinct Plan and the clause numbering from that Order has been retained. This means that the numbering in this Precinct Plan may contain some gaps. Additional provisions have been inserted and are numbered accordingly.

1.1 Name of Precinct Plan

This Precinct Plan is the Area 20 Precinct Plan 2011.
1.2 Aims of Precinct Plan

The aims of this Precinct Plan are as follows—

(a) to make development controls for land in the Area 20 Precinct within the North West Growth Centre that will ensure the creation of quality environments and good design outcomes,

(b) to protect and enhance the environmentally sensitive natural areas in, and the cultural heritage of, the Precinct,

(c) to provide for recreational opportunities within the Precinct,

(d) to provide for multifunctional and innovative development in the Precinct that encourages employment and economic growth,

(e) to promote housing choice and affordability in the Precinct,

(f) to provide for the sustainable development of the Precinct,

(g) to promote pedestrian and vehicle connectivity with adjoining Precincts and localities and within the Precinct.

1.3 Land to which Precinct Plan applies

This Precinct Plan applies to land within the Area 20 Precinct as shown on the Land Application Map.

Note. The Land Application Map differs from the Precinct Boundary Map and, as such, this Precinct Plan does not apply to all the land within the Area 20 Precinct (as shown on the Precinct Boundary Map).

1.4 Definition

In this Precinct Plan, Council means Blacktown City Council.

Note. The Dictionary at the end of this State environmental planning policy defines words and expressions for the purposes of this Precinct Plan, including the relevant maps.

1.6 Consent authority

The consent authority for the purposes of this Precinct Plan is (subject to the Act) the Council.

1.8 Repeal of other local planning instruments applying to land

(1) All local environmental plans and deemed environmental planning instruments applying only to the land to which this Precinct Plan applies are repealed.

(2) All local environmental plans and deemed environmental planning instruments applying to the land to which this Precinct Plan applies and to other land cease to apply to the land to which this Precinct Plan applies.

(3) This clause does not affect the operation of other provisions of this State environmental planning policy.

1.8A Savings provision relating to pending development applications

If a development application has been made before the commencement of this Precinct Plan in
relation to land to which this Precinct Plan applies and the application has not been finally
determined before that commencement, the application must be determined as if this Precinct Plan
had not commenced.

1.9 Application of SEPPs

(1) This Precinct Plan is subject to the provisions of any State environmental planning policy that
prevails over this Precinct Plan as provided by section 3.28 of the Act.

Note. Section 3.28 of the Act generally provides that SEPPs prevail over LEPs and other instruments.
However, an environmental planning instrument may (by an additional provision included in the instrument)
displace or amend a SEPP or LEP to deal specifically with the relationship between the instrument and the
SEPP or LEP.

(2) State Environmental Planning Policy No 1—Development Standards does not apply to the land
to which this Precinct Plan applies.

(3) Subject to section 74 (1) of the Act, in the event of an inconsistency between this Precinct Plan
and any other provision of this or any other environmental planning instrument, whether made
before or after the commencement of this Precinct Plan, this Precinct Plan prevails to the extent
of the inconsistency.

Note. The other provisions of this State environmental planning policy also contain provisions applying
development controls to the North West Growth Centre, including the Area 20 Precinct.

1.9A Suspension of covenants, agreements and instruments

(1) For the purpose of enabling development on land in any zone to be carried out in accordance
with this Precinct Plan or with a consent granted under the Act, any agreement, covenant or
other similar instrument that restricts the carrying out of that development does not apply to the
extent necessary to serve that purpose.

(2) This clause does not apply—

(a) to a covenant imposed by the Council or that the Council requires to be imposed, or

(b) to any relevant instrument within the meaning of section 13.4 of the Crown Land
Management Act 2016, or

(c) to any conservation agreement within the meaning of the National Parks and Wildlife Act
1974, or

(d) to any Trust agreement within the meaning of the Nature Conservation Trust Act 2001, or

(e) to any property vegetation plan within the meaning of the Native Vegetation Act 2003, or

(f) to any biobanking agreement within the meaning of Part 7A of the Threatened Species
Conservation Act 1995, or

(g) to any planning agreement within the meaning of Division 7.1 of the Act.

(3) This clause does not affect the rights or interests of any public authority under any registered
instrument.

(4) Under section 28 of the Act, the Governor, before the making of this clause, approved of
subclauses (1)–(3).

Part 2 Permitted or prohibited development

2.1 Land use zones

The land use zones under this Precinct Plan are as follows—

Residential Zones

R2 Low Density Residential
R3 Medium Density Residential

Business Zones
B2 Local Centre
B4 Mixed Use

Special Purpose Zones
SP2 Infrastructure

Recreation Zones
RE1 Public Recreation

Environment Protection Zones
E2 Environmental Conservation

2.2 Zoning of land to which Precinct Plan applies

For the purposes of this Precinct Plan, land is within the zones shown on the Land Zoning Map.

2.3 Zone objectives and Land Use Table

(1) The Land Use Table at the end of this Part specifies for each zone—

(a) the objectives for development, and
(b) development that may be carried out without consent, and
(c) development that may be carried out only with consent, and
(d) development that is prohibited.

(2) The consent authority must have regard to the objectives for development in a zone when determining a development application in respect of land within the zone.

(3) In the Land Use Table at the end of this Part—

(a) a reference to a type of building or other thing is a reference to development for the purposes of that type of building or other thing, and

(b) a reference to a type of building or other thing does not include (despite any definition in this Policy) a reference to a type of building or other thing referred to separately in the
Table in relation to the same zone.

(4) This clause is subject to the other provisions of this Precinct Plan.

Notes.
1 Schedule 1 sets out additional permitted uses for particular land.
2 Clause 2.6 requires consent for subdivision of land.
3 Part 5 contains other provisions that require consent for particular development.
4 Part 6 sets out additional permitted uses for particular land.

2.4 Unzoned land

(1) Development may be carried out on unzoned land only with consent.

(2) Before granting consent, the consent authority—

(a) must consider whether the development will impact on adjoining zoned land and, if so, consider the objectives for development in the zones of the adjoining land, and

(b) must be satisfied that the development is appropriate and is compatible with permissible land uses in any such adjoining land.

2.5 Additional permitted uses for particular land

(1) Development on particular land that is described or referred to in Schedule 1 to this Appendix may be carried out—

(a) with consent, or

(b) if the Schedule so provides—without consent,

in accordance with the conditions (if any) specified in that Schedule in relation to that development.

(2) This clause has effect despite anything to the contrary in the Land Use Table at the end of this Part or other provision of this Precinct Plan.

2.6 Subdivision—consent requirements

Land to which this Precinct Plan applies may be subdivided, but only with consent.

Note. State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 specifies certain subdivision development as exempt development.

2.7 Demolition

The demolition of a building or work may be carried out only with consent.

Note. The demolition of certain buildings and works is identified in State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 as exempt development.

2.8 Temporary use of land

(1) The objective of this clause is to provide for the temporary use of land if the use does not compromise future development of the land, or have detrimental economic, social, amenity or environmental effects on the land.
(2) Despite any other provision of this Precinct Plan, development consent may be granted for development on land in any zone for a temporary use for a maximum period of 52 days (whether or not consecutive days) in any period of 12 months.

(3) Development consent must not be granted unless the consent authority is satisfied that—

(a) the temporary use will not prejudice the subsequent carrying out of development on the land in accordance with this Precinct Plan and this or any other applicable environmental planning instrument, and

(b) the temporary use will not adversely impact on any adjoining land or the amenity of the neighbourhood, and

(c) the temporary use and location of any structures related to the use will not adversely impact on environmental attributes or features of the land, or increase the risk of natural hazards that may affect the land, and

(d) at the end of the temporary use period, the site will, as far as is practicable, be restored to the condition in which it was before the commencement of the use.

(4) Despite subclause (2), the temporary use of a dwelling as a sales office for a new release area or a new housing estate may exceed the maximum number of days specified in that subclause.

(5) Subclause (3) (d) does not apply to the temporary use of a dwelling as a sales office mentioned in subclause (4).

(6) This clause does not prescribe a development standard that may be varied under this Precinct Plan.

Land Use Table

Note. Part 6 of this Precinct Plan sets out local provisions which include additional permissible land uses and heads of consideration for assessment.

Zone R2  Low Density Residential

1 Objectives of zone

• To provide for the housing needs of the community within a low density residential environment.

• To enable other land uses that provide facilities or services to meet the day to day needs of residents.

• To allow people to carry out a reasonable range of activities from their homes, where such activities are not likely to adversely affect the living environment of neighbours.

• To support the well-being of the community, by enabling educational, recreational, community, religious and other activities where compatible with the amenity of a low density residential environment.

2 Permitted without consent

Home occupations
3 Permitted with consent

Bed and breakfast accommodation; Business identification signs; Centre-based child care facilities; Community facilities; Dual occupancies; Dwelling houses; Drainage; Earthworks; Educational establishments; Environmental protection works; Exhibition homes; Exhibition villages; Group homes; Health consulting rooms; Home-based child care; Home businesses; Home industries; Information and education facilities; Neighbourhood shops; Places of public worship; Roads; Secondary dwellings; Semi-detached dwellings; Shop top housing; Studio dwellings; Swimming pools; Veterinary hospitals

4 Prohibited

Any development not specified in item 2 or 3

Zone R3 Medium Density Residential

1 Objectives of zone

• To provide for the housing needs of the community within a medium density residential environment.

• To provide a variety of housing types within a medium density residential environment.

• To enable other land uses that provide facilities or services to meet the day to day needs of residents.

• To support the well-being of the community by enabling educational, recreational, community, religious and other activities where compatible with the amenity of a medium density residential environment.

2 Permitted without consent

Home occupations

3 Permitted with consent

Attached dwellings; Bed and breakfast accommodation; Boarding houses; Centre-based child care facilities; Community facilities; Dual occupancies; Dwelling houses; Group homes; Manor homes; Multi dwelling housing; Neighbourhood shops; Places of public worship; Residential flat buildings; Roads; Secondary dwellings; Semi-detached dwellings; Shop top housing; Studio dwellings; Any other development not specified in item 2 or 4

4 Prohibited

Agriculture; Air transport facilities; Airstrips; Amusement centres; Biosolid waste applications; Boat repair facilities; Boat sheds; Business premises; Caravan parks; Cemeteries; Charter and tourism boating facilities; Correctional centres; Crematoria; Depots; Entertainment facilities; Freight transport facilities; Function centres; Helipads; Highway service centres; Home occupations (sex services); Industries; Marinas; Mortuaries; Moveable dwellings; Office premises; Passenger transport facilities; Port facilities; Public administration buildings; Recreation facilities (indoor); Recreation facilities (major); Recreation facilities (outdoor); Registered clubs; Restriction facilities; Retail premises; Rural supplies; Rural workers’ dwellings; Service stations; Sex services premises; Signage; Storage premises; Tourist and visitor accommodation; Transport depots; Truck depots;
Vehicle body repair workshops; Vehicle repair stations; Waste or resource management facilities; Wholesale supplies

Zone B2  Local Centre

1 Objectives of zone

• To provide a range of retail, business, entertainment and community uses that serve the needs of people who live in, work in and visit the local area.

• To encourage employment opportunities in accessible locations.

• To maximise public transport patronage and encourage walking and cycling.

• To provide for residential development that contributes to the vitality of the local centre.

• To ensure that residential development within the centre does not detract from the primary function of the centre being to provide for retail, business, entertainment and community uses.

• To facilitate active retail, commercial, entertainment and community facility uses at ground level of mixed use developments.

• To encourage development which will contribute to the economic growth of, and creation of employment opportunities within, the City of Blacktown.

2 Permitted without consent

Home occupations

3 Permitted with consent

Business premises; Centre-based child care facilities; Community facilities; Educational establishments; Entertainment facilities; Function centres; Information and education facilities; Office premises; Passenger transport facilities; Recreation facilities (indoor); Registered clubs; Retail premises; Roads; Service stations; Shop top housing; Tourist and visitor accommodation; Vehicle repair stations; Any other development not specified in item 2 or 4

4 Prohibited

Agriculture; Air transport facilities; Airstrips; Biosolids treatment facilities; Boat repair facilities; Boat sheds; Caravan parks; Cemeteries; Correctional centres; Crematoria; Depots; Electricity generating works; Exhibition villages; Extractive industries; Farm buildings; Freight transport facilities; Funeral chapels; Funeral homes; Helifaps; Highway service centres; Home occupations (sex services); Industrial retail outlets; Industries; Mortuaries; Port facilities; Residential accommodation; Restricted premises; Restriction facilities; Roadside stalls; Rural industries; Rural supplies; Rural workers’ dwellings; Sex services premises; Storage premises; Transport depots; Vehicle body repair workshops; Warehouse or distribution centres; Waste management facilities; Waste or resource management facilities

Zone B4  Mixed Use

1 Objectives of zone

• To provide a mixture of compatible land uses.
• To integrate suitable business, office, residential, retail and other development in accessible locations so as to maximise public transport patronage and encourage walking and cycling.

• To facilitate active retail, commercial, entertainment and community uses at ground level of mixed use developments.

• To provide for residential development that contributes to the vitality of the local centre.

• To ensure that residential development adjacent to the local centre does not detract from the primary function of the centre being to provide for retail, business, entertainment and community uses.

2 Permitted without consent

Home occupations

3 Permitted with consent

Boarding houses; Business premises; Car parks; Centre-based child care facilities; Community facilities; Educational establishments; Entertainment facilities; Function centres; Hotel or motel accommodation; Information and education facilities; Office premises; Passenger transport facilities; Recreation facilities (indoor); Registered clubs; Residential flat buildings; Retail premises; Roads; Seniors housing; Shop top housing; Any other development not specified in item 2 or 4

4 Prohibited

Agriculture; Air transport facilities; Airstrips; Biosolids treatment facilities; Boat repair facilities; Boat sheds; Bulky goods premises; Caravan parks; Cemeteries; Correctional centres; Crematoria; Depots; Exhibition villages; Extractive industries; Farm buildings; Freight transport facilities; Funeral chapels; Funeral homes; Helipads; Highway service centres; Home occupations (sex services); Industrial retail outlets; Industries; Mortuaries; Port facilities; Public administration buildings; Recreation facilities (major); Residential accommodation; Restricted premises; Rural industries; Rural supplies; Rural workers’ dwellings; Sex services premises; Storage premises; Transport depots; Truck depots; Vehicle body repair workshops; Vehicle repair stations; Warehouse or distribution centres; Waste management facilities; Waste or resource management facilities; Wholesale supplies

Zone SP2 Infrastructure

1 Objectives of zone

• To provide for infrastructure and related uses.

• To prevent development that is not compatible with or that may detract from the provision of infrastructure.

2 Permitted without consent

Nil

3 Permitted with consent

The purpose shown on the Land Zoning Map, including any development that is ordinarily incidental or ancillary to development for that purpose; Drainage; Earthworks; Environmental protection
4 Prohibited

Any development not specified in item 2 or 3

Zone RE1 Public Recreation

1 Objectives of zone

• To enable land to be used for public open space or recreational purposes.
• To provide a range of recreational settings and activities and compatible land uses.
• To protect and enhance the natural environment for recreational purposes.

2 Permitted without consent

Nil

3 Permitted with consent

Building identification signs; Business identification signs; Community facilities; Earthworks; Environmental facilities; Environmental protection works; Flood mitigation works; Kiosks; Recreation areas; Recreation facilities (indoor); Recreation facilities (outdoor); Roads; Water recycling facilities; Waterbodies (artificial)

4 Prohibited

Any development not specified in item 2 or 3

Zone E2 Environmental Conservation

1 Objectives of zone

• To protect, manage and restore areas of high ecological, scientific, cultural or aesthetic values.
• To prevent development that could destroy, damage or otherwise have an adverse effect on those values.

2 Permitted without consent

Nil

3 Permitted with consent

Earthworks; Environmental facilities; Environmental protection works; Flood mitigation works; Information and education facilities; Kiosks; Recreation areas; Roads; Signage; Waterbodies (artificial)

4 Prohibited

Business premises; Hotel or motel accommodation; Industries; Multi dwelling housing; Recreation facilities (major); Residential flat buildings; Retail premises; Seniors housing; Service stations; Warehouse or distribution centres; Any other development not specified in item 2 or 3
Part 3

3.1–3.3 (Repealed)

Part 4 Principal development standards

4.1 Minimum subdivision lot size

(1) The objectives of this clause are as follows—

(a) to ensure orderly and efficient use of land,

(b) to ensure a minimum lot size sufficient for development,

(c) to allow for a range of lot sizes that cater for a diversity of land uses and employment activities.

(2) This clause applies to a subdivision of any land shown on the Lot Size Map that requires development consent and that is carried out after the commencement of this Precinct Plan.

(3) The size of any lot resulting from any such subdivision of land to which this clause applies is not to be less than the minimum size shown on the Lot Size Map in relation to that land.

(4) This clause does not apply in relation to the subdivision of individual lots in a strata plan or community title scheme.

4.1AA Subdivision resulting in lots between 225–300m²

(1) This clause applies to land in the following zones—

(a) Zone R2 Low Density Residential,

(b) Zone R3 Medium Density Residential.

(2) Development consent may be granted to the subdivision of land to which this clause applies resulting in the creation of a lot that has an area of less than 300m² (but not less than 225m²), if the consent authority is satisfied that the lot will contain a sufficient building envelope to enable the erection of a dwelling house on the lot.

(3) This clause does not apply to a subdivision that is the subject of a development application under clause 4.1AD (2) (b), 4.1AE (2) (b) or 4.1AF.

4.1A Minimum lot sizes for residential development in non-residential zones

(1) The objectives of this clause are as follows—

(a) to establish minimum lot sizes for residential development,

(b) to ensure that residential development in the Area 20 Precinct results in the efficient use of land and contributes to the supply of new housing in the North West Growth Centre,

(c) to ensure that residential development has adequate usable areas for buildings and open space,

(d) to ensure that residential development is compatible with the character of the Area 20
Precinct and with surrounding residential areas,

(e) to facilitate and encourage the provision of a range of dwelling types.

(2) The minimum lot size for development for the purpose of residential flat buildings is 2,000m$^2$.

(3) This clause does not apply to land in Zone R2 Low Density Residential or Zone R3 Medium Density Residential.

(4) (Repealed)

4.1AB Minimum lot sizes for residential development in Zone R2 Low Density Residential and Zone R3 Medium Density Residential

(1) The objectives of this clause are as follows—

(a) to establish minimum lot sizes for residential development in Zone R2 Low Density Residential and Zone R3 Medium Density Residential,

(b) to ensure that residential development in the Area 20 Precinct results in the efficient use of land and contributes to the supply of new housing in the North West Growth Centre,

(c) to ensure that residential development has adequate usable areas for buildings and open space,

(d) to ensure that residential development is compatible with the character of the Area 20 Precinct and with surrounding residential areas,

(e) to facilitate and encourage the provision of a range of residential lot types, in particular, small lot housing.

(2) This clause applies to land in the following zones—

(a) Zone R2 Low Density Residential,

(b) Zone R3 Medium Density Residential.

(3) The minimum lot size for a dwelling house is 300m$^2$ if the dwelling density (per hectare) shown on the Residential Density Map in relation to the land is 15, 20, 25 or 45.

(4) The minimum lot size for a dual occupancy is—

(a) 500m$^2$ if the dwelling density (per hectare) shown on the Residential Density Map in relation to the land is 15 or 20, or

(b) 400m$^2$ if the dwelling density (per hectare) shown on the Residential Density Map in relation to the land is 25, or

(c) 250m$^2$ if the dwelling density (per hectare) shown on the Residential Density Map in relation to the land is 40.

(5) The minimum lot size for a semi-detached dwelling is—

(a) 200m$^2$ if the dwelling density (per hectare) shown on the Residential Density Map in relation to the land is 15, or
(a) 150 m² if the dwelling density (per hectare) shown on the Residential Density Map in relation to the land is 20, or
(b) 125 m² if the dwelling density (per hectare) shown on the Residential Density Map in relation to the land is 25 or 45.

(6) The minimum lot size for an attached dwelling is—
   (a) 1,500 m² if the dwelling density (per hectare) shown on the Residential Density Map in relation to the land is 15, or
   (b) 375 m² if the dwelling density (per hectare) shown on the Residential Density Map in relation to the land is 20, 25 or 45.

(7) The minimum lot size for multi dwelling housing is—
   (a) 1,500 m² if the dwelling density (per hectare) shown on the Residential Density Map in relation to the land is 15 or 20, or
   (b) 375 m² if the dwelling density (per hectare) shown on the Residential Density Map in relation to the land is 25 or 45.

(8) The minimum lot size for a manor home is 600 m² if the dwelling density (per hectare) shown on the Residential Density Map in relation to the land is 20, 25 or 45.

(9) The minimum lot size for a residential flat building is—
   (a) 2,000 m² if the dwelling density (per hectare) shown on the Residential Density Map in relation to the land is 25, or
   (b) 1,000 m² if the dwelling density (per hectare) shown on the Residential Density Map in relation to the land is 45.

4.1AC Minimum lot sizes for secondary dwellings in Zone R2 Low Density Residential and Zone R3 Medium Density Residential

(1) This clause applies to land in the following zones—
   (a) Zone R2 Low Density Residential,
   (b) Zone R3 Medium Density Residential.

(2) The minimum lot size for a secondary dwelling on land in Zone R2 Low Density Residential is 450 m².

(3) The minimum lot size for a secondary dwelling on land in Zone R3 Medium Density Residential is the minimum lot size for the principal dwelling in conjunction with which the secondary dwelling is established, determined in accordance with clause 4.1AB, 4.1AD or 4.1AF.

4.1AD Exceptions to minimum lot sizes for dwelling houses

(1) This clause applies to the following—
   (a) a lot in Zone R2 Low Density Residential that has an area less than 300 m² (but not less than 250 m²) if the dwelling density (per hectare) shown on the Residential Density Map in
relation to the land is 15,

(b) a lot in Zone R2 Low Density Residential that has an area less than $300m^2$ (but not less than $225m^2$) if the dwelling density (per hectare) shown on the Residential Density Map in relation to the land is 20,

(c) a lot in Zone R3 Medium Density Residential that has an area less than $300m^2$ (but not less than $225m^2$) if the dwelling density (per hectare) shown on the Residential Density Map in relation to the land is not less than 25.

(2) Despite clause 4.1AB, development consent may be granted to the erection of a dwelling house on a lot to which this clause applies if—

(a) the lot results from a subdivision to which development consent has been granted in accordance with clause 4.1AA and, in determining the development application for the erection of the dwelling house, the consent authority considers any information that it considered for the purposes of that clause in determining the development application for that subdivision, or

(b) the development application is a single development application for development consisting of both of the following—

(i) the subdivision of land into 2 or more lots,

(ii) the erection of the dwelling house on one of the lots resulting from the subdivision.

4.1AE Exceptions to minimum lot sizes for dwelling houses on other lots in Zone R2 Low Density Residential

(1) This clause applies to a lot in Zone R2 Low Density Residential that has an area of less than $250m^2$ (but not less than $225m^2$) if the dwelling density (per hectare) shown on the Residential Density Map in relation to the land is 15.

(2) Despite clause 4.1AB (3), development consent may be granted to the erection of a dwelling house on a lot to which this clause applies if the lot meets the requirements of subclause (3) and—

(a) the lot results from a subdivision to which development consent has been granted in accordance with clause 4.1AA and, in determining the development application for the erection of the dwelling house, the consent authority considers any information that it considered for the purposes of that clause in determining the development application for that subdivision, or

(b) the development application is a single development application for development consisting of both of the following—

(i) the subdivision of land into 2 or more lots,

(ii) the erection of the dwelling house on one of the lots resulting from the subdivision.

(3) A lot meets the requirements of this subclause if—

(a) the lot adjoins land in Zone RE1 Public Recreation, or is separated from land in that zone only by a public road, or
(b) the lot adjoins land in Zone B2 Local Centre or Zone B4 Mixed Use, or is separated from land in any of those zones only by a public road, or

(c) the lot is within 400m of land in Zone B2 Local Centre and—

(i) adjoins land in Zone SP2 Infrastructure that is set aside for drainage or educational purposes, or

(ii) is separated from land in Zone SP2 Infrastructure that is set aside for drainage or educational purposes only by a public road.

(4) Despite subclause (2), development consent must not be granted to the erection of a dwelling house to which this clause applies unless the consent authority is satisfied that the dwelling house—

(a) will not adversely impact on the amenity of adjoining residential properties, and

(b) will be designed and orientated to provide active frontages to and surveillance of the public recreation or drainage land, and

(c) will not adversely impact on or limit solar access to adjoining residential or public open space land.

4.1AF Exceptions to minimum lot sizes for dwelling houses on small lots

(1) This clause applies to the following—

(a) a lot in Zone R2 Low Density Residential that has an area of less than 225m² (but not less than 200m²) if the dwelling density (per hectare) shown on the Residential Density Map in relation to the land is 20, or

(b) a lot in Zone R3 Medium Density Residential that has an area of less than 225m² (but not less than 125m²) if the dwelling density (per hectare) shown on the Residential Density Map in relation to the land is not less than 25.

(2) Despite clause 4.1AB, development consent may be granted to the erection of a dwelling house on a lot to which this clause applies if the development application is a single development application for development consisting of both of the following—

(a) the subdivision of land into 2 or more lots,

(b) the erection of the dwelling house on one of the lots resulting from the subdivision.

4.1AG Minimum lot sizes in split zones

(1) This clause applies to each lot that contains land in Zone R2 Low Density Residential or Zone R3 Medium Density Residential and land in any other zone.

(2) For the purposes of clauses 4.1AA–4.1AF, a reference to the area of a lot—

(a) in relation to land in Zone R2 Low Density Residential, means the area of that part of the lot that is in Zone R2 Low Density Residential, and

(b) in relation to land in Zone R3 Medium Density Residential, means the area of that part of
the lot that is in Zone R3 Medium Density Residential, and

(c) does not include any part of the lot that is in any other zone.

4.1B Residential density

(1) The objectives of this clause are—

(a) to establish minimum density requirements for residential development within the Area 20 Precinct, and

(b) to ensure that residential development makes efficient use of land and infrastructure, and contributes to the availability of new housing, and

(c) to ensure that the scale of residential development is compatible with the character of the precinct and adjoining land.

(2) This clause applies to residential development of the kind referred to in clause 4.1AB (3) or 4.1AC (1) that—

(a) is carried out on land to which this Precinct Plan applies that is shown on the Residential Density Map, and

(b) requires development consent, and

(c) is carried out after the commencement of this Precinct Plan.

(3) The density of any residential development to which this clause applies is not to be less than the density shown on the Residential Density Map in relation to that land.

(4) In this clause—

*density* means the net developable area in hectares of the land on which the development is situated divided by the number of dwellings proposed to be located on that land.

*net developable area* means the land occupied by the development, including internal streets plus half the width of any adjoining access roads that provide vehicular access, but excluding land that is not zoned for residential purposes.

4.3 Height of buildings

(1) The objectives of this clause are as follows—

(a) to establish the maximum height of buildings on land within the Area 20 Precinct,

(b) to minimise visual impact and protect the amenity of adjoining development and land in terms of solar access to buildings and open space,

(c) to facilitate higher density development in and around commercial centres and major transport routes.

(2) The height of a building on any land is not to exceed the maximum height shown for the land on the Height of Buildings Map.
4.4 **Floor space ratio**

(1) The objective of this clause is to control the bulk and scale of buildings within the Area 20 Precinct by setting maximum floor space ratios for development.

(2) The maximum floor space ratio for a building on any land is not to exceed the floor space ratio shown for the land on the Floor Space Ratio Map.

4.5 **Calculation of floor space ratio and site area**

(1) **Objectives** The objectives of this clause are as follows—

(a) to define *floor space ratio*,

(b) to set out rules for the calculation of the site area of development for the purpose of applying permitted floor space ratios, including rules to—

(i) prevent the inclusion in the site area of an area that has no significant development being carried out on it, and

(ii) prevent the inclusion in the site area of an area that has already been included as part of a site area to maximise floor space area in another building, and

(iii) require community land and public places to be dealt with separately.

(2) **Definition of “floor space ratio”** The *floor space ratio* of buildings on a site is the ratio of the gross floor area of all buildings within the site to the site area.

(3) **Site area** In determining the site area of proposed development for the purpose of applying a floor space ratio, the *site area* is taken to be—

(a) if the proposed development is to be carried out on only one lot, the area of that lot, or

(b) if the proposed development is to be carried out on 2 or more lots, the area of any lot on which the development is proposed to be carried out that has at least one common boundary with another lot on which the development is being carried out.

In addition, subclauses (4)–(7) apply to the calculation of the site area for the purposes of applying a floor space ratio to proposed development.

(4) **Exclusions from site area** The following land must be excluded from the site area—

(a) land on which the proposed development is prohibited, whether under this Precinct Plan or any other law,

(b) community land or a public place (except as provided by subclause (7)).

(5) **Strata subdivisions** The area of a lot that is wholly or partly on top of another or others in a strata subdivision is to be included in the calculation of the site area only to the extent that it does not overlap with another lot already included in the site area calculation.

(6) **Only significant development to be included** The site area for proposed development must not include a lot additional to a lot or lots on which the development is being carried out unless the proposed development includes significant development on that additional lot.
(7) **Certain public land to be separately considered** For the purpose of applying a floor space ratio to any proposed development on, above or below community land or a public place, the site area must only include an area that is on, above or below that community land or public place, and is occupied or physically affected by the proposed development, and may not include any other area on which the proposed development is to be carried out.

(8) **Existing buildings** The gross floor area of any existing or proposed buildings within the vertical projection (above or below ground) of the boundaries of a site is to be included in the calculation of the total floor space for the purposes of applying a floor space ratio, whether or not the proposed development relates to all of the buildings.

(9) **Covenants to prevent “double dipping”** When development consent is granted to development on a site comprised of 2 or more lots, a condition of the consent may require a covenant to be registered that prevents the creation of floor area on a lot (the restricted lot) if the consent authority is satisfied that an equivalent quantity of floor area will be created on another lot only because the site included the restricted lot.

(10) **Covenants affect consolidated sites** If—

   (a) a covenant of the kind referred to in subclause (9) applies to any land (affected land), and

   (b) proposed development relates to the affected land and other land that together comprise the site of the proposed development,

the maximum amount of floor area allowed on the other land by the floor space ratio fixed for the site by this Precinct Plan is reduced by the quantity of floor space area the covenant prevents being created on the affected land.

(11) **Definition** In this clause, *public place* has the same meaning as it has in the *Local Government Act 1993*.

### 4.6 Exceptions to development standards

(1) The objectives of this clause are as follows—

   (a) to provide an appropriate degree of flexibility in applying certain development standards to particular development,

   (b) to achieve better outcomes for and from development by allowing flexibility in particular circumstances.

(2) Development consent may, subject to this clause, be granted for development even though the development would contravene a development standard imposed by this or any other environmental planning instrument. However, this clause does not apply to a development standard that is expressly excluded from the operation of this clause.

(3) Consent must not be granted for development that contraves a development standard unless the consent authority has considered a written request from the applicant that seeks to justify the contravention of the development standard by demonstrating—

   (a) that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and
(b) that there are sufficient environmental planning grounds to justify contravening the development standard.

(4) Development consent must not be granted for development that contravenes a development standard unless—

(a) the consent authority is satisfied that—

(i) the applicant’s written request has adequately addressed the matters required to be demonstrated by subclause (3), and

(ii) the proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out, and

(b) the concurrence of the Director-General has been obtained.

(5) In deciding whether to grant concurrence, the Director-General must consider—

(a) whether contravention of the development standard raises any matter of significance for State environmental planning, and

(b) the public benefit of maintaining the development standard, and

(c) any other matters required to be taken into consideration by the Director-General before granting concurrence.

(6) Development consent must not be granted under this clause for a subdivision of land in Zone RU1 Primary Production, Zone RU2 Rural Landscape, Zone RU3 Forestry, Zone RU4 Primary Production Small Lots, Zone RU6 Transition, Zone R5 Large Lot Residential, Zone E2 Environmental Conservation, Zone E3 Environmental Management or Zone E4 Environmental Living if—

(a) the subdivision will result in 2 or more lots of less than the minimum area specified for such lots by a development standard, or

(b) the subdivision will result in at least one lot that is less than 90% of the minimum area specified for such a lot by a development standard.

Note. When this Precinct Plan was made it did not include any of these zones other than Zone E2 Environmental Conservation.

(7) After determining a development application made pursuant to this clause, the consent authority must keep a record of its assessment of the factors required to be addressed in the applicant’s written request referred to in subclause (3).

(8) This clause does not allow development consent to be granted for development that would contravene any of the following—

(a) a development standard for complying development,

(b) a development standard that arises, under the regulations under the Act, in connection with a commitment set out in a BASIX certificate for a building to which State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004 applies or for the land on
which such a building is situated,

(c) clause 5.4.

Part 5 Miscellaneous provisions

5.1 Relevant acquisition authority

(1) The objective of this clause is to identify, for the purposes of section 3.15 of the Act, the authority of the State that will be the relevant authority to acquire land reserved for certain public purposes if the land is required to be acquired under Division 3 of Part 2 of the Land Acquisition (Just Terms Compensation) Act 1991 (the owner-initiated acquisition provisions).

Note. If the landholder will suffer hardship if there is any delay in the land being acquired by the relevant authority, section 23 of the Land Acquisition (Just Terms Compensation) Act 1991 requires the authority to acquire the land.

(2) The authority of the State that will be the relevant authority to acquire land, if the land is required to be acquired under the owner-initiated acquisition provisions, is the authority of the State specified below in relation to the land shown on the Land Reservation Acquisition Map (or, if an authority of the State is not specified in relation to land required to be so acquired, the authority designated or determined under those provisions).

<table>
<thead>
<tr>
<th>Type of land shown on Map</th>
<th>Authority of the State</th>
</tr>
</thead>
<tbody>
<tr>
<td>Zone B2 Local Centre and marked “Local Open Space”</td>
<td>Council</td>
</tr>
<tr>
<td>Zone B4 Mixed Use and marked “Local Open Space”</td>
<td>Council</td>
</tr>
<tr>
<td>Zone RE1 Public Recreation and marked “Local Open Space”</td>
<td>Council</td>
</tr>
<tr>
<td>Zone SP2 Infrastructure and marked “Classified Road”</td>
<td>Roads and Traffic Authority</td>
</tr>
<tr>
<td>Zone SP2 Infrastructure and marked “Local Drainage”</td>
<td>Council</td>
</tr>
<tr>
<td>Zone SP2 Infrastructure and marked “Local Road”</td>
<td>Council</td>
</tr>
</tbody>
</table>

(3) Development on land acquired by an authority of the State under the owner-initiated acquisition provisions may, before it is used for the purpose for which it is reserved, be carried out, with development consent, for any purpose.

Note. If land, other than land specified in the Table to subclause (2), is required to be acquired under the owner-initiated acquisition provisions, the Minister for Planning and Infrastructure is required to take action to enable the designation of the acquiring authority under this Part. Pending the designation of the acquiring authority for that land, the acquiring authority is to be the authority determined by order of the Minister for Planning and Infrastructure (see section 21 of the Land Acquisition (Just Terms Compensation) Act 1991).

5.2 Classification and reclassification of public land

(1) The objective of this clause is to enable the Council to classify or reclassify public land as
“operational land” or “community land” in accordance with Part 2 of Chapter 6 of the *Local Government Act 1993*.

**Note.** Under the *Local Government Act 1993*, “public land” is generally land vested in or under the control of a council (other than roads and certain Crown land). The classification or reclassification of public land may also be made by a resolution of the Council under section 31, 32 or 33 of the *Local Government Act 1993*. Section 30 of that Act enables this Precinct Plan to discharge trusts on which public reserves are held if the land is reclassified under this Precinct Plan as operational land.

(2) The public land described in Part 1 or Part 2 of Schedule 4 to this Appendix is classified, or reclassified, as operational land for the purposes of the *Local Government Act 1993*.

(3) The public land described in Part 3 of Schedule 4 to this Appendix is classified, or reclassified, as community land for the purposes of the *Local Government Act 1993*.

(4) The public land described in Part 1 of Schedule 4—

(a) does not cease to be a public reserve to the extent (if any) that it is a public reserve, and

(b) continues to be affected by any trusts, estates, interests, dedications, conditions, restrictions or covenants that affected the land before its classification, or reclassification, as operational land.

(5) The public land described in Part 2 of Schedule 4, to the extent (if any) that it is a public reserve, ceases to be a public reserve when the description of the land is inserted into that Part and is discharged from all trusts, estates, interests, dedications, conditions, restrictions and covenants affecting the land or any part of the land, except—

(a) those (if any) specified for the land in Column 3 of Part 2 of Schedule 4, and

(b) any reservations that except land out of the Crown grant relating to the land, and

(c) reservations of minerals (within the meaning of the *Crown Land Management Act 2016*).

**Note.** In accordance with section 30 (2) of the *Local Government Act 1993*, the approval of the Governor to subclause (5) applying to the public land concerned is required before the description of the land is inserted in Part 2 of Schedule 4 to this Appendix.

### 5.3 Development near zone boundaries

(1) The objective of this clause is to provide flexibility where the investigation of a site and its surroundings reveals that a use allowed on the other side of a zone boundary would enable a more logical and appropriate development of the site and be compatible with the planning objectives and land uses for the adjoining zone.

(2) This clause applies to so much of any land that is within the relevant distance of a boundary between any 2 zones. The relevant distance is as follows—

(a) (Repealed)

(b) in the case of a boundary between land zoned B2 Local Centre and land zoned B4 Mixed Use—60 metres,

(c) in any other case—30 metres.
This clause does not apply to—

(a) land in Zone E2 Environmental Conservation, or

(b) land proposed to be developed for the purpose of sex services or restricted premises.

Despite the provisions of this Precinct Plan relating to the purposes for which development may be carried out, consent may be granted to development of land to which this clause applies for any purpose that may be carried out in the adjoining zone, but only if the consent authority is satisfied that—

(a) the development is not inconsistent with the objectives for development in both zones, and

(b) the carrying out of the development is desirable due to compatible land use planning, infrastructure capacity and other planning principles relating to the efficient and timely development of land.

The clause does not prescribe a development standard that may be varied under this Precinct Plan.

5.4 Controls relating to miscellaneous permissible uses

1. Bed and breakfast accommodation If development for the purposes of bed and breakfast accommodation is permitted under this Precinct Plan, the accommodation that is provided to guests must consist of no more than 3 bedrooms.

   Note. Any such development that provides for a certain number of guests or rooms may involve a change in the class of building under the Building Code of Australia.

2. Home businesses If development for the purposes of a home business is permitted under this Precinct Plan, the carrying on of the business must not involve the use of more than 30 square metres of gross floor area.

3. Home industries If development for the purposes of a home industry is permitted under this Precinct Plan, the carrying on of the home industry must not involve the use of more than 30 square metres of gross floor area.

4. Industrial retail outlets If development for the purposes of an industrial retail outlet is permitted under this Precinct Plan, the retail gross floor area must not exceed—

   (a) 40% of the combined gross floor area of the industrial retail outlet and the building or place on which the relevant industry is carried out, or

   (b) 400 square metres,

   whichever is the lesser.

5. Farm stay accommodation If development for the purposes of farm stay accommodation is permitted under this Precinct Plan, the accommodation that is provided to guests must consist of no more than 3 bedrooms.

6. Kiosks If development for the purposes of a kiosk is permitted under this Precinct Plan, the gross
floor area must not exceed 30 square metres.

(7) **Neighbourhood shops** If development for the purposes of a neighbourhood shop is permitted under this Precinct Plan, the retail gross floor area must not exceed 100 square metres.

(8) **Roadside stalls** If development for the purposes of a roadside stall is permitted under this Precinct Plan, the gross floor area must not exceed 8 square metres.

(9) **Secondary dwellings** If development for the purposes of a secondary dwelling is permitted under this Precinct Plan, the total gross floor area of the dwelling (excluding any area used for parking) must not exceed whichever of the following is the greater—

(a) 110 square metres,

(b) 30% of the total gross floor area of both the self-contained dwelling and the principal dwelling.

### 5.6 Architectural roof features

(1) The objectives of this clause are—

(a) to ensure that architectural roof features are decorative elements only, and

(b) to ensure that the majority of the roof features are contained within the prescribed building height.

(2) Development that includes an architectural roof feature that exceeds, or causes a building to exceed, the height limits set by clause 4.3 may be carried out, but only with consent.

(3) Development consent must not be granted to any such development unless the consent authority is satisfied that—

(a) the architectural roof feature—

(i) comprises a decorative element on the uppermost portion of a building, and

(ii) is not an advertising structure, and

(iii) does not include floor space area and is not reasonably capable of modification to include floor space area, and

(iv) will cause minimal overshadowing, and

(b) any building identification signage or equipment for servicing the building (such as plant, lift motor rooms, fire stairs and the like) contained in or supported by the roof feature is fully integrated into the design of the roof feature.

### 5.8 Conversion of fire alarms

(1) This clause applies to a fire alarm system that can be monitored by Fire and Rescue NSW or by a private service provider.

(2) The following development may be carried out, but only with development consent—

(a) converting a fire alarm system from connection with the alarm monitoring system of Fire
and Rescue NSW to connection with the alarm monitoring system of a private service provider,

(b) converting a fire alarm system from connection with the alarm monitoring system of a private service provider to connection with the alarm monitoring system of another private service provider,

(c) converting a fire alarm system from connection with the alarm monitoring system of a private service provider to connection with a different alarm monitoring system of the same private service provider.

(3), (4) (Repealed)

(5) In this clause—

**private service provider** means a person or body that has entered into an agreement that is in force with Fire and Rescue NSW to monitor fire alarm systems.

### 5.9 Preservation of trees or vegetation

(1) The objective of this clause is to preserve the amenity of the area through the preservation of trees and other vegetation.

(2) This clause applies to species or kinds of trees or other vegetation that are prescribed for the purposes of this clause by a development control plan made by the Director-General.

**Note.** A development control plan may prescribe the trees or other vegetation to which this clause applies by reference to species, size, location or other manner.

(3) A person must not ringbark, cut down, top, lop, remove, injure or wilfully destroy any tree or other vegetation to which any such development control plan applies without the authority conferred by—

(a) development consent, or

(b) a permit granted by the Council.

(4) The refusal by the Council to grant a permit to a person who has duly applied for the grant of the permit is taken for the purposes of the Act to be a refusal by the Council to grant consent for the carrying out of the activity for which a permit was sought.

(5) This clause does not apply to a tree or other vegetation that the Council is satisfied is dying or dead and is not required as the habitat of native fauna.

(6) This clause does not apply to a tree or other vegetation that the Council is satisfied is a risk to human life or property.

(7) This clause does not apply to or in respect of—

(a) the clearing of native vegetation that is authorised by a development consent or property vegetation plan under the *Native Vegetation Act 2003* or that is otherwise permitted under Division 2 or 3 of Part 3 of that Act, or

(b) the clearing of vegetation on State protected land (within the meaning of clause 4 of...
Schedule 3 to the *Native Vegetation Act 2003* that is authorised by a development consent under the provisions of the *Native Vegetation Conservation Act 1997* as continued in force by that clause, or

(c) trees or other vegetation within a State forest, or land reserved from sale as a timber or forest reserve under the *Forestry Act 1916*, or

(d) action required or authorised to be done by or under the *Electricity Supply Act 1995*, the *Roads Act 1993* or the *Surveying and Spatial Information Act 2002*, or

(e) plants declared to be noxious weeds under the *Noxious Weeds Act 1993*, or

(f) native vegetation retention areas to which clause 6.3 of this Precinct Plan applies, or

(g) existing native vegetation to which clause 6.4 of this Precinct Plan applies.

5.11 **Bush fire hazard reduction**

Bush fire hazard reduction work authorised by the *Rural Fires Act 1997* may be carried out on any land without consent.

*Note.* The *Rural Fires Act 1997* also makes provision relating to the carrying out of development on bush fire prone land.

5.12 **Infrastructure development and use of existing buildings of the Crown**

(1) This Precinct Plan does not restrict or prohibit, or enable the restriction or prohibition of, the carrying out of any development, by or on behalf of a public authority, that is permitted to be carried out without consent under the *State Environmental Planning Policy (Infrastructure) 2007*.

(2) This Precinct Plan does not restrict or prohibit, or enable the restriction or prohibition of, the use of existing buildings of the Crown by the Crown.

**Part 6 Additional local provisions**

6.1 **Public utility infrastructure**

(1) The consent authority must not grant development consent to development on land to which this Precinct Plan applies unless it is satisfied that any public utility infrastructure that is essential for the proposed development is available or that adequate arrangements have been made to make that infrastructure available when required.

(2) In this clause, **public utility infrastructure** includes infrastructure for any of the following—

(a) the supply of water,

(b) the supply of electricity,

(c) the disposal and management of sewage.

(3) This clause does not apply to development for the purpose of providing, extending, augmenting, maintaining or repairing any public utility infrastructure referred to in this clause.
6.2 Attached dwellings, manor homes and multi dwelling housing in Zone R2 Low Density Residential

(1) The objectives of this clause are—

(a) to permit, with development consent, attached dwellings, manor homes and multi dwelling housing within Zone R2 Low Density Residential in limited circumstances, and

(b) to provide location and development criteria that must be satisfied before development consent can be granted.

(2) Development for the purposes of attached dwellings or multi dwelling housing is permissible with development consent on land in Zone R2 Low Density Residential if the dwelling density (per hectare) shown on the Residential Density Map in relation to the land is 15 and the land—

(a) adjoins land in Zone RE1 Public Recreation, or is separated from land in that zone only by a public road, or

(b) adjoins land in Zone B2 Local Centre or Zone B4 Mixed Use, or is separated from land in any of those zones only by a public road, or

(c) is within 400m of land in Zone B2 Local Centre and—

(i) adjoins land within Zone SP2 Infrastructure that is set aside for drainage or educational purposes, or

(ii) is separated from land within Zone SP2 Infrastructure that is set aside for drainage or educational purposes only by a public road.

(2A) Development for the purposes of attached dwellings or multi dwelling housing is permissible with development consent on land in Zone R2 Low Density Residential if the dwelling density (per hectare) shown on the Residential Density Map in relation to the land is not less than 20.

(2B) Development for the purposes of manor homes is permissible with development consent on land in Zone R2 Low Density Residential if—

(a) the dwelling density (per hectare) shown on the Residential Density Map in relation to the land is 20, and

(b) the land is located on the corner of 2 streets.

(3) Development consent must not be granted under this clause unless the consent authority is satisfied that—

(a) the attached dwellings, manor homes or multi dwelling housing will not adversely impact on the amenity of any adjoining residential properties, and

(b) the attached dwellings or multi dwelling housing will be designed and oriented to provide active frontages to and surveillance of the public recreation or drainage land, and

(c) the attached dwellings, manor homes or multi dwelling housing will not adversely impact on or limit solar access to any adjoining residential properties or public open space land.

(4) This clause has effect despite anything to the contrary in the Land Use Table or any other
provision of this Precinct Plan.

6.3 Development controls—native vegetation retention areas

(1) The objective of this clause is to prevent the clearing of certain native vegetation.

(2) This clause applies to land within a native vegetation retention area as shown on the Native Vegetation Protection Map.

(3) This clause does not apply to native vegetation that the Council is satisfied—
   (a) is dying or dead and is not required as the habitat of native fauna, or
   (b) is a risk to human life or property.

(4) This clause does not apply to any native vegetation—
   (a) within a State forest, or land reserved from sale as a timber or forest reserve under the Forestry Act 1916, or
   (b) declared to be noxious weeds under the Noxious Weeds Act 1993.

(5) A person must not clear native vegetation on land to which this clause applies without—
   (a) approval under Part 3A of the Act, or
   (b) development consent.

(6) Development consent under this clause is not to be granted unless the consent authority is satisfied of the following in relation to the disturbance of native vegetation—
   (a) that there is no reasonable alternative available to the disturbance of the native vegetation,
   (b) that as little native vegetation as possible will be disturbed,
   (c) that the disturbance of the native vegetation will not increase salinity,
   (d) that native vegetation disturbed for the purposes of construction will be reinstated where possible on completion of construction,
   (e) that the loss of remnant native vegetation caused by the disturbance will be compensated by revegetation on or near the land to avoid any net loss of remnant native vegetation,
   (f) that no more than 0.5 hectares of native vegetation will be cleared unless the clearing is essential for a previously permitted use of the land.

(7) The consent authority must, when determining a development application in respect of the clearing of native vegetation on land within a zone under this Precinct Plan, have regard to the objectives for development in that zone.

(8) This clause does not apply to or in respect of action required or authorised to be done by or under the Electricity Supply Act 1995, the Roads Act 1993, the Surveying and Spatial Information Act 2002 or the Sydney Water Act 1994.
6.4 Development controls—existing native vegetation

(1) The objective of this clause is to manage existing native vegetation in accordance with the relevant biodiversity measures under Part 7 of Schedule 7 to the Threatened Species Conservation Act 1995.

(2) This clause applies to land within an existing native vegetation area as shown on the Native Vegetation Protection Map.

(3) This clause does not apply to any vegetation declared to be noxious weeds under the Noxious Weeds Act 1993.

(4) The consent authority must not grant development consent for development on land to which this clause applies unless it is satisfied that the proposed development will not result in the clearing of any existing native vegetation (within the meaning of the relevant biodiversity measures under Part 7 of Schedule 7 to the Threatened Species Conservation Act 1995).

6.5 Active street frontages

(1) The objective of this clause is to promote uses that attract pedestrian traffic along certain ground floor street frontages in Zone B2 Local Centre and Zone B4 Mixed Use.

(2) This clause applies to land identified as “Active street frontage” on the Active Street Frontages Map.

(3) Development consent must not be granted to the erection of a building, or a change of use of a building, on land to which this clause applies unless the consent authority is satisfied that the building will have an active street frontage after its erection or change of use.

(4) Despite subclause (3), an active street frontage is not required for any part of a building that is used for any of the following—

(a) entrances and lobbies (including as part of mixed use development),

(b) access for fire services,

(c) vehicular access.

(5) In this clause, a building has an active street frontage if all premises on the ground floor of the building facing the street are used for the purposes of business premises or retail premises.

Schedule 1 Additional permitted uses

(Clause 2.5)

Residential flat buildings in Zone B2

(1) This clause applies to the land identified as “M” on the Land Zoning Map that is in Zone B2 Local Centre.

(2) Development for the purpose of a residential flat building is permitted with development consent on land identified as “Active street frontage” on the Active Street Frontages Map if the ground floor and first floor of the proposed residential flat building are able to be adapted for the purpose of retail premises or business premises.
(3) Before determining whether to grant development consent under this clause, the consent authority must consider—

(a) any adverse impact on employment opportunities in Zone B2 Local Centre, and

(b) the suitability of the land for a residential flat building, and

(c) the relationship of the proposed residential flat building to other buildings (existing or proposed) in the immediate vicinity in relation to separation, setbacks, amenity and urban form, and

(d) pedestrian, cycle, vehicular and service access and circulation, and

(e) the economic viability of ground floor and first floor retail premises or business premises on the land.

Schedule 4 Classification and reclassification of public land

This Schedule is blank on the making of this Precinct Plan.

Part 1 Land classified, or reclassified, as operational land—no interests changed

<table>
<thead>
<tr>
<th>Column 1</th>
<th>Column 2</th>
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Part 2 Land classified, or reclassified, as operational land—interests changed

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Part 3 Land classified, or reclassified, as community land

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</table>

Appendix 7 Schofields Precinct Plan

Part 1 Preliminary

Note. The Standard Instrument (Local Environmental Plans) Order 2006 sets out matters to be included in standard local
environmental plans. While this Precinct Plan is not a standard local environmental plan, it is generally consistent with standard plans. A number of clauses from the *Standard Instrument (Local Environmental Plans) Order 2006* have been included in this Precinct Plan and the clause numbering from that Order has been retained. This means that the numbering in this Precinct Plan may contain some gaps. Additional provisions have been inserted and are numbered accordingly.

1.1 **Name of Precinct Plan**

This Precinct Plan is the *Schofields Precinct Plan 2012*.

1.2 **Aims of Precinct Plan**

The aims of this Precinct Plan are as follows—

(a) to rezone land to allow for development to occur in the manner envisaged by the growth centre structure plan, and the indicative layout, for the Schofields Precinct,

(b) to deliver housing choice and affordability by accommodating a wide range of residential dwelling types that cater for housing diversity,

(c) to guide the bulk and scale of future development within the Precinct,

(d) to protect and enhance riparian corridors and areas of significant native vegetation by establishing development controls that prevent the clearing of existing native vegetation within the Precinct,

(e) to protect and enhance areas of local heritage significance by establishing development controls in order to maintain and respect the relationships between heritage sites and uses of adjacent sites.

1.3 **Land to which Precinct Plan applies**

This Precinct Plan applies to land within the Schofields Precinct as shown on the *Land Application Map*.

1.4 **Definition**

In this Precinct Plan, *Council* means Blacktown City Council.

*Note.* The Dictionary at the end of this State environmental planning policy defines words and expressions for the purposes of this Precinct Plan, including the relevant maps.

1.6 **Consent authority**

The consent authority for the purposes of this Precinct Plan is (subject to the Act) the Council.

1.8 **Repeal of other local planning instruments applying to land**

(1) All local environmental plans and deemed environmental planning instruments applying only to the land to which this Precinct Plan applies are repealed.

(2) All local environmental plans and deemed environmental planning instruments applying to the land to which this Precinct Plan applies and to other land cease to apply to the land to which this Precinct Plan applies.

(3) This clause does not affect the operation of other provisions of this State environmental planning policy.
1.8A Savings provision relating to pending development applications

If a development application has been made before the commencement of this Precinct Plan in relation to land to which this Precinct Plan applies and the application has not been finally determined before that commencement, the application must be determined as if this Precinct Plan had not commenced.

1.9 Application of SEPPs

(1) This Precinct Plan is subject to the provisions of any State environmental planning policy that prevails over this Precinct Plan as provided by section 3.28 of the Act.

   Note. Section 3.28 of the Act generally provides that SEPPs prevail over LEPs and other instruments. However, an environmental planning instrument may (by an additional provision included in the instrument) displace or amend a SEPP or LEP to deal specifically with the relationship between the instrument and the SEPP or LEP.

(2) State Environmental Planning Policy No 1—Development Standards does not apply to the land to which this Precinct Plan applies.

(3) Subject to section 74 (1) of the Act, in the event of an inconsistency between this Precinct Plan and any other provision of this or any other environmental planning instrument, whether made before or after the commencement of this Precinct Plan, this Precinct Plan prevails to the extent of the inconsistency.

   Note. The other provisions of this State environmental planning policy also contain provisions applying development controls to the North West Growth Centre, including the Schofields Precinct.

1.9A Suspension of covenants, agreements and instruments

(1) For the purpose of enabling development on land within any zone to be carried out in accordance with this Precinct Plan or with a consent granted under the Act, any agreement, covenant or other similar instrument that restricts the carrying out of that development does not apply to the extent necessary to serve that purpose.

(2) This clause does not apply—

   (a) to a covenant imposed by the Council or that the Council requires to be imposed, or

   (b) to any relevant instrument within the meaning of section 13.4 of the Crown Land Management Act 2016, or

   (c) to any conservation agreement within the meaning of the National Parks and Wildlife Act 1974, or

   (d) to any Trust agreement within the meaning of the Nature Conservation Trust Act 2001, or

   (e) to any property vegetation plan within the meaning of the Native Vegetation Act 2003, or

   (f) to any biobanking agreement within the meaning of Part 7A of the Threatened Species Conservation Act 1995, or

   (g) to any planning agreement within the meaning of Division 7.1 of the Act.

(3) This clause does not affect the rights or interests of any public authority under any registered
instrument.

(4) Pursuant to section 28 of the Act, the Governor, before the making of this clause, approved of subclauses (1)–(3).

Part 2 Permitted or prohibited development

2.1 Land use zones

The land use zones under this Precinct Plan are as follows—

Residential Zones
- R2 Low Density Residential
- R3 Medium Density Residential

Business Zones
- B1 Neighbourhood Centre
- B2 Local Centre

Special Purpose Zones
- SP2 Infrastructure

Recreation Zones
- RE1 Public Recreation
- RE2 Private Recreation

Environment Protection Zones
- E2 Environmental Conservation
- E4 Environmental Living

2.2 Zoning of land to which Precinct Plan applies

For the purposes of this Precinct Plan, land is within the zones shown on the Land Zoning Map.

2.3 Zone objectives and Land Use Table

(1) The Land Use Table at the end of this Part specifies for each zone—
   
   (a) the objectives for development, and
   
   (b) development that may be carried out without consent, and
   
   (c) development that may be carried out only with consent, and
   
   (d) development that is prohibited.

(2) The consent authority must have regard to the objectives for development in a zone when determining a development application in respect of land within the zone.

(3) In the Land Use Table at the end of this Part—
(a) a reference to a type of building or other thing is a reference to development for the purposes of that type of building or other thing, and

(b) a reference to a type of building or other thing does not include (despite any definition in this Policy) a reference to a type of building or other thing referred to separately in the Table in relation to the same zone.

(4) This clause is subject to the other provisions of this Precinct Plan.

Notes.
1 Schedule 1 sets out additional permitted uses for particular land.
2 Clause 2.6 requires consent for subdivision of land.
3 Part 5 contains other provisions that require consent for particular development.
4 Part 6 sets out additional permitted uses for particular land.

2.4 Unzoned land

(1) Development may be carried out on unzoned land only with consent.

(2) Before granting consent, the consent authority—

(a) must consider whether the development will impact on adjoining zoned land and, if so, consider the objectives for development in the zones of the adjoining land, and

(b) must be satisfied that the development is appropriate and is compatible with permissible land uses in any such adjoining land.

2.5 Additional permitted uses for particular land

(1) Development on particular land that is described or referred to in Schedule 1 to this Appendix may be carried out—

(a) with consent, or

(b) if the Schedule so provides—without consent,

in accordance with the conditions (if any) specified in that Schedule in relation to that development.

(2) This clause has effect despite anything to the contrary in the Land Use Table at the end of this Part or other provision of this Precinct Plan.

2.6 Subdivision—consent requirements

Land to which this Precinct Plan applies may be subdivided, but only with consent.

Note. State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 specifies certain subdivision development as exempt development.

2.7 Demolition

The demolition of a building or work may be carried out only with consent.

Note. The demolition of certain buildings and works is identified in State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 as exempt development.
2.8 Temporary use of land

(1) The objective of this clause is to provide for the temporary use of land if the use does not compromise future development of the land, or have detrimental economic, social, amenity or environmental effects on the land.

(2) Despite any other provision of this Precinct Plan, development consent may be granted for development on land in any zone for a temporary use for a maximum period of 52 days (whether or not consecutive days) in any period of 12 months.

(3) Development consent must not be granted unless the consent authority is satisfied that—

(a) the temporary use will not prejudice the subsequent carrying out of development on the land in accordance with this Precinct Plan and this or any other applicable environmental planning instrument, and

(b) the temporary use will not adversely impact on any adjoining land or the amenity of the neighbourhood, and

(c) the temporary use and location of any structures related to the use will not adversely impact on environmental attributes or features of the land, or increase the risk of natural hazards that may affect the land, and

(d) at the end of the temporary use period, the site will, as far as is practicable, be restored to the condition in which it was before the commencement of the use.

(4) Despite subclause (2), the temporary use of a dwelling as a sales office for a new release area or a new housing estate may exceed the maximum number of days specified in that subclause.

(5) Subclause (3) (d) does not apply to the temporary use of a dwelling as a sales office mentioned in subclause (4).

Land Use Table

Note. Part 6 of this Precinct Plan sets out local provisions which include additional permissible land uses and heads of consideration for assessment.

Zone R2 Low Density Residential

1 Objectives of zone

• To provide for the housing needs of the community within a low density residential environment.

• To enable other land uses that provide facilities or services to meet the day to day needs of residents.

• To allow people to carry out a reasonable range of activities from their homes, where such activities are not likely to adversely affect the living environment of neighbours.

• To support the well-being of the community, by enabling educational, recreational, community, religious and other activities where compatible with the amenity of a low density residential environment.
2 Permitted without consent

Home occupations

3 Permitted with consent

Bed and breakfast accommodation; Business identification signs; Centre-based child care facilities; Community facilities; Drainage; Dual occupancies; Dwelling houses; Earthworks; Educational establishments; Environmental protection works; Exhibition homes; Exhibition villages; Group homes; Health consulting rooms; Home-based child care; Home businesses; Home industries; Neighbourhood shops; Places of public worship; Roads; Secondary dwellings; Semi-detached dwellings; Shop top housing; Studio dwellings; Veterinary hospitals

4 Prohibited

Any development not specified in item 2 or 3

Zone R3  Medium Density Residential

1 Objectives of zone

• To provide for the housing needs of the community within a medium density residential environment.

• To provide a variety of housing types within a medium density residential environment.

• To enable other land uses that provide facilities or services to meet the day to day needs of residents.

• To support the well-being of the community by enabling educational, recreational, community, religious and other activities where compatible with the amenity of a medium density residential environment.

2 Permitted without consent

Home occupations

3 Permitted with consent

Attached dwellings; Bed and breakfast accommodation; Boarding houses; Centre-based child care facilities; Community facilities; Dual occupancies; Dwelling houses; Group homes; Manor homes; Multi dwelling housing; Neighbourhood shops; Places of public worship; Residential flat buildings; Roads; Secondary dwellings; Semi-detached dwellings; Seniors housing; Shop top housing; Studio dwellings; Any other development not specified in item 2 or 4

4 Prohibited

Agriculture; Air transport facilities; Airstrips; Amusement centres; Boat repair facilities; Boat sheds; Business premises; Caravan parks; Cemeteries; Charter and tourism boating facilities; Correctional centres; Crematoria; Depots; Entertainment facilities; Extractive industries; Freight transport facilities; Function centres; Helipads; Highway service centres; Home occupations (sex services); Industrial retail outlets; Industries; Information and education facilities; Marinas; Mortuaries; Office premises; Passenger transport facilities; Public administration buildings; Recreation facilities (indoor); Recreation facilities (major); Recreation facilities (outdoor); Registered clubs; Restriction
facilities; Retail premises; Rural supplies; Rural workers’ dwellings; Service stations; Sex services premises; Signage; Storage premises; Tourist and visitor accommodation; Transport depots; Truck depots; Vehicle body repair workshops; Vehicle repair stations; Waste management facilities; Waste or resource management facilities; Wholesale supplies

Zone B1 Neighbourhood Centre

1 Objectives of zone

• To provide a range of small-scale retail, business and community uses that serve the needs of people who live or work in the surrounding neighbourhood.

• To ensure the scale and type of business development is compatible with the scale of the surrounding area.

• To ensure residential development does not preclude the provision of active retail, business and community uses at street level.

• To allow for residential development that does not detract from the primary function of the zone which is to provide retail, business and community uses to serve to community.

• To promote a sense of place and focal points for the local community.

2 Permitted without consent

Home occupations

3 Permitted with consent

Business premises; Car parks; Centre-based child care facilities; Community facilities; Educational establishments; Entertainment facilities; Function centres; Information and education facilities; Markets; Neighbourhood shops; Recreation facilities (indoor); Retail premises; Roads; Service stations; Shop top housing; Vehicle repair stations; Any other development not specified in item 2 or 4

4 Prohibited

Agriculture; Air transport facilities; Airstrips; Biosolids treatment facilities; Boat repair facilities; Boat sheds; Bulky goods premises; Caravan parks; Cemeteries; Correctional centres; Crematoria; Depots; Exhibition villages; Extractive industries; Farm buildings; Freight transport facilities; Funeral chapels; Funeral homes; Helipads; Highway service centres; Home occupations (sex services); Industrial retail outlets; Industries; Landscape and garden supplies; Mortuaries; Office premises; Passenger transport facilities; Registered clubs; Residential accommodation; Restriction facilities; Rural supplies; Sex services premises; Storage premises; Timber and building supplies; Tourist and visitor accommodation; Transport depots; Vehicle body repair workshops; Warehouse or distribution centres; Waste management facilities; Waste or resource management facilities

Zone B2 Local Centre

1 Objectives of zone

• To provide a range of retail, business, entertainment and community uses that serve the needs of people who live in, work in and visit the local area.
• To encourage employment opportunities in accessible locations.
• To maximise public transport patronage and encourage walking and cycling.
• To provide for residential development that contributes to the vitality of the local centre.
• To ensure that residential development within the centre does not detract from the primary function of the centre being to provide for retail, business, entertainment and community uses.
• To facilitate active retail, commercial, entertainment and community facility uses at ground level of mixed use developments.
• To encourage development which will contribute to the economic growth of, and creation of employment opportunities within, the City of Blacktown.

2 Permitted without consent

Home occupations

3 Permitted with consent

Business premises; Centre-based child care facilities; Community facilities; Educational establishments; Entertainment facilities; Function centres; Information and education facilities; Office premises; Passenger transport facilities; Recreation facilities (indoor); Registered clubs; Retail premises; Roads; Service stations; Shop top housing; Tourist and visitor accommodation; Vehicle repair stations; Any other development not specified in item 2 or 4

4 Prohibited

Agriculture; Air transport facilities; Airstrips; Biosolids treatment facilities; Boat repair facilities; Boat sheds; Caravan parks; Cemeteries; Correctional centres; Crematoria; Depots; Electricity generating works; Exhibition villages; Extractive industries; Farm buildings; Freight transport facilities; Funeral chapels; Funeral homes; Helipads; Highway service centres; Home occupations (sex services); Industrial retail outlets; Industries; Mortuaries; Residential accommodation; Restricted premises; Restriction facilities; Roadside stalls; Rural industries; Rural supplies; Rural workers’ dwellings; Sex services premises; Storage premises; Transport depots; Vehicle body repair workshops; Warehouse or distribution centres; Waste management facilities; Waste or resource management facilities

Zone SP2 Infrastructure

1 Objectives of zone

• To provide for infrastructure and related uses.
• To prevent development that is not compatible with or that may detract from the provision of infrastructure.

2 Permitted without consent

Nil
3 Permitted with consent

The purpose shown on the Land Zoning Map, including any development that is ordinarily incidental or ancillary to development for that purpose; Drainage; Earthworks; Environmental protection works; Flood mitigation works; Roads; Water recycling facilities; Waterbodies (artificial)

4 Prohibited

Any development not specified in item 2 or 3

Zone RE1 Public Recreation

1 Objectives of zone

• To enable land to be used for public open space or recreational purposes.

• To provide a range of recreational settings and activities and compatible land uses.

• To protect and enhance the natural environment for recreational purposes.

2 Permitted without consent

Nil

3 Permitted with consent

Building identification signs; Business identification signs; Community facilities; Drainage; Earthworks; Environmental facilities; Environmental protection works; Flood mitigation works; Kiosks; Recreation areas; Recreation facilities (indoor); Recreation facilities (outdoor); Roads; Water recycling facilities; Waterbodies (artificial)

4 Prohibited

Any development not specified in item 2 or 3

Zone RE2 Private Recreation

1 Objectives of zone

• To enable land to be used for private open space or recreational purposes.

• To provide a range of recreational settings and activities and compatible land uses.

• To protect and enhance the natural environment for recreational purposes.

2 Permitted without consent

Nil

3 Permitted with consent

Caravan parks; Charter and tourism boating facilities; Community facilities; Drainage; Electricity generating works; Environmental facilities; Environmental protection works; Extensive agriculture; Flood mitigation works; Information and education facilities; Kiosks; Recreation areas; Recreation facilities (indoor); Recreation facilities (major); Recreation facilities (outdoor); Registered clubs; Restaurants; Roads; Signage; Water recycling facilities; Water supply systems; Waterbodies
Zone E2 Environmental Conservation

1 Objectives of zone

- To protect, manage and restore areas of high ecological, scientific, cultural or aesthetic values.
- To prevent development that could destroy, damage or otherwise have an adverse effect on those values.

2 Permitted without consent

Nil

3 Permitted with consent

Drainage; Earthworks; Environmental facilities; Environmental protection works; Flood mitigation works; Information and education facilities; Kiosks; Recreation areas; Roads; Signage; Waterbodies (artificial)

4 Prohibited

Any development not specified in item 2 or 3

Zone E4 Environmental Living

1 Objectives of zone

- To provide for low-impact residential development in areas with special ecological, scientific or aesthetic value.
- To ensure that residential development does not have an adverse effect on those values.

2 Permitted without consent

Home-based child care; Home occupations

3 Permitted with consent

Agriculture; Bed and breakfast accommodation; Community facilities; Drainage; Dual occupancies; Dwelling houses; Environmental facilities; Environmental protection works; Flood mitigation works; Group homes; Health consulting rooms; Home businesses; Home industries; Recreation areas; Roads; Secondary dwellings; Waterbodies (artificial)

4 Prohibited

Any development not specified in item 2 or 3

Part 3

3.1–3.3 (Repealed)
Part 4 Principal development standards

4.1 Minimum subdivision lot size

The size of any lot resulting from any subdivision of land in Zone E4 Environmental Living is not to be less than 12,000 square metres.

4.1AA Subdivision resulting in lots between 225–300m²

(1) This clause applies to land in the following zones—

(a) Zone R2 Low Density Residential,

(b) Zone R3 Medium Density Residential.

(2) Development consent may be granted to the subdivision of land to which this clause applies resulting in the creation of a lot that has an area of less than 300m² (but not less than 225m²), if the consent authority is satisfied that the lot will contain a sufficient building envelope to enable the erection of a dwelling house on the lot.

(3) This clause does not apply to a subdivision that is the subject of a development application under clause 4.1AD (2) (b), 4.1AE (2) (b) or 4.1AF.

4.1A Minimum lot sizes for residential development in non-residential zones

(1) The objectives of this clause are as follows—

(a) to establish minimum lot sizes for residential development,

(b) to ensure that residential development in the Schofields Precinct results in the efficient use of land and contributes to the supply of new housing in the North West Growth Centre,

(c) to ensure that residential development has adequate usable areas for buildings and open space,

(d) to ensure that residential development is compatible with the character of the Schofields Precinct and with surrounding residential areas,

(e) to facilitate and encourage the provision of a range of dwelling types.

(2) The minimum lot size for certain residential development is set out in the table below.

<table>
<thead>
<tr>
<th>Dwelling type</th>
<th>Minimum lot size</th>
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<tr>
<td>Dwelling houses</td>
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<tr>
<td>Secondary dwellings</td>
<td>450 square metres</td>
</tr>
<tr>
<td>Dual occupancy</td>
<td>500 square metres</td>
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</table>

(3) This clause does not apply to the residential development of land in Zone R2 Low Density Residential or Zone R3 Medium Density Residential.

(4) (Repealed)
4.1AB Minimum lot sizes for residential development in Zone R2 Low Density Residential and Zone R3 Medium Density Residential

(1) The objectives of this clause are as follows—

(a) to establish minimum lot sizes for residential development in Zone R2 Low Density Residential and Zone R3 Medium Density Residential,

(b) to ensure that residential development in the Schofields Precinct results in the efficient use of land and contributes to the supply of new housing in the North West Growth Centre,

(c) to ensure that residential development has adequate usable areas for buildings and open space,

(d) to ensure that residential development is compatible with the character of the Schofields Precinct and with surrounding residential areas,

(e) to facilitate and encourage the provision of a range of residential lot types, in particular, small lot housing.

(2) This clause applies to land in the following zones—

(a) Zone R2 Low Density Residential,

(b) Zone R3 Medium Density Residential.

(3) The minimum lot size for a dwelling house is 300m² if the dwelling density (per hectare) shown on the Residential Density Map in relation to the land is 15, 25, 30 or 40.

(4) The minimum lot size for a dual occupancy is—

(a) 500m² if the dwelling density (per hectare) shown on the Residential Density Map in relation to the land is 15, or

(b) 400m² if the dwelling density (per hectare) shown on the Residential Density Map in relation to the land is 25, or

(c) 300m² if the dwelling density (per hectare) shown on the Residential Density Map in relation to the land is 30, or

(d) 250m² if the dwelling density (per hectare) shown on the Residential Density Map in relation to the land is 40.

(5) The minimum lot size for a semi-detached dwelling is—

(a) 200m² if the dwelling density (per hectare) shown on the Residential Density Map in relation to the land is 15, or

(b) 125m² if the dwelling density (per hectare) shown on the Residential Density Map in relation to the land is 25, 30 or 40.

(6) The minimum lot size for an attached dwelling is—

(a) 1,500m² if the dwelling density (per hectare) shown on the Residential Density Map in
relation to the land is 15, or

(b) 375m² if the dwelling density (per hectare) shown on the Residential Density Map in relation to the land is 25, 30 or 40.

(7) The minimum lot size for multi dwelling housing is—

(a) 1,500m² if the dwelling density (per hectare) shown on the Residential Density Map in relation to the land is 15, or

(b) 375m² if the dwelling density (per hectare) shown on the Residential Density Map in relation to the land is 25, 30 or 40.

(8) The minimum lot size for a manor home is 600m² if the dwelling density (per hectare) shown on the Residential Density Map in relation to the land is 25, 30 or 40.

(9) The minimum lot size for a residential flat building is 1,000m² if the dwelling density (per hectare) shown on the Residential Density Map in relation to the land is 40.

4.1AC Minimum lot sizes for secondary dwellings in Zone R2 Low Density Residential and Zone R3 Medium Density Residential

(1) This clause applies to land in the following zones—

(a) Zone R2 Low Density Residential,

(b) Zone R3 Medium Density Residential.

(2) The minimum lot size for a secondary dwelling on land in Zone R2 Low Density Residential is 450m².

(3) The minimum lot size for a secondary dwelling on land in Zone R3 Medium Density Residential is the minimum lot size for the principal dwelling in conjunction with which the secondary dwelling is established, determined in accordance with clause 4.1AB, 4.1AD or 4.1AF.

4.1AD Exceptions to minimum lot sizes for dwelling houses

(1) This clause applies to the following—

(a) a lot in Zone R2 Low Density Residential that has an area less than 300m² (but not less than 250m²) if the dwelling density (per hectare) shown on the Residential Density Map in relation to the land is 15,

(b) a lot in Zone R2 Low Density Residential that has an area less than 300m² (but not less than 225m²) if the dwelling density (per hectare) shown on the Residential Density Map in relation to the land is 25,

(c) a lot in Zone R3 Medium Density Residential that has an area less than 300m² (but not less than 225m²) if the dwelling density (per hectare) shown on the Residential Density Map in relation to the land is not less than 25.

(2) Despite clause 4.1AB, development consent may be granted to the erection of a dwelling house on a lot to which this clause applies if—
(a) the lot results from a subdivision to which development consent has been granted in accordance with clause 4.1AA and, in determining the development application for the erection of the dwelling house, the consent authority considers any information that it considered for the purposes of that clause in determining the development application for that subdivision, or

(b) the development application is a single development application for development consisting of both of the following—

(i) the subdivision of land into 2 or more lots,

(ii) the erection of the dwelling house on one of the lots resulting from the subdivision.

4.1AE Exceptions to minimum lot sizes for dwelling houses on other lots in Zone R2 Low Density Residential

(1) This clause applies to a lot in Zone R2 Low Density Residential that has an area of less than 250m$^2$ (but not less than 225m$^2$) if the dwelling density (per hectare) shown on the Residential Density Map in relation to the land is 15.

(2) Despite clause 4.1AB (3), development consent may be granted to the erection of a dwelling house on a lot to which this clause applies if the lot meets the requirements of subclause (3) and—

(a) the lot results from a subdivision to which development consent has been granted in accordance with clause 4.1AA and, in determining the development application for the erection of the dwelling house, the consent authority considers any information that it considered for the purposes of that clause in determining the development application for that subdivision, or

(b) the development application is a single development application for development consisting of both of the following—

(i) the subdivision of land into 2 or more lots,

(ii) the erection of the dwelling house on one of the lots resulting from the subdivision.

(3) A lot meets the requirements of this subclause if—

(a) the lot adjoins land in Zone RE1 Public Recreation, or is separated from land in that zone only by a public road, or

(b) the lot adjoins land in Zone B1 Neighbourhood Centre or Zone B2 Local Centre, or is separated from land in any of those zones only by a public road, or

(c) the lot is within 400m of land in Zone B1 Neighbourhood Centre or Zone B2 Local Centre and—

(i) adjoins land in Zone SP2 Infrastructure that is set aside for drainage or educational purposes, or

(ii) is separated from land in Zone SP2 Infrastructure that is set aside for drainage or educational purposes only by a public road.
(4) Despite subclause (2), development consent must not be granted to the erection of a dwelling house to which this clause applies unless the consent authority is satisfied that the dwelling house—

(a) will not adversely impact on the amenity of adjoining residential properties, and

(b) will be designed and orientated to provide active frontages to and surveillance of the public recreation or drainage land, and

(c) will not adversely impact on or limit solar access to adjoining residential or public open space land.

4.1AF Exceptions to minimum lot sizes for dwelling houses on small lots

(1) This clause applies to a lot in Zone R2 Low Density Residential, or Zone R3 Medium Density Residential, that has an area less than 225m$^2$ (but not less than 125m$^2$) if the dwelling density (per hectare) shown on the Residential Density Map in relation to the land is not less than 25.

(2) Despite clause 4.1AB (3), development consent may be granted to the erection of a dwelling house on a lot to which this clause applies if the development application is a single development application for development consisting of both of the following—

(a) the subdivision of land into 2 or more lots,

(b) the erection of the dwelling house on one of the lots resulting from the subdivision.

4.1AG Minimum lot sizes in split zones

(1) This clause applies to each lot that contains land in Zone R2 Low Density Residential or Zone R3 Medium Density Residential and land in any other zone.

(2) For the purposes of clause 4.1AA–4.1AF, a reference to the area of a lot—

(a) in relation to land in Zone R2 Low Density Residential, means the area of that part of the lot that is in Zone R2 Low Density Residential, and

(b) in relation to land in Zone R3 Medium Density Residential, means the area of that part of the lot that is in Zone R3 Medium Density Residential, and

(c) does not include any part of the lot that is in any other zone.

4.1B Residential density

(1) The objectives of this clause are—

(a) to establish minimum density requirements for residential development within the Schofields Precinct, and

(b) to ensure that residential development makes efficient use of land and infrastructure, and contributes to the availability of new housing, and

(c) to ensure that the scale of residential development is compatible with the character of the precinct and adjoining land.
(2) This clause applies to residential development of the kind referred to in clause 4.1AB (3) or 4.1AC that—

(a) is carried out on land to which this Precinct Plan applies that is shown on the Residential Density Map, and

(b) requires development consent, and

(c) is carried out after the commencement of this Precinct Plan.

(3) The density of any residential development to which this clause applies is not to be less than the density shown on the Residential Density Map in relation to that land.

(4) In this clause—

*density* means the net developable area in hectares of the land on which the development is situated divided by the number of dwellings proposed to be located on that land.

*net developable area* means the land occupied by the development, including internal streets plus half the width of any adjoining access roads that provide vehicular access, but excluding land that is not zoned for residential purposes.

### 4.3 Height of buildings

(1) The objectives of this clause are as follows—

(a) to establish the maximum height of buildings on land within the Schofields Precinct,

(b) to minimise visual impact and protect the amenity of adjoining development and land in terms of solar access to buildings and open space,

(c) to facilitate higher density development in and around commercial centres and major transport routes.

(2) The height of a building on any land is not to exceed the maximum height shown for the land on the Height of Buildings Map.

### 4.4 Floor space ratio

(1) The objective of this clause is to control the bulk and scale of buildings within the Schofields Precinct by setting maximum floor space ratios for development.

(2) The maximum floor space ratio for a building on any land is not to exceed the floor space ratio shown for the land on the Floor Space Ratio Map.

### 4.5 Calculation of floor space ratio and site area

(1) **Objectives** The objectives of this clause are as follows—

(a) to define *floor space ratio*,

(b) to set out rules for the calculation of the site area of development for the purpose of applying permitted floor space ratios, including rules to—

(i) prevent the inclusion in the site area of an area that has no significant development
being carried out on it, and

(ii) prevent the inclusion in the site area of an area that has already been included as part of a site area to maximise floor space area in another building, and

(iii) require community land and public places to be dealt with separately.

2) **Definition of “floor space ratio”** The floor space ratio of buildings on a site is the ratio of the gross floor area of all buildings within the site to the site area.

3) **Site area** In determining the site area of proposed development for the purpose of applying a floor space ratio, the site area is taken to be—

   (a) if the proposed development is to be carried out on only one lot, the area of that lot, or

   (b) if the proposed development is to be carried out on 2 or more lots, the area of any lot on which the development is proposed to be carried out that has at least one common boundary with another lot on which the development is being carried out.

In addition, subclauses (4)–(7) apply to the calculation of site area for the purposes of applying a floor space ratio to proposed development.

4) **Exclusions from site area** The following land must be excluded from the site area—

   (a) land on which the proposed development is prohibited, whether under this Precinct Plan or any other law,

   (b) community land or a public place (except as provided by subclause (7)).

5) **Strata subdivisions** The area of a lot that is wholly or partly on top of another or others in a strata subdivision is to be included in the calculation of the site area only to the extent that it does not overlap with another lot already included in the site area calculation.

6) **Only significant development to be included** The site area for proposed development must not include a lot additional to a lot or lots on which the development is being carried out unless the proposed development includes significant development on that additional lot.

7) **Certain public land to be separately considered** For the purpose of applying a floor space ratio to any proposed development on, above or below community land or a public place, the site area must only include an area that is on, above or below that community land or public place, and is occupied or physically affected by the proposed development, and may not include any other area on which the proposed development is to be carried out.

8) **Existing buildings** The gross floor area of any existing or proposed buildings within the vertical projection (above or below ground) of the boundaries of a site is to be included in the calculation of the total floor space for the purposes of applying a floor space ratio, whether or not the proposed development relates to all of the buildings.

9) **Covenants to prevent “double dipping”** When development consent is granted to development on a site comprised of 2 or more lots, a condition of the consent may require a covenant to be registered that prevents the creation of floor area on a lot (the restricted lot) if the consent authority is satisfied that an equivalent quantity of floor area will be created on another lot only because the site included the restricted lot.
(10) **Covenants affect consolidated sites** If—

(a) a covenant of the kind referred to in subclause (9) applies to any land *(affected land)*, and

(b) proposed development relates to the affected land and other land that together comprise the site of the proposed development,

the maximum amount of floor area allowed on the other land by the floor space ratio fixed for the site by this Precinct Plan is reduced by the quantity of floor space area the covenant prevents being created on the affected land.

(11) **Definition** In this clause, *public place* has the same meaning as it has in the *Local Government Act 1993*.

### 4.6 Exceptions to development standards

(1) The objectives of this clause are as follows—

(a) to provide an appropriate degree of flexibility in applying certain development standards to particular development,

(b) to achieve better outcomes for and from development by allowing flexibility in particular circumstances.

(2) Development consent may, subject to this clause, be granted for development even though the development would contravene a development standard imposed by this or any other environmental planning instrument. However, this clause does not apply to a development standard that is expressly excluded from the operation of this clause.

(3) Development consent must not be granted for development that contravenes a development standard unless the consent authority has considered a written request from the applicant that seeks to justify the contravention of the development standard by demonstrating—

(a) that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and

(b) that there are sufficient environmental planning grounds to justify contravening the development standard.

(4) Development consent must not be granted for development that contravenes a development standard unless—

(a) the consent authority is satisfied that—

   (i) the applicant’s written request has adequately addressed the matters required to be demonstrated by subclause (3), and

   (ii) the proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out, and

(b) the concurrence of the Director-General has been obtained.

(5) In deciding whether to grant concurrence, the Director-General must consider—
(a) whether contravention of the development standard raises any matter of significance for State or regional environmental planning, and

(b) the public benefit of maintaining the development standard, and

(c) any other matters required to be taken into consideration by the Director-General before granting concurrence.

(6) Development consent must not be granted under this clause for a subdivision of land in Zone E2 Environmental Conservation or Zone E4 Environmental Living if—

(a) the subdivision will result in 2 or more lots of less than the minimum area specified for such lots by a development standard, or

(b) the subdivision will result in at least one lot that is less than 90% of the minimum area specified for such a lot by a development standard.

(7) After determining a development application made pursuant to this clause, the consent authority must keep a record of its assessment of the factors required to be addressed in the applicant’s written request referred to in subclause (3).

(8) This clause does not allow development consent to be granted for development that would contravene any of the following—

(a) a development standard for complying development,

(b) a development standard that arises, under the regulations under the Act, in connection with a commitment set out in a BASIX certificate for a building to which State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004 applies or for the land on which such a building is situated,

(c) clause 5.4.

Part 5 Miscellaneous provisions

5.1 Relevant acquisition authority

(1) The objective of this clause is to identify, for the purposes of section 3.15 of the Act, the authority of the State that will be the relevant authority to acquire land reserved for certain public purposes if the land is required to be acquired under Division 3 of Part 2 of the Land Acquisition (Just Terms Compensation) Act 1991 (the owner-initiated acquisition provisions).

Note. If the landholder will suffer hardship if there is any delay in the land being acquired by the relevant authority, section 23 of the Land Acquisition (Just Terms Compensation) Act 1991 requires the authority to acquire the land.

(2) The authority of the State that will be the relevant authority to acquire land, if the land is required to be acquired under the owner-initiated acquisition provisions, is the authority of the State specified below in relation to the land shown on the Land Reservation Acquisition Map (or, if an authority of the State is not specified in relation to land required to be so acquired, the authority designated or determined under those provisions).

<table>
<thead>
<tr>
<th>Type of land shown on Map</th>
<th>Authority of the State</th>
</tr>
</thead>
<tbody>
<tr>
<td>State Environmental Planning Policy (Sydney Region Growth Centres) 2006 [NSW]</td>
<td></td>
</tr>
</tbody>
</table>
(3) Development on land acquired by an authority of the State under the owner-initiated acquisition provisions may, before it is used for the purpose for which it is reserved, be carried out, with development consent, for any purpose.

5.2 Classification and reclassification of public land

(1) The objective of this clause is to enable the Council to classify or reclassify public land as “operational land” or “community land” in accordance with Part 2 of Chapter 6 of the Local Government Act 1993.

Note. Under the Local Government Act 1993, “public land” is generally land vested in or under the control of a council (other than roads and certain Crown land). The classification or reclassification of public land may also be made by a resolution of the Council under section 31, 32 or 33 of the Local Government Act 1993. Section 30 of that Act enables this Precinct Plan to discharge trusts on which public reserves are held if the land is reclassified under this Precinct Plan as operational land.

(2) The public land described in Part 1 or Part 2 of Schedule 4 to this Appendix is classified, or reclassified, as operational land for the purposes of the Local Government Act 1993.

(3) The public land described in Part 3 of Schedule 4 to this Appendix is classified, or reclassified, as community land for the purposes of the Local Government Act 1993.

(4) The public land described in Part 1 of Schedule 4 to this Appendix—

(a) does not cease to be a public reserve to the extent (if any) that it is a public reserve, and

(b) continues to be affected by any trusts, estates, interests, dedications, conditions, restrictions or covenants that affected the land before its classification, or reclassification, as operational land.

(5) The public land described in Part 2 of Schedule 4 to this Appendix, to the extent (if any) that it is a public reserve, ceases to be a public reserve when the description of the land is inserted into that Part and is discharged from all trusts, estates, interests, dedications, conditions, restrictions and covenants affecting the land or any part of the land, except—

(a) those (if any) specified for the land in Column 3 of Part 2 of Schedule 4 to this Policy, and

(b) any reservations that except land out of the Crown grant relating to the land, and
(c) reservations of minerals (within the meaning of the *Crown Land Management Act 2016*).

**Note.** In accordance with section 30 (2) of the *Local Government Act 1993*, the approval of the Governor to subclause (5) applying to the public land concerned is required before the description of the land is inserted in Part 2 of Schedule 4 to this Policy.

### 5.3 Development near zone boundaries

(1) The objective of this clause is to provide flexibility where the investigation of a site and its surroundings reveals that a use allowed on the other side of a zone boundary would enable a more logical and appropriate development of the site and be compatible with the planning objectives and land uses for the adjoining zone.

(2) This clause applies to so much of any land that is within the relevant distance of a boundary between any 2 zones. The relevant distance is 30 metres.

(3) This clause does not apply to—

(a) land in Zone RE1 Public Recreation or Zone E2 Environmental Conservation, or

(b) land within a coastal area, or

(c) land proposed to be developed for the purpose of sex services or restricted premises.

(4) Despite the provisions of this Precinct Plan relating to the purposes for which development may be carried out, development consent may be granted to development of land to which this clause applies for any purpose that may be carried out in the adjoining zone, but only if the consent authority is satisfied that—

(a) the development is not inconsistent with the objectives for development in both zones, and

(b) the carrying out of the development is desirable due to compatible land use planning, infrastructure capacity and other planning principles relating to the efficient and timely development of land.

(5) This clause does not prescribe a development standard that may be varied under this Precinct Plan.

### 5.4 Controls relating to miscellaneous permissible uses

(1) **Bed and breakfast accommodation** If development for the purposes of bed and breakfast accommodation is permitted under this Precinct Plan, the accommodation that is provided to guests must consist of no more than 3 bedrooms.

**Note.** Any such development that provides for a certain number of guests or rooms may involve a change in the class of building under the *Building Code of Australia*.

(2) **Home businesses** If development for the purposes of a home business is permitted under this Precinct Plan, the carrying on of the business must not involve the use of more than 30 square metres of floor area.

(3) **Home industries** If development for the purposes of a home industry is permitted under this Precinct Plan, the carrying on of the home industry must not involve the use of more than 30 square metres of floor area.
(4) **Industrial retail outlets** If development for the purposes of an industrial retail outlet is permitted under this Precinct Plan, the retail floor area must not exceed—

(a) 40% of the gross floor area of the industry or rural industry located on the same land as the retail outlet, or

(b) 400 square metres,

whichever is the lesser.

(5) **Farm stay accommodation** If development for the purposes of farm stay accommodation is permitted under this Precinct Plan, the accommodation that is provided to guests must consist of no more than 3 bedrooms.

(6) **Kiosks** If development for the purposes of a kiosk is permitted under this Precinct Plan, the gross floor area must not exceed 30 square metres.

(7) **Neighbourhood shops** If development for the purposes of a neighbourhood shop is permitted under this Precinct Plan, the retail floor area must not exceed 100 square metres.

(8) **Roadside stalls** If development for the purposes of a roadside stall is permitted under this Precinct Plan, the gross floor area must not exceed 8 square metres.

(9) **Secondary dwellings** If development for the purposes of a secondary dwelling is permitted under this Precinct Plan, the total floor area of the dwelling (excluding any area used for parking) must not exceed whichever of the following is the greater—

(a) 110 square metres,

(b) 30% of the total floor area of the principal dwelling.

### 5.6 Architectural roof features

(1) The objectives of this clause are as follows—

(a) to ensure that architectural roof features are decorative elements only, and

(b) to ensure that the majority of the roof features are contained within the prescribed building height.

(2) Development that includes an architectural roof feature that exceeds, or causes a building to exceed, the height limits set by clause 4.3 may be carried out, but only with development consent.

(3) Development consent must not be granted to any such development unless the consent authority is satisfied that—

(a) the architectural roof feature—

   (i) comprises a decorative element on the uppermost portion of a building, and

   (ii) is not an advertising structure, and

   (iii) does not include floor space area and is not reasonably capable of modification to
include floor space area, and

(iv) will cause minimal overshadowing, and

(b) any building identification signage or equipment for servicing the building (such as plant, lift motor rooms, fire stairs and the like) contained in or supported by the roof feature is fully integrated into the design of the roof feature.

5.8 Conversion of fire alarms

(1) This clause applies to a fire alarm system that can be monitored by Fire and Rescue NSW or by a private service provider.

(2) The following development may be carried out, but only with development consent—

(a) converting a fire alarm system from connection with the alarm monitoring system of Fire and Rescue NSW to connection with the alarm monitoring system of a private service provider,

(b) converting a fire alarm system from connection with the alarm monitoring system of a private service provider to connection with the alarm monitoring system of another private service provider,

(c) converting a fire alarm system from connection with the alarm monitoring system of a private service provider to connection with a different alarm monitoring system of the same private service provider.

(3), (4) (Repealed)

(5) In this clause—

private service provider means a person or body that has entered into an agreement that is in force with Fire and Rescue NSW to monitor fire alarm systems.

5.9 Preservation of trees or vegetation

(1) The objective of this clause is to preserve the amenity of the area through the preservation of trees and other vegetation.

(2) This clause applies to species or kinds of trees or other vegetation that are prescribed for the purposes of this clause by a development control plan made by the Director-General.

Note. A development control plan may prescribe the trees or other vegetation to which this clause applies by reference to species, size, location or other manner.

(3) A person must not ringbark, cut down, top, lop, remove, injure or wilfully destroy any tree or other vegetation to which any such development control plan applies without the authority conferred by—

(a) development consent, or

(b) a permit granted by the Council.

(4) The refusal by the Council to grant a permit to a person who has duly applied for the grant of the
permit is taken for the purposes of the Act to be a refusal by the Council to grant consent for the carrying out of the activity for which a permit was sought.

(5) This clause does not apply to a tree or other vegetation that the Council is satisfied is dying or dead and is not required as the habitat of native fauna.

(6) This clause does not apply to a tree or other vegetation that the Council is satisfied is a risk to human life or property.

(7) This clause does not apply to or in respect of—

(a) the clearing of native vegetation that is authorised by a development consent or property vegetation plan under the Native Vegetation Act 2003 or that is otherwise permitted under Division 2 or 3 of Part 3 of that Act, or

(b) the clearing of vegetation on State protected land (within the meaning of clause 4 of Schedule 3 to the Native Vegetation Act 2003) that is authorised by a development consent under the provisions of the Native Vegetation Conservation Act 1997 as continued in force by that clause, or

(c) trees or other vegetation within a State forest, or land reserved from sale as a timber or forest reserve under the Forestry Act 1916, or

(d) action required or authorised to be done by or under the Electricity Supply Act 1995, the Roads Act 1993 or the Surveying and Spatial Information Act 2002, or

(e) plants declared to be noxious weeds under the Noxious Weeds Act 1993, or

(f) native vegetation retention areas to which clause 6.4 of this Precinct Plan applies, or

(g) existing native vegetation to which clause 6.5 of this Precinct Plan applies.

5.10 Heritage conservation

Note. Heritage items (if any) are listed and described in Schedule 5 to this Precinct Plan. Heritage conservation areas (if any) are shown on the Heritage Map as well as being described in Schedule 5.

(1) Objectives The objectives of this clause are as follows—

(a) to conserve the environmental heritage of the Schofields Precinct,

(b) to conserve the heritage significance of heritage items and heritage conservation areas, including associated fabric, settings and views,

(c) to conserve archaeological sites,

(d) to conserve Aboriginal objects and Aboriginal places of heritage significance.

(2) Requirement for consent Development consent is required for any of the following—

(a) demolishing or moving any of the following or altering the exterior of any of the following (including, in the case of a building, making changes to its detail, fabric, finish or appearance)—

(i) a heritage item,
(ii) an Aboriginal object,

(iii) a building, work, relic or tree within a heritage conservation area,

(b) altering a heritage item that is a building by making structural changes to its interior or by making changes to anything inside the item that is specified in Schedule 5 to this Policy in relation to the item,

(c) disturbing or excavating an archaeological site while knowing, or having reasonable cause to suspect, that the disturbance or excavation will or is likely to result in a relic being discovered, exposed, moved, damaged or destroyed,

(d) disturbing or excavating an Aboriginal place of heritage significance,

(e) erecting a building on land—

(i) on which a heritage item is located or that is within a heritage conservation area, or

(ii) on which an Aboriginal object is located or that is within an Aboriginal place of heritage significance,

(f) subdividing land—

(i) on which a heritage item is located or that is within a heritage conservation area, or

(ii) on which an Aboriginal object is located or that is within an Aboriginal place of heritage significance.

(3) **When consent not required** However, development consent under this clause is not required if—

(a) the applicant has notified the consent authority of the proposed development and the consent authority has advised the applicant in writing before any work is carried out that it is satisfied that the proposed development—

(i) is of a minor nature or is for the maintenance of the heritage item, Aboriginal object, Aboriginal place of heritage significance or archaeological site or a building, work, relic, tree or place within the heritage conservation area, and

(ii) would not adversely affect the heritage significance of the heritage item, Aboriginal object, Aboriginal place, archaeological site or heritage conservation area, or

(b) the development is in a cemetery or burial ground and the proposed development—

(i) is the creation of a new grave or monument, or excavation or disturbance of land for the purpose of conserving or repairing monuments or grave markers, and

(ii) would not cause disturbance to human remains, relics, Aboriginal objects in the form of grave goods, or to an Aboriginal place of heritage significance, or

(c) the development is limited to the removal of a tree or other vegetation that the Council is satisfied is a risk to human life or property, or

(d) the development is exempt development.
(4) **Effect of proposed development on heritage significance** The consent authority must, before granting consent under this clause in respect of a heritage item or heritage conservation area, consider the effect of the proposed development on the heritage significance of the item or area concerned. This subclause applies regardless of whether a heritage management document is prepared under subclause (5) or a heritage conservation management plan is submitted under subclause (6).

(5) **Heritage assessment** The consent authority may, before granting consent to any development—

(a) on land on which a heritage item is located, or

(b) on land that is within a heritage conservation area, or

(c) on land that is within the vicinity of land referred to in paragraph (a) or (b),

require a heritage management document to be prepared that assesses the extent to which the carrying out of the proposed development would affect the heritage significance of the heritage item or heritage conservation area concerned.

(6) **Heritage conservation management plans** The consent authority may require, after considering the heritage significance of a heritage item and the extent of change proposed to it, the submission of a heritage conservation management plan before granting consent under this clause.

(7) **Archaeological sites** The consent authority must, before granting consent under this clause to the carrying out of development on an archaeological site (other than land listed on the State Heritage Register or to which an interim heritage order under the *Heritage Act 1977* applies)—

(a) notify the Heritage Council of its intention to grant consent, and

(b) take into consideration any response received from the Heritage Council within 28 days after the notice is sent.

(8) **Aboriginal places of heritage significance** The consent authority must, before granting consent under this clause to the carrying out of development in an Aboriginal place of heritage significance—

(a) consider the effect of the proposed development on the heritage significance of the place and any Aboriginal object known or reasonably likely to be located at the place by means of an adequate investigation and assessment (which may involve consideration of a heritage impact statement), and

(b) notify the local Aboriginal communities, in writing or in such other manner as may be appropriate, about the application and take into consideration any response received within 28 days after the notice is sent.

(9) **Demolition of nominated State heritage items** The consent authority must, before granting consent under this clause for the demolition of a nominated State heritage item—

(a) notify the Heritage Council about the application, and

(b) take into consideration any response received from the Heritage Council within 28 days after the notice is sent.
(10) **Conservation incentives** The consent authority may grant consent to development for any purpose of a building that is a heritage item or of the land on which such a building is erected, or for any purpose on an Aboriginal place of heritage significance, even though development for that purpose would otherwise not be allowed by this Precinct Plan, if the consent authority is satisfied that—

(a) the conservation of the heritage item or Aboriginal place of heritage significance is facilitated by the granting of consent, and

(b) the proposed development is in accordance with a heritage management document that has been approved by the consent authority, and

(c) the consent to the proposed development would require that all necessary conservation work identified in the heritage management document is carried out, and

(d) the proposed development would not adversely affect the heritage significance of the heritage item, including its setting, or the heritage significance of the Aboriginal place of heritage significance, and

(e) the proposed development would not have any significant adverse effect on the amenity of the surrounding area.

5.11 **Bush fire hazard reduction**

Bush fire hazard reduction work authorised by the *Rural Fires Act 1997* may be carried out on any land without development consent.

**Note.** The *Rural Fires Act 1997* also makes provision relating to the carrying out of development on bush fire prone land.

5.12 **Infrastructure development and use of existing buildings of the Crown**

(1) This Precinct Plan does not restrict or prohibit, or enable the restriction or prohibition of, the carrying out of any development, by or on behalf of a public authority, that is permitted to be carried out with or without development consent, or that is exempt development, under *State Environmental Planning Policy (Infrastructure) 2007*.

(2) This Precinct Plan does not restrict or prohibit, or enable the restriction or prohibition of, the use of existing buildings of the Crown by the Crown.

**Part 6 Additional local provisions**

6.1 **Public utility infrastructure**

(1) Development consent must not be granted for development on land to which this Precinct Plan applies unless the Council is satisfied that any public utility infrastructure that is essential for the proposed development is available or that adequate arrangements have been made to make that infrastructure available when required.

(2) This clause does not apply to development for the purpose of providing, extending, augmenting, maintaining or repairing any public utility infrastructure referred to in this clause.

(3) In this clause, **public utility infrastructure** includes infrastructure for any of the following—
(a) the supply of water,

(b) the supply of electricity,

(c) the disposal and management of sewage.

6.2 Attached dwellings, manor homes and multi dwelling housing in Zone R2 Low Density Residential

(1) The objectives of this clause are—

(a) to permit, with development consent, attached dwellings, manor homes and multi dwelling housing within Zone R2 Low Density Residential in limited circumstances, and

(b) to provide location and development criteria that must be satisfied before development consent can be granted.

(2) Development for the purposes of attached dwellings or multi dwelling housing is permissible with development consent on land in Zone R2 Low Density Residential if the dwelling density (per hectare) shown on the Residential Density Map in relation to the land is 15 and the land that—

(a) adjoins land in Zone RE1 Public Recreation, or is separated from land within that zone only by a public road, or

(b) adjoins land in Zone B1 Neighbourhood Centre or Zone B2 Local Centre, or is separated from such land within any of those zones only by a public road, or

(c) is within 400m of land in Zone B1 Neighbourhood Centre or Zone B2 Local Centre and—

(i) adjoins land in Zone SP2 Infrastructure that is set aside for drainage or educational purposes, or

(ii) is separated from land in Zone SP2 Infrastructure that is set aside for drainage or educational purposes only by a public road.

(2A) Development for the purposes of attached dwellings, manor homes or multi dwelling housing is permissible with development consent on land in Zone R2 Low Density Residential if for which the dwelling density (per hectare) shown on the Residential Density Map in relation to the land is not less than 25.

(3) Development consent must not be granted under this clause unless the consent authority is satisfied that—

(a) the attached dwellings, manor homes or multi dwelling housing will not adversely impact on the amenity of any adjoining residential properties, and

(b) the attached dwellings or multi dwelling housing will be designed and oriented to provide active frontages to and surveillance of the public recreation or drainage land, and

(c) the attached dwellings, manor homes or multi dwelling housing will not adversely impact on or limit solar access to any adjoining residential properties or public open space land.

(4) This clause has effect despite anything to the contrary in the Land Use Table or any other
provision of this Precinct Plan.

6.3 Information and educational facilities in Zone R2 Low Density Residential

(1) The objectives of this clause are as follows—
   (a) to permit, with development consent, information and education facilities within Zone R2 Low Density Residential in limited circumstances,
   (b) to provide criteria for the location and development of information and education facilities within Zone R2 Low Density Residential in the Schofields Precinct,
   (c) to ensure that development for the purposes of information and education facilities does not detract from the character and amenity of land within Zone R2 Low Density Residential.

(2) Development for the purpose of information and education facilities is permissible with development consent only on land within Zone R2 Low Density Residential that—
   (a) adjoins land within Zone E2 Environmental Conservation, or that is separated from land within the Zone E2 Environmental Conservation only by a public road, or
   (b) is within 90 metres of a public transport stop, or
   (c) adjoins an educational establishment or a community facility or that is separated from an educational establishment or a community facility only by a public road.

(3) Development consent must not be granted for an information and education facility if it would be located within 800 metres of another information and educational facility within Zone R2 Low Density Residential.

6.4 Development controls—native vegetation retention areas

(1) The objective of this clause is to prevent the clearing of certain native vegetation.

(2) This clause applies to land within a native vegetation retention area as shown on the Native Vegetation Protection Map.

(3) This clause does not apply to native vegetation that the Council is satisfied—
   (a) is dying or dead and is not required as the habitat of native fauna, or
   (b) is a risk to human life or property.

(4) This clause does not apply to any native vegetation—
   (a) within a State forest, or land reserved from sale as a timber or forest reserve under the Forestry Act 1916, or
   (b) declared to be noxious weeds under the Noxious Weeds Act 1993.

(5) A person must not clear native vegetation on land to which this clause applies without—
   (a) approval under Division 4.7 of the Act, or
   (b) development consent.
(6) Development consent under this clause is not to be granted unless the consent authority is satisfied of the following in relation to the disturbance of native vegetation—

(a) that there is no reasonable alternative available to the disturbance of the native vegetation,

(b) that as little native vegetation as possible will be disturbed,

(c) that the disturbance of the native vegetation will not increase salinity,

(d) that native vegetation disturbed for the purposes of construction will be reinstated where possible on completion of construction,

(e) that the loss of remnant native vegetation caused by the disturbance will be compensated by revegetation on or near the land to avoid any net loss of remnant native vegetation,

(f) that no more than 0.5 hectares of native vegetation will be cleared unless the clearing is essential for a previously permitted use of the land.

(7) The consent authority must, when determining a development application in respect of the clearing of native vegetation on land within a zone under this Precinct Plan, have regard to the objectives for development in that zone.

(8) This clause does not apply to or in respect of action required or authorised to be done by or under the Electricity Supply Act 1995, the Roads Act 1993, the Surveying and Spatial Information Act 2002 or the Sydney Water Act 1994.

6.5 Development controls—existing native vegetation

(1) The objective of this clause is to manage existing native vegetation in accordance with the relevant biodiversity measures under Part 7 of Schedule 7 to the Threatened Species Conservation Act 1995.

(2) This clause applies to land within an existing native vegetation area as shown on the Native Vegetation Protection Map.

(3) This clause does not apply to any vegetation declared to be noxious weeds under the Noxious Weeds Act 1993.

(4) The consent authority must not grant development consent for development on land to which this clause applies unless it is satisfied that the proposed development will not result in the clearing of any existing native vegetation (within the meaning of the relevant biodiversity measures under Part 7 of Schedule 7 to the Threatened Species Conservation Act 1995).

6.6 Development in Zone E2 Environmental Conservation

(1) This clause applies to land within Zone E2 Environmental Conservation (other than any such land owned by a public authority).

(2) Despite any other provision of this Precinct Plan, the consent authority must not grant development consent for development on land to which this clause applies unless it has considered a vegetation management plan that relates to all of that land.

(3) The vegetation management plan must address, to the satisfaction of the consent authority, the
following matters—
(a) the environmental values of the land,
(b) methods to be used to revegetate and rehabilitate the land,
(c) weed control,
(d) the monitoring and ongoing management of the land,
(e) other measures—
   (i) to control threats to the health of any remnant riparian vegetation on the land, and
   (ii) to increase species diversification and riparian vegetation cover on the land, and
   (iii) to improve the land’s resistance to future weed colonisation.

6.7 Subdivision of land adjoining Zone E2 Environmental Conservation

(1) The objectives of this clause are as follows—
(a) to ensure the rehabilitation and revegetation of land within the Schofields Precinct that is
   within Zone E2 Environmental Conservation (other than any such land owned by a public
   authority),
(b) to ensure that land within that Zone is managed and conserved in a holistic and sensitive
   manner.

(2) This clause applies to land that adjoins, or is only separated by a road from, land within Zone E2
Environmental Conservation.

(3) Despite any other provision of this Precinct Plan, the consent authority must not grant consent
for subdivision of land to which this clause applies or any other development on that land unless
it is satisfied that—
(a) appropriate arrangements have been made for the revegetation and rehabilitation of that land
   that is within the Schofields Precinct within Zone E2 Environmental Conservation, and
(b) those arrangements—
   (i) provide for the ongoing monitoring and management of that land, and
   (ii) will take effect before, or simultaneously with, the proposed subdivision or
development concerned, and
   (iii) are appropriate when considered in conjunction with any vegetation management plan
      prepared in accordance with clause 6.6.

6.8 Active street frontages

(1) The objective of this clause is to promote uses that attract pedestrian traffic along ground floor
street frontages in Zone B2 Local Centre.

(2) Development consent must not be granted to the erection of a building or a change of use of a
building on land in Zone B2 Local Centre unless the consent authority is satisfied that the building will have an active street frontage after its erection or change of use.

(3) Despite subclause (2), an active street frontage is not required for any part of a building that is used for any of the following—

(a) entrances and lobbies (including as part of mixed use development),

(b) access for fire services,

(c) vehicle access.

(4) In this clause, a building has an active street frontage if all premises on the ground floor of the building facing the street are used for the purposes of business premises or retail premises.

6.9 Development in special area—Schofields Station Area

(1) This clause applies to land shown as “Schofields Station Area” on the Special Areas Map.

(2) The consent authority must not grant development consent for development on land to which this clause applies unless a development control plan that provides for detailed development controls has been prepared for the land.

(3) Without limiting subclause (2), the development control plan is to provide for the following—

(a) the preferred location of any public transport corridor linking Cudgegong Road Railway Station with Schofields Railway Station and Marsden Park,

(b) an indicative layout of the public transport corridor, including the interchange with Schofields Station,

(c) the preferred locations of any associated land uses,

(d) direct, well defined and activated pedestrian connections between—

(ii) any commuter car park associated with that interchange, and

(iii) land adjoining the interchange or car park,

(e) detailed requirements for landscaping and public domain treatment for the public transport corridor,

(f) stormwater and water quality management controls,

(g) detailed urban design and built form controls for the public transport corridor and associated infrastructure,

(h) detailed consideration of the environmental impacts associated with the public transport corridor including noise, vibration and visual impacts.

(4) Subclause (2) does not apply to the following development—

(a) the subdivision of land—
(i) that does not further fragment the land, or

(ii) for the purpose only of defining the boundary of a special area, or

(iii) that is not for the purpose of enabling the construction of structures,

(b) development that the consent authority is satisfied is minor or will not affect future
development outcomes in relation to the planned public transport corridor.

6.10 Development of land within or adjacent to public transport corridor

(1) Consent must not be granted to development in the area marked “H” on the Land Zoning Map
without the concurrence of Transport for NSW.

(2) In determining whether to provide concurrence, Transport for NSW is to take into account the
likely effect of the development on—

(a) the practicability and cost of carrying out public transport projects on the land in the future, and

(b) without limiting paragraph (a), the structural integrity or safety of, or ability to operate, public
transport projects on the land in the future, and

(c) without limiting paragraph (a), the land acquisition costs and the costs of construction, operation or
maintenance of public transport projects on the land in the future.

Schedule 1 Additional permitted uses

1 Multi dwelling housing in the Schofields Precinct

On land shown on the Land Zoning Map as “Low Density Residential (multi dwelling
housing)”—multi dwelling housing.

Schedule 4 Classification and reclassification of public land

This Schedule is blank on the making of this Precinct Plan.

Part 1 Land classified, or reclassified, as operational land—no interests changed

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Part 3 Land classified, or reclassified, as community land

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Schedule 5 Environmental heritage

(Clause 5.10)

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Appendix 8 Liverpool Growth Centres Precinct Plan

Part 1 Preliminary

Note. The Standard Instrument (Local Environmental Plans) Order 2006 sets out matters to be included in standard local environmental plans. While this Precinct Plan is not a standard local environmental plan, it is generally consistent with standard plans. A number of clauses from the Standard Instrument (Local Environmental Plans) Order 2006 have been included in this Precinct Plan and the clause numbering from that Order has been retained. This means that the numbering in this Precinct Plan may contain some gaps. Additional provisions have been inserted and are numbered accordingly.

1.1 Name of Precinct Plan

This Precinct Plan is the Liverpool Growth Centres Precinct Plan 2013.

1.2 Aims of Precinct Plan

The aims of this Precinct Plan are as follows—

(a) to make development controls that will ensure the creation of quality environments and good design outcomes,

(b) to protect and enhance environmentally sensitive natural areas and cultural heritage,

(c) to provide for recreational opportunities,

(d) to provide for multifunctional and innovative development that encourages employment and economic growth,

(e) to promote housing choice and affordability,
(f) to provide for sustainable development,

(g) to promote pedestrian and vehicle connectivity.

1.3 Land to which Precinct Plan applies

This Precinct Plan applies to land within the Austral Precinct, East Leppington Precinct and Leppington North Precinct as shown on the Land Application Map.

Note. The Land Application Map differs from the Precinct Boundary Map and, as such, this Precinct Plan does not apply to all the land within the Leppington North Precinct or East Leppington Precinct (as shown on the Precinct Boundary Map).

1.4 Definition

In this Precinct Plan, Council means Liverpool City Council.

Note. The Dictionary at the end of this State environmental planning policy defines words and expressions for the purposes of this Precinct Plan, including the relevant maps.

1.5 Notes

Notes in this Precinct Plan are provided for guidance and do not form part of this Plan.

1.6 Consent authority

The consent authority for the purposes of this Precinct Plan is (subject to the Act) the Council.

1.8 Repeal of other local planning instruments applying to land

(1) All local environmental plans and deemed environmental planning instruments applying only to the land to which this Precinct Plan applies are repealed.

(2) All local environmental plans and deemed environmental planning instruments applying to the land to which this Precinct Plan applies and to other land cease to apply to the land to which this Precinct Plan applies.

Note. Liverpool Local Environmental Plan 2008 ceases to apply to the land to which this Precinct Plan applies.

(3) This clause does not affect the operation of other provisions of this State environmental planning policy.

1.8A Savings provision relating to pending development applications

If a development application has been made before the commencement of this Precinct Plan in relation to land to which this Precinct Plan applies and the application has not been finally determined before that commencement, the application must be determined as if this Precinct Plan had not commenced.

1.9 Application of SEPPs

(1) This Precinct Plan is subject to the provisions of any State environmental planning policy that prevails over this Precinct Plan as provided by section 3.28 of the Act.

(2) State Environmental Planning Policy No 1—Development Standards does not apply to the land
to which this Precinct Plan applies.

1.9A Suspension of covenants, agreements and instruments

(1) For the purpose of enabling development on land in any zone to be carried out in accordance with this Precinct Plan or with a consent granted under the Act, any agreement, covenant or other similar instrument that restricts the carrying out of that development does not apply to the extent necessary to serve that purpose.

(2) This clause does not apply—

(a) to a covenant imposed by the Council or that the Council requires to be imposed, or

(b) to any relevant instrument within the meaning of section 13.4 of the Crown Land Management Act 2016, or

(c) to any conservation agreement within the meaning of the National Parks and Wildlife Act 1974, or

(d) to any Trust agreement within the meaning of the Nature Conservation Trust Act 2001, or

(e) to any property vegetation plan within the meaning of the Native Vegetation Act 2003, or

(f) to any biobanking agreement within the meaning of Part 7A of the Threatened Species Conservation Act 1995, or

(g) to any planning agreement within the meaning of Division 7.1 of the Act.

(3) This clause does not affect the rights or interests of any public authority under any registered instrument.

(4) Under section 28 of the Act, the Governor, before the making of this clause, approved of subclauses (1)–(3).

Part 2 Permitted or prohibited development

2.1 Land use zones

The land use zones under this Precinct Plan are as follows—

Rural Zones

RU6 Transition

Residential Zones

R2 Low Density Residential

R3 Medium Density Residential

Business Zones

B1 Neighbourhood Centre

B2 Local Centre

B5 Business Development
Industrial Zones
IN2 Light Industrial

Special Purpose Zones
SP2 Infrastructure

Recreation Zones
RE1 Public Recreation

Environment Protection Zones
E2 Environmental Conservation
E4 Environmental Living

2.2 Zoning of land to which Precinct Plan applies

For the purposes of this Precinct Plan, land is within the zones shown on the Land Zoning Map.

2.3 Zone objectives and Land Use Table

(1) The Land Use Table at the end of this Part specifies for each zone—
(a) the objectives for development, and
(b) development that may be carried out without consent, and
(c) development that may be carried out only with consent, and
(d) development that is prohibited.

(2) The consent authority must have regard to the objectives for development in a zone when determining a development application in respect of land within the zone.

(3) In the Land Use Table at the end of this Part—
(a) a reference to a type of building or other thing is a reference to development for the purposes of that type of building or other thing, and
(b) a reference to a type of building or other thing does not include (despite any definition in this Policy) a reference to a type of building or other thing referred to separately in the Table in relation to the same zone.

(4) This clause is subject to the other provisions of this Precinct Plan.

Notes.
1 Schedule 1 sets out additional permitted uses for particular land.
2 Clause 2.6 requires consent for subdivision of land.
3 Part 5 contains other provisions that require consent for particular development.
4 Part 6 sets out additional permitted uses for particular land.

2.4 Unzoned land

(1) Development may be carried out on unzoned land only with consent.
Before granting development consent, the consent authority—

(a) must consider whether the development will impact on adjoining zoned land and, if so, consider the objectives for development in the zones of the adjoining land, and

(b) must be satisfied that the development is appropriate and is compatible with permissible land uses in any such adjoining land.

2.5 Additional permitted uses for particular land

(1) Development on particular land that is described or referred to in Schedule 1 to this Appendix may be carried out—

(a) with consent, or

(b) if the Schedule so provides—without development consent,

in accordance with the conditions (if any) specified in that Schedule in relation to that development.

(2) This clause has effect despite anything to the contrary in the Land Use Table at the end of this Part or any other provision of this Precinct Plan.

2.6 Subdivision—consent requirements

Land to which this Precinct Plan applies may be subdivided, but only with development consent.

Note. State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 specifies certain subdivision development as exempt development.

2.7 Demolition

The demolition of a building or work may be carried out only with development consent.

Note. The demolition of certain buildings and works is identified in State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 as exempt development.

2.8 Temporary use of land

(1) The objective of this clause is to provide for the temporary use of land if the use does not compromise future development of the land, or have detrimental economic, social, amenity or environmental effects on the land.

(2) Despite any other provision of this Precinct Plan, development consent may be granted for development on land in any zone for a temporary use for a maximum period of 52 days (whether or not consecutive days) in any period of 12 months.

(3) Development consent must not be granted unless the consent authority is satisfied that—

(a) the temporary use will not prejudice the subsequent carrying out of development on the land in accordance with this Precinct Plan and this or any other applicable environmental planning instrument, and

(b) the temporary use will not adversely impact on any adjoining land or the amenity of the neighbourhood, and
(c) the temporary use and location of any structures related to the use will not adversely impact on environmental attributes or features of the land, or increase the risk of natural hazards that may affect the land, and

(d) at the end of the temporary use period, the site will, as far as is practicable, be restored to the condition in which it was before the commencement of the use.

(4) Despite subclause (2), the temporary use of a dwelling as a sales office for a new release area or a new housing estate may exceed the maximum number of days specified in that subclause.

(5) Subclause (3) (d) does not apply to the temporary use of a dwelling as a sales office mentioned in subclause (4).

(6) This clause does not prescribe a development standard that may be varied under this Precinct Plan.

Land Use Table

Zone RU6  Transition

1 Objectives of zone

- To protect and maintain land that provides a transition between rural and other land uses of varying intensities or environmental sensitivities.
- To minimise conflict between land uses within this zone and land uses within adjoining zones.

2 Permitted without consent

Extensive agriculture; Home occupations; Roads

3 Permitted with consent

Agriculture; Dual occupancies; Dwelling houses; Environmental protection works; Home-based child care; Home businesses; Home industries; Horticulture; Secondary dwellings; Any other development not specified in item 2 or 4

4 Prohibited

Air transport facilities; Amusement centres; Biosolids treatment facilities; Boat repair facilities; Boat sheds; Bulky goods premises; Business premises; Caravan parks; Cemeteries; Centre-based child care facilities; Charter and tourism boating facilities; Community facilities; Correctional centres; Crematoria; Educational establishments; Entertainment facilities; Exhibition homes; Exhibition villages; Extractive industries; Freight transport facilities; Function centres; Hazardous storage establishments; Highway service centres; Home occupations (sex services); Industries; Information and education facilities; Intensive livestock agriculture; Intensive plant agriculture; Marinas; Moorings; Mortuaries; Office premises; Passenger transport facilities; Places of public worship; Recreation facilities (indoor); Recreation facilities (major); Registered clubs; Residential accommodation; Restricted premises; Retail premises; Rural industries; Sewage treatment plants; Sex services premises; Storage premises; Timber and building supplies; Tourist and visitor accommodation; Transport depots; Truck depots
Zone R2  Low Density Residential

1 Objectives of zone

• To provide for the housing needs of the community within a low density residential environment.

• To enable other land uses that provide facilities or services to meet the day to day needs of residents.

• To allow people to carry out a reasonable range of activities from their homes, where such activities are not likely to adversely affect the living environment of neighbours.

• To support the well-being of the community by enabling educational, recreational, community, religious and other activities where compatible with the amenity of a low density residential environment.

2 Permitted without consent

Home-based child care; Home occupations

3 Permitted with consent

Attached dwellings; Bed and breakfast accommodation; Boarding houses; Business identification signs; Centre-based child care facilities; Community facilities; Drainage; Dual occupancies; Dwelling houses; Educational establishments; Environmental protection works; Exhibition homes; Exhibition villages; Group homes; Health consulting rooms; Home businesses; Home industries; Multi dwelling housing; Neighbourhood shops; Places of public worship; Roads; Secondary dwellings; Semi-detached dwellings; Seniors housing; Shop top housing; Studio dwellings

4 Prohibited

Any development not specified in item 2 or 3

Zone R3  Medium Density Residential

1 Objectives of zone

• To provide for the housing needs of the community within a medium density residential environment.

• To provide a variety of housing types within a medium density residential environment.

• To enable other land uses that provide facilities or services to meet the day to day needs of residents.

• To support the well-being of the community by enabling educational, recreational, community, religious and other activities where compatible with the amenity of a medium density residential environment.

2 Permitted without consent

Home-based child care; Home occupations
3 Permitted with consent

Bed and breakfast accommodation; Boarding houses; Building identification signs; Business identification signs; Centre-based child care facilities; Community facilities; Dual occupancies; Dwelling houses; Group homes; Manor homes; Neighbourhood shops; Places of public worship; Residential flat buildings; Roads; Secondary dwellings; Semi-detached dwellings; Seniors housing; Studio dwellings; Any other development not specified in item 2 or 4

4 Prohibited

Agriculture; Air transport facilities; Airstrips; Amusement centres; Boat repair facilities; Boat sheds; Business premises; Caravan parks; Cemeteries; Charter and tourism boating facilities; Correctional centres; Crematoria; Depots; Electricity generating works; Entertainment facilities; Extractive industries; Freight transport facilities; Function centres; Helipads; Highway service centres; Home occupations (sex services); Industries; Information and education facilities; Marinas; Moorings; Mortuaries; Office premises; Passenger transport facilities; Public administration buildings; Recreation facilities (indoor); Recreation facilities (major); Recreation facilities (outdoor); Registered clubs; Research stations; Restricted premises; Retail premises; Rural supplies; Service stations; Sex services premises; Signage; Storage premises; Tourist and visitor accommodation; Transport depots; Truck depots; Vehicle body repair workshops; Vehicle repair stations; Vehicle sales or hire premises; Veterinary hospitals; Warehouse or distribution centres; Waste or resource management facilities; Water recreation structures; Wholesale supplies

Zone B1 Neighbourhood Centre

1 Objectives of zone

• To provide a range of small-scale retail, business and community uses that serve the needs of people who live or work in the surrounding neighbourhood.

2 Permitted without consent

Home-based child care; Home occupations

3 Permitted with consent

Amusement centres; Bed and breakfast accommodation; Boarding houses; Building identification signs; Business identification signs; Business premises; Centre-based child care facilities; Community facilities; Drainage; Educational establishments; Environmental facilities; Environmental protection works; Flood mitigation works; Food and drink premises; Home businesses; Home industries; Hostels; Hotel or motel accommodation; Kiosks; Medical centres; Neighbourhood shops; Office premises; Passenger transport facilities; Places of public worship; Public administration buildings; Recreation areas; Roads; Service stations; Serviced apartments; Shops; Shop top housing; Veterinary hospitals

4 Prohibited

Any development not specified in item 2 or 3
**Zone B2  Local Centre**

1 **Objectives of zone**

- To provide a range of retail, business, entertainment and community uses that serve the needs of people who live in, work in and visit the local area.
- To encourage employment opportunities in accessible locations.
- To maximise public transport patronage and encourage walking and cycling.
- To provide for residential development that contributes to the vitality of the local centre.
- To ensure that residential development within the centre does not detract from the primary function of the centre being to provide for retail, business, entertainment and community uses.
- To facilitate active retail, commercial, entertainment and community facility uses at ground level of mixed use developments.
- To encourage development that will contribute to economic growth and the creation of employment opportunities.

2 **Permitted without consent**

Home-based child care; Home businesses; Home occupations

3 **Permitted with consent**

Boarding houses; Business premises; Car parks; Centre-based child care facilities; Community facilities; Educational establishments; Entertainment facilities; Function centres; Information and education facilities; Office premises; Passenger transport facilities; Recreation facilities (indoor); Registered clubs; Retail premises; Roads; Service stations; Shop top housing; Tourist and visitor accommodation; Any other development not specified in item 2 or 4

4 **Prohibited**

Agriculture; Air transport facilities; Airstrips; Boat repair facilities; Boat sheds; Bulky goods premises; Caravan parks; Cemeteries; Charter and tourism boating facilities; Correctional centres; Crematoria; Depots; Electricity generating works; Environmental facilities; Exhibition homes; Exhibition villages; Extractive industries; Forestry; Freight transport facilities; Home occupations (sex services); Industries; Marinas; Moorings; Mortuaries; Recreation facilities (major); Research stations; Residential accommodation; Restricted premises; Sex services premises; Storage premises; Transport depots; Truck depots; Vehicle body repair workshops; Warehouse or distribution centres; Waste or resource management facilities; Water recreation structures; Wholesale supplies

**Zone B5  Business Development**

1 **Objectives of zone**

- To enable a mix of business and warehouse uses, and bulky goods premises that require a large floor area, in locations that are close to, and that support the viability of, centres.

2 **Permitted without consent**

Nil
3 Permitted with consent

Building identification signs; Bulky goods premises; Business identification signs; Car parks; Centre-based child care facilities; Community facilities; Drainage; Environmental facilities; Environmental protection works; Flood mitigation works; Food and drink premises; Hotel or motel accommodation; Landscaping material supplies; Liquid fuel depots; Office premises; Passenger transport facilities; Places of public worship; Public administration buildings; Pubs; Recreation areas; Recreation facilities (indoor); Recreation facilities (outdoor); Registered clubs; Restaurants; Roads; Self-storage units; Service stations; Timber and building supplies; Vehicle sales or hire premises; Warehouse or distribution centres

4 Prohibited

Any development not specified in item 2 or 3

Zone IN2 Light Industrial

1 Objectives of zone

• To provide a wide range of light industrial, warehouse and related land uses.

• To encourage employment opportunities and to support the viability of centres.

• To minimise any adverse effect of industry on other land uses.

• To enable other land uses that provide facilities or services to meet the day to day needs of workers in the area.

2 Permitted without consent

Nil

3 Permitted with consent

Agricultural produce industries; Building identification signs; Business identification signs; Depots; Food and drink premises; Heliports; Hotel or motel accommodation; Landscaping material supplies; Light industries; Neighbourhood shops; Roads; Any other development not specified in item 2 or 4

4 Prohibited

Agriculture; Air transport facilities; Amusement centres; Boat sheds; Bulky goods premises; Business premises; Caravan parks; Cemeteries; Charter and tourism boating facilities; Correctional centres; Crematoria; Educational establishments; Entertainment facilities; Environmental facilities; Exhibition homes; Exhibition villages; Extractive industries; Farm buildings; Forestry; Freight transport facilities; Function centres; Health services facilities; Home-based child care; Home businesses; Home occupations; Home occupations (sex services); Industries; Marinas; Moorings; Office premises; Public administration buildings; Recreation facilities (major); Research stations; Residential accommodation; Restricted premises; Retail premises; Rural industries; Signage; Tourist and visitor accommodation; Water recreation structures
Zone SP2  Infrastructure

1 Objectives of zone

• To provide for infrastructure and related uses.

• To prevent development that is not compatible with or that may detract from the provision of infrastructure.

2 Permitted without consent

Roads

3 Permitted with consent

The purpose shown on the Land Zoning Map, including any development that is ordinarily incidental or ancillary to development for that purpose

4 Prohibited

Any development not specified in item 2 or 3

Zone RE1  Public Recreation

1 Objectives of zone

• To enable land to be used for public open space or recreational purposes.

• To provide a range of recreational settings and activities and compatible land uses.

• To protect and enhance the natural environment for recreational purposes.

2 Permitted without consent

Environmental protection works

3 Permitted with consent

Building identification signs; Business identification signs; Centre-based child care facilities; Community facilities; Drainage; Environmental facilities; Flood mitigation works; Information and education facilities; Kiosks; Markets; Recreation areas; Recreation facilities (indoor); Recreation facilities (major); Recreation facilities (outdoor); Restaurants; Roads; Take away food and drink premises; Water recreation structures; Waterbodies (artificial)

4 Prohibited

Any development not specified in item 2 or 3

Zone E2  Environmental Conservation

1 Objectives of zone

• To protect, manage and restore areas of high ecological, scientific, cultural or aesthetic values.

• To prevent development that could destroy, damage or otherwise have an adverse effect on those values.
Zone E4  Environmental Living

1 Objectives of zone

- To provide for low-impact residential development in areas with special ecological, scientific or aesthetic values.
- To ensure that residential development does not have an adverse effect on those values.

2 Permitted without consent

Home-based child care; Home occupations

3 Permitted with consent

Bed and breakfast accommodation; Centre-based child care facilities; Community facilities; Drainage; Dual occupancies; Dwelling houses; Educational establishments; Environmental facilities; Environmental protection works; Extensive agriculture; Flood mitigation works; Group homes; Health consulting rooms; Home businesses; Home industries; Horticulture; Places of public worship; Recreation areas; Roads; Secondary dwellings; Waterbodies (artificial)

4 Prohibited

Industries; Service stations; Warehouse or distribution centres; Any other development not specified in item 2 or 3

Part 4  Principal development standards

4.1 Minimum subdivision lot size

(1) The objectives of this clause are as follows—

(a) to ensure orderly and efficient use of land,
(b) to ensure a minimum lot size sufficient for development,

(c) to allow for a range of lot sizes that cater for a diversity of land uses and employment activities.

(2) This clause applies to a subdivision of any land shown on the Lot Size Map that requires development consent and that is carried out after the commencement of this Precinct Plan.

(3) The size of any lot resulting from any such subdivision of land to which this clause applies is not to be less than the minimum size shown on the Lot Size Map in relation to that land.

(4) This clause does not apply in relation to the subdivision of individual lots in a strata plan or community title scheme.

4.1AA Subdivision resulting in lots between 225–300m²

(1) This clause applies to land in the following zones—

(a) Zone R2 Low Density Residential,

(b) Zone R3 Medium Density Residential.

(2) Development consent maybe granted to the subdivision of land to which this clause applies resulting in the creation of a lot that has an area of less than 300m² (but not less than 225m²) if the consent authority is satisfied that the lot will contain a sufficient building envelope to enable the erection of a dwelling house on the lot.

(3) This clause does not apply to a subdivision that is the subject of a development application under clause 4.1AD (2) (b), 4.1AE (2) (b) or 4.1AF.

4.1A Minimum lot sizes for residential development in non-residential zones

(1) The objectives of this clause are as follows—

(a) to establish minimum lot sizes for residential development,

(b) to ensure that residential development results in the efficient use of land and contributes to the supply of new housing in the South West Growth Centre,

(c) to ensure that residential development has adequate usable areas for buildings and open space,

(d) to ensure that residential development is compatible with the character of the locality and with surrounding residential areas,

(e) to facilitate and encourage the provision of a range of dwelling types.

(2) This clause applies to development on land for which no minimum lot size is shown on the Lot Size Map.

(3) The minimum lot size for certain residential development is set out in the table below.

<table>
<thead>
<tr>
<th>Dwelling type</th>
<th>Minimum lot size</th>
</tr>
</thead>
</table>

...
### Minimum lot sizes for residential development in Zone R2 Low Density Residential and Zone R3 Medium Density Residential

1. The objectives of this clause are as follows—
   
   a. to establish minimum lot sizes for residential development in Zone R2 Low Density Residential and Zone R3 Medium Density Residential,
   
   b. to ensure that residential development in the Austral and Leppington North Precincts results in the efficient use of land and contributes to the supply of new housing in the South West Growth Centre,
   
   c. to ensure that residential development has adequate usable areas for buildings and open space,
   
   d. to ensure that residential development in the Austral and Leppington North Precincts is compatible with the character of the locality and with surrounding residential areas,
   
   e. to facilitate and encourage the provision of a range of residential lot types, in particular, small lot housing.

2. This clause applies to land in the following zones—
   
   a. Zone R2 Low Density Residential,
   
   b. Zone R3 Medium Density Residential.

3. The minimum lot size for a dwelling house is—
   
   a. $360\text{m}^2$ if the dwelling density (per hectare) shown on the Residential Density Map in relation to the land is 10, or
   
   b. $300\text{m}^2$ if the dwelling density (per hectare) shown on the Residential Density Map in relation to the land is 15, 20 or 25.

4. The minimum lot size for a dual occupancy is—
(a) 600m² if the dwelling density (per hectare) shown on the Residential Density Map in relation to the land is 10, or

(b) 500m² if the dwelling density (per hectare) shown on the Residential Density Map in relation to the land is 15 or 20, or

(c) 400m² if the dwelling density (per hectare) shown on the Residential Density Map in relation to the land is 25.

(5) The minimum lot size for a semi-detached dwelling is—

(a) 300m² if the dwelling density (per hectare) shown on the Residential Density Map in relation to the land is 10, or

(b) 200m² if the dwelling density (per hectare) shown on the Residential Density Map in relation to the land is 15, or

(b1) 150m² if the dwelling density (per hectare) shown on the Residential Density Map in relation to the land is 20, or

(c) 125m² if the dwelling density (per hectare) shown on the Residential Density Map in relation to the land is 25.

(6) The minimum lot size for an attached dwelling is—

(a) 1,500m² if the dwelling density (per hectare) shown on the Residential Density Map in relation to the land is 15, or

(b) 375m² if the dwelling density (per hectare) shown on the Residential Density Map in relation to the land is 20 or 25.

(7) The minimum lot size for multi dwelling housing is—

(a) 1,500m² if the dwelling density (per hectare) shown on the Residential Density Map in relation to the land is 15 or 20, or

(b) 375m² if the dwelling density (per hectare) shown on the Residential Density Map in relation to the land is 25.

(8) The minimum lot size for a manor home is 600m² if the dwelling density (per hectare) shown on the Residential Density Map in relation to the land is 20 or 25.

(9) The minimum lot size for a residential flat building is 2,000m² if the dwelling density (per hectare) shown on the Residential Density Map in relation to the land is 25.

4.1AC Minimum lot sizes for secondary dwellings in Zone R2 Low Density Residential and Zone R3 Medium Density Residential

(1) This clause applies to land in the following zones—

(a) Zone R2 Low Density Residential,

(b) Zone R3 Medium Density Residential.
(2) The minimum lot size for a secondary dwelling on land in Zone R2 Low Density Residential is 450\(m^2\) if the dwelling density (per hectare) shown in the Residential Density Map for the land is 10, 15, or 20.

(3) The minimum lot size for a secondary dwelling on land in Zone R2 Low Density Residential or Zone R3 Medium Density Residential is the minimum lot size for the principal dwelling in conjunction with which the secondary dwelling is established, determined in accordance with clause 4.1AB, 4.1AD or 4.1AF if the dwelling density (per hectare) shown in the Residential Density Map for the land is 25.

4.1AD Exceptions to minimum lot sizes for dwelling houses

(1) This clause applies to the following—

(a) a lot in Zone R2 Low Density Residential that has an area less than 300\(m^2\) (but not less than 250\(m^2\)) if the dwelling density (per hectare) shown on the Residential Density Map in relation to the land is 15,

(b) a lot in Zone R2 Low Density Residential that has an area less than 300\(m^2\) (but not less than 225\(m^2\)) if the dwelling density (per hectare) shown on the Residential Density Map in relation to the land is not less than 20,

(c) a lot in Zone R3 Medium Density Residential that has an area less than 300\(m^2\) (but not less than 225\(m^2\)).

(2) Despite clause 4.1AB (3), development consent may be granted to the erection of a dwelling house on a lot to which this clause applies if—

(a) the lot results from a subdivision to which development consent has been granted in accordance with clause 4.1AA and, in determining the development application for the erection of the dwelling house, the consent authority considers any information that it considered for the purposes of that clause in determining the development application for that subdivision, or

(b) the development application is a single development application for development consisting of both of the following—

(i) the subdivision of land into 2 or more lots,

(ii) the erection of the dwelling house on one of the lots resulting from the subdivision.

4.1AE Exceptions to minimum lot sizes for dwelling houses on other lots in Zone R2 Low Density Residential

(1) This clause applies to a lot in Zone R2 Low Density Residential that has an area less than 250\(m^2\) (but not less than 225\(m^2\)) if the dwelling density (per hectare) shown on the Residential Density Map in relation to the land is 15.

(2) Despite clause 4.1AB (3), development consent may be granted to the erection of a dwelling house on a lot to which this clause applies if the lot meets the requirements of subclause (3) and—

(a) the lot results from a subdivision to which development consent has been granted in
accordance with clause 4.1AA and, in determining the development application for the
errection of the dwelling house, the consent authority considers any information that it
considered for the purposes of that clause in determining the development application for
that subdivision, or

(b) the development application is a single development application for development consisting
of both of the following—

(i) the subdivision of land into 2 or more lots,

(ii) the erection of the dwelling house on one of the lots resulting from the subdivision.

(3) A lot meets the requirements of this subclause if—

(a) the lot adjoins land in Zone RE1 Public Recreation, or is separated from land in that zone
only by a public road, or

(b) the lot adjoins land in Zone B1 Neighbourhood Centre or Zone B2 Local Centre, or is
separated from land within any of those zones only by a public road, or

(c) the lot is within 400m of land in Zone B1 Neighbourhood Centre or Zone B2 Local Centre
and—

(i) adjoins land in Zone SP2 Infrastructure that is set aside for drainage or educational
purposes, or

(ii) is separated from land in Zone SP2 Infrastructure that is set aside for drainage or
educational purposes only by a public road.

(4) Despite subclause (2), development consent must not be granted to the erection of a dwelling
house to which this clause applies unless the consent authority is satisfied that the dwelling
house—

(a) will not adversely impact on the amenity of adjoining residential properties, and

(b) will be designed and orientated to provide active frontages to and surveillance of the public
recreation or drainage land, and

(c) will not adversely impact on or limit solar access to adjoining residential or public open
space land.

4.1AF Exceptions to minimum lot sizes for dwelling houses on small lots

(1) This clause applies to the following—

(a) a lot in Zone R2 Low Density Residential that has an area less than 225m² (but not less than
200m² but) if the dwelling density (per hectare) shown on the Residential Density Map in
relation to the land is 20,

(b) a lot in Zone R2 Low Density Residential that has an area of less than 225m² (but not less
than 125m²) if the dwelling density (per hectare) shown on the Residential Density Map in
relation to the land is 25,

(c) a lot in Zone R3 Medium Density Residential that has an area less than 225m² (but not less
than 125m$^2$).

(2) Despite clause 4.1AB, development consent may be granted to the erection of a dwelling house on a small lot if the development application is a single development application for development that is both of the following—

(a) the subdivision of land into 2 or more lots,

(b) the erection of the dwelling house on one of the lots resulting from the subdivision.

4.1AG Minimum lot sizes in split zones

(1) This clause applies to each lot that contains land in Zone R2 Low Density Residential or Zone R3 Medium Density Residential and land in any other zone.

(2) For the purposes of clauses 4.1AA–4.1AF, a reference to the area of a lot—

(a) in relation to land in Zone R2 Low Density Residential, means the area of that part of the lot that is in Zone R2 Low Density Residential, and

(b) in relation to land in Zone R3 Medium Density Residential, means the area of that part of the lot that is in Zone R3 Medium Density Residential, and

(c) does not include any part of the lot that is in any other zone.

4.1B Residential density

(1) The objectives of this clause are—

(a) to establish minimum density requirements for residential development, and

(b) to ensure that residential development makes efficient use of land and infrastructure, and contributes to the availability of new housing, and

(c) to ensure that the scale of residential development is compatible with the character of the precinct and adjoining land.

(2) This clause applies to residential development of the kind referred to in clause 4.1AB or 4.1AC that—

(a) is carried out on land to which this Precinct Plan applies that is shown on the Residential Density Map, and

(b) requires development consent, and

(c) is carried out after the commencement of this Precinct Plan.

(3) The density of any residential development to which this clause applies is not to be less than the density shown on the Residential Density Map in relation to that land.

(4) In this clause—

density means the net developable area in hectares of the land on which the development is situated divided by the number of dwellings proposed to be located on that land.
**net developable area** means the land occupied by the development, including internal streets, but excluding land that is not zoned for residential purposes.

### 4.2 Rural subdivision

(1) The objective of this clause is to provide flexibility in the application of standards for subdivision in rural zones to allow land owners a greater chance to achieve the objectives for development in the relevant zone.

(2) Land in Zone RU6 Transition may, with development consent, be subdivided for the purpose of primary production to create a lot of a size that is less than the minimum size shown on the Lot Size Map in relation to that land.

(3) However, such a lot cannot be created if an existing dwelling would, as the result of the subdivision, be situated on the lot.

(4) A dwelling cannot be erected on such a lot.

*Note.* A dwelling includes a rural worker’s dwelling (see definition of that term in the Dictionary).

### 4.3 Height of buildings

(1) The objectives of this clause are as follows—

(a) to establish the maximum height of buildings,

(b) to minimise visual impact and protect the amenity of adjoining development and land in terms of solar access to buildings and open space,

(c) to facilitate higher density development in and around commercial centres and major transport routes.

(2) The height of a building on any land is not to exceed the maximum height shown for the land on the Height of Buildings Map.

### 4.4 Floor space ratio

(1) The objective of this clause is to control the bulk and scale of buildings by setting maximum floor space ratios for development.

(2) The floor space ratio for a building on any land is not to exceed the maximum floor space ratio shown for the land on the Floor Space Ratio Map.

### 4.5 Calculation of floor space ratio and site area

(1) **Objectives** The objectives of this clause are as follows—

(a) to define floor space ratio,

(b) to set out rules for the calculation of the site area of development for the purpose of applying permitted floor space ratios, including rules to—

(i) prevent the inclusion in the site area of an area that has no significant development being carried out on it, and
(ii) prevent the inclusion in the site area of an area that has already been included as part of a site area to maximise floor space area in another building, and

(iii) require community land and public places to be dealt with separately.

(2) **Definition of “floor space ratio”** The *floor space ratio* of buildings on a site is the ratio of the gross floor area of all buildings within the site to the site area.

(3) **Site area** In determining the site area of proposed development for the purpose of applying a floor space ratio, the *site area* is taken to be—

(a) if the proposed development is to be carried out on only one lot, the area of that lot, or

(b) if the proposed development is to be carried out on 2 or more lots, the area of any lot on which the development is proposed to be carried out that has at least one common boundary with another lot on which the development is being carried out.

In addition, subclauses (4)–(7) apply to the calculation of the site area for the purposes of applying a floor space ratio to proposed development.

(4) **Exclusions from site area** The following land must be excluded from the site area—

(a) land on which the proposed development is prohibited, whether under this Precinct Plan or any other law,

(b) community land or a public place (except as provided by subclause (7)).

(5) **Strata subdivisions** The area of a lot that is wholly or partly on top of another or others in a strata subdivision is to be included in the calculation of the site area only to the extent that it does not overlap with another lot already included in the site area calculation.

(6) **Only significant development to be included** The site area for proposed development must not include a lot additional to a lot or lots on which the development is being carried out unless the proposed development includes significant development on that additional lot.

(7) **Certain public land to be separately considered** For the purpose of applying a floor space ratio to any proposed development on, above or below community land or a public place, the site area must only include an area that is on, above or below that community land or public place, and is occupied or physically affected by the proposed development, and may not include any other area on which the proposed development is to be carried out.

(8) **Existing buildings** The gross floor area of any existing or proposed buildings within the vertical projection (above or below ground) of the boundaries of a site is to be included in the calculation of the total floor space for the purposes of applying a floor space ratio, whether or not the proposed development relates to all of the buildings.

(9) **Covenants to prevent “double dipping”** When development consent is granted to development on a site comprised of 2 or more lots, a condition of the consent may require a covenant to be registered that prevents the creation of floor area on a lot (the restricted lot) if the consent authority is satisfied that an equivalent quantity of floor area will be created on another lot only because the site included the restricted lot.

(10) **Covenants affect consolidated sites** If—
(a) a covenant of the kind referred to in subclause (9) applies to any land *(affected land)*, and

(b) proposed development relates to the affected land and other land that together comprise the site of the proposed development,

the maximum amount of floor area allowed on the other land by the floor space ratio fixed for the site by this Precinct Plan is reduced by the quantity of floor space area the covenant prevents being created on the affected land.

(11) **Definition** In this clause, *public place* has the same meaning as it has in the *Local Government Act 1993*.

### 4.6 Exceptions to development standards

(1) The objectives of this clause are as follows—

(a) to provide an appropriate degree of flexibility in applying certain development standards to particular development,

(b) to achieve better outcomes for and from development by allowing flexibility in particular circumstances.

(2) Development consent may, subject to this clause, be granted for development even though the development would contravene a development standard imposed by this or any other environmental planning instrument. However, this clause does not apply to a development standard that is expressly excluded from the operation of this clause.

(3) Consent must not be granted for development that contravenes a development standard unless the consent authority has considered a written request from the applicant that seeks to justify the contravention of the development standard by demonstrating—

(a) that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and

(b) that there are sufficient environmental planning grounds to justify contravening the development standard.

(4) Development consent must not be granted for development that contravenes a development standard unless—

(a) the consent authority is satisfied that—

(i) the applicant’s written request has adequately addressed the matters required to be demonstrated by subclause (3), and

(ii) the proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out, and

(b) the concurrence of the Director-General has been obtained.

(5) In deciding whether to grant concurrence, the Director-General must consider—

(a) whether contravention of the development standard raises any matter of significance for
State environmental planning, and

(b) the public benefit of maintaining the development standard, and

(c) any other matters required to be taken into consideration by the Director-General before granting concurrence.

(6) Development consent must not be granted under this clause for a subdivision of land in Zone RU1 Primary Production, Zone RU2 Rural Landscape, Zone RU3 Forestry, Zone RU4 Primary Production Small Lots, Zone RU6 Transition, Zone R5 Large Lot Residential, Zone E2 Environmental Conservation, Zone E3 Environmental Management or Zone E4 Environmental Living if—

(a) the subdivision will result in 2 or more lots of less than the minimum area specified for such lots by a development standard, or

(b) the subdivision will result in at least one lot that is less than 90% of the minimum area specified for such a lot by a development standard.

Note. When this Precinct Plan was made it did not include any of these zones other than Zone RU6 Transition, Zone E2 Environmental Conservation and Zone E4 Environmental Living.

(7) After determining a development application made pursuant to this clause, the consent authority must keep a record of its assessment of the factors required to be addressed in the applicant’s written request referred to in subclause (3).

(8) This clause does not allow development consent to be granted for development that would contravene any of the following—

(a) a development standard for complying development,

(b) a development standard that arises, under the regulations under the Act, in connection with a commitment set out in a BASIX certificate for a building to which State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004 applies or for the land on which such a building is situated,

(c) clause 5.4.

Part 5 Miscellaneous provisions

5.1 Relevant acquisition authority

(1) The objective of this clause is to identify, for the purposes of section 3.15 of the Act, the authority of the State that will be the relevant authority to acquire land reserved for certain public purposes if the land is required to be acquired under Division 3 of Part 2 of the Land Acquisition (Just Terms Compensation) Act 1991 (the owner-initiated acquisition provisions).

Note. If the landholder will suffer hardship if there is any delay in the land being acquired by the relevant authority, section 23 of the Land Acquisition (Just Terms Compensation) Act 1991 requires the authority to acquire the land.

(2) The authority of the State that will be the relevant authority to acquire land, if the land is required to be acquired under the owner-initiated acquisition provisions, is the authority of the State specified below in relation to the land shown on the Land Reservation Acquisition Map
(or, if an authority of the State is not specified in relation to land required to be so acquired, the authority designated or determined under those provisions).

<table>
<thead>
<tr>
<th>Type of land shown on Map</th>
<th>Authority of the State</th>
</tr>
</thead>
<tbody>
<tr>
<td>Zone RE1 Public Recreation and marked “Local open space”</td>
<td>Council</td>
</tr>
<tr>
<td>Zone SP2 Infrastructure and marked “Classified road”</td>
<td>Roads and Maritime Services</td>
</tr>
<tr>
<td>Zone SP2 Infrastructure and marked “Local drainage”</td>
<td>Council</td>
</tr>
<tr>
<td>Zone SP2 Infrastructure and marked “Railway”</td>
<td>The corporation constituted under section 2.5 of the Act</td>
</tr>
<tr>
<td>Zone SP2 Infrastructure and marked “Local road”</td>
<td>Council</td>
</tr>
<tr>
<td>Zone SP2 Infrastructure and marked “Educational establishment”</td>
<td>NSW Department of Education and Communities</td>
</tr>
<tr>
<td>Zone SP2 Infrastructure and marked “Unclassified regional road—Denham Court Road”</td>
<td>Roads and Maritime Services</td>
</tr>
<tr>
<td>Zone B1 Neighbourhood Centre and marked “Community facility”</td>
<td>Council</td>
</tr>
<tr>
<td>Zone B2 Local Centre and marked “Community Council facility”</td>
<td></td>
</tr>
</tbody>
</table>

(3) Development on land acquired by an authority of the State under the owner-initiated acquisition provisions may, before it is used for the purpose for which it is reserved, be carried out, with development consent, for any purpose.

**Note.** If land, other than land specified in the Table to subclause (2), is required to be acquired under the owner-initiated acquisition provisions, the Minister for Planning and Infrastructure is required to take action to enable the designation of the acquiring authority under this Part. Pending the designation of the acquiring authority for that land, the acquiring authority is to be the authority determined by order of the Minister for Planning and Infrastructure (see section 21 of the *Land Acquisition (Just Terms Compensation) Act 1991*).

### 5.2 Classification and reclassification of public land

(1) The objective of this clause is to enable the Council to classify or reclassify public land as “operational land” or “community land” in accordance with Part 2 of Chapter 6 of the *Local Government Act 1993*.

**Note.** Under the *Local Government Act 1993*, “public land” is generally land vested in or under the control of a council (other than roads and certain Crown land). The classification or reclassification of public land may also be made by a resolution of the Council under section 31, 32 or 33 of the *Local Government Act 1993*. Section 30 of that Act enables this Precinct Plan to discharge trusts on which public reserves are held if the land is reclassified under this Precinct Plan as operational land.

(2) The public land described in Part 1 or Part 2 of Schedule 4 to this Appendix is classified, or reclassified, as operational land for the purposes of the *Local Government Act 1993*. 
The public land described in Part 3 of Schedule 4 to this Appendix is classified, or reclassified, as community land for the purposes of the *Local Government Act 1993*.

The public land described in Part 1 of Schedule 4—

(a) does not cease to be a public reserve to the extent (if any) that it is a public reserve, and

(b) continues to be affected by any trusts, estates, interests, dedications, conditions, restrictions or covenants that affected the land before its classification, or reclassification, as operational land.

The public land described in Part 2 of Schedule 4, to the extent (if any) that it is a public reserve, ceases to be a public reserve when the description of the land is inserted into that Part and is discharged from all trusts, estates, interests, dedications, conditions, restrictions and covenants affecting the land or any part of the land, except—

(a) those (if any) specified for the land in Column 3 of Part 2 of Schedule 4, and

(b) any reservations that except land out of the Crown grant relating to the land, and

(c) reservations of minerals (within the meaning of the *Crown Land Management Act 2016*).

*Note.* In accordance with section 30 (2) of the *Local Government Act 1993*, the approval of the Governor to subclause (5) applying to the public land concerned is required before the description of the land is inserted in Part 2 of Schedule 4 to this Appendix.

5.3 Development near zone boundaries

(1) The objective of this clause is to provide flexibility where the investigation of a site and its surroundings reveals that a use allowed on the other side of a zone boundary would enable a more logical and appropriate development of the site and be compatible with the planning objectives and land uses for the adjoining zone.

(2) This clause applies to so much of any land that is within the relevant distance of a boundary between any 2 zones. The relevant distance is as follows—

(a) 10 metres between Zone RE1 Public Recreation and any other zone,

(b) 10 metres between Zone E2 Environmental Conservation and any other zone,

(c) 30 metres between any two zones excluding Zone RE1 Public Recreation and Zone E2 Environmental Conservation.

(3) This clause does not apply to land proposed to be developed for the purpose of sex services premises or restricted premises.

(4) Despite the provisions of this Precinct Plan relating to the purposes for which development may be carried out, consent may be granted to development of land to which this clause applies for any purpose that may be carried out in the adjoining zone, but only if the consent authority is satisfied that—

(a) the development is not inconsistent with the objectives for development in both zones, and

(b) the carrying out of the development is desirable due to compatible land use planning,
infrastructure capacity and other planning principles relating to the efficient and timely
development of land.

(5) This clause does not prescribe a development standard that may be varied under this Precinct Plan.

5.4 Controls relating to miscellaneous permissible uses

(1) **Bed and breakfast accommodation** If development for the purposes of bed and breakfast accommodation is permitted under this Precinct Plan, the accommodation that is provided to guests must consist of no more than 3 bedrooms.

**Note.** Any such development that provides for a certain number of guests or rooms may involve a change in the class of building under the *Building Code of Australia*.

(2) **Home businesses** If development for the purposes of a home business is permitted under this Precinct Plan, the carrying on of the business must not involve the use of more than 50 square metres of gross floor area.

(3) **Home industries** If development for the purposes of a home industry is permitted under this Precinct Plan, the carrying on of the home industry must not involve the use of more than 30 square metres of gross floor area.

(4) **Industrial retail outlets** If development for the purposes of an industrial retail outlet is permitted under this Precinct Plan, the retail gross floor area must not exceed—

(a) 40% of the combined gross floor area of the industrial retail outlet and the building or place on which the relevant industry is carried out, or

(b) 400 square metres,

whichever is the lesser.

(5) **Farm stay accommodation** If development for the purposes of farm stay accommodation is permitted under this Precinct Plan, the accommodation that is provided to guests must consist of no more than 3 bedrooms.

(6) **Kiosks** If development for the purposes of a kiosk is permitted under this Precinct Plan, the gross floor area must not exceed 30 square metres.

(7) **Neighbourhood shops** If development for the purposes of a neighbourhood shop is permitted under this Precinct Plan, the retail gross floor area must not exceed 100 square metres.

(8) **Roadside stalls** If development for the purposes of a roadside stall is permitted under this Precinct Plan, the gross floor area must not exceed 8 square metres.

(9) **Secondary dwellings** If development for the purposes of a secondary dwelling is permitted under this Precinct Plan, the total gross floor area of the dwelling (excluding any area used for parking) must not exceed whichever of the following is the greater—

(a) 75 square metres,

(b) 30% of the total gross floor area of both the self-contained dwelling and the principal dwelling.
5.6 Architectural roof features

(1) The objectives of this clause are—

(a) to ensure that architectural roof features are decorative elements only, and

(b) to ensure that the majority of the roof features are contained within the prescribed building height.

(2) Development that includes an architectural roof feature that exceeds, or causes a building to exceed, the height limits set by clause 4.3 may be carried out, but only with consent.

(3) Development consent must not be granted to any such development unless the consent authority is satisfied that—

(a) the architectural roof feature—

(i) comprises a decorative element on the uppermost portion of a building, and

(ii) is not an advertising structure, and

(iii) does not include floor space area and is not reasonably capable of modification to include floor space area, and

(iv) will cause minimal overshadowing, and

(b) any building identification signage or equipment for servicing the building (such as plant, lift motor rooms, fire stairs and the like) contained in or supported by the roof feature is fully integrated into the design of the roof feature.

5.8 Conversion of fire alarms

(1) This clause applies to a fire alarm system that can be monitored by Fire and Rescue NSW or by a private service provider.

(2) The following development may be carried out, but only with development consent—

(a) converting a fire alarm system from connection with the alarm monitoring system of Fire and Rescue NSW to connection with the alarm monitoring system of a private service provider,

(b) converting a fire alarm system from connection with the alarm monitoring system of a private service provider to connection with the alarm monitoring system of another private service provider,

(c) converting a fire alarm system from connection with the alarm monitoring system of a private service provider to connection with a different alarm monitoring system of the same private service provider.

(3), (4) (Repealed)

(5) In this clause—

private service provider means a person or body that has entered into an agreement that is in
force with Fire and Rescue NSW to monitor fire alarm systems.

5.9 Preservation of trees or vegetation

(1) The objective of this clause is to preserve the amenity of the area through the preservation of trees and other vegetation.

(2) This clause applies to species or kinds of trees or other vegetation that are prescribed for the purposes of this clause by a development control plan made by the Director-General.

Note. A development control plan may prescribe the trees or other vegetation to which this clause applies by reference to species, size, location or other manner.

(3) A person must not ringbark, cut down, top, lop, remove, injure or wilfully destroy any tree or other vegetation to which any such development control plan applies without the authority conferred by—

(a) development consent, or

(b) a permit granted by the Council.

(4) The refusal by the Council to grant a permit to a person who has duly applied for the grant of the permit is taken for the purposes of the Act to be a refusal by the Council to grant consent for the carrying out of the activity for which a permit was sought.

(5) This clause does not apply to a tree or other vegetation that the Council is satisfied is dying or dead and is not required as the habitat of native fauna.

(6) This clause does not apply to a tree or other vegetation that the Council is satisfied is a risk to human life or property.

(7) This clause does not apply to or in respect of—

(a) the clearing of native vegetation that is authorised by a development consent or property vegetation plan under the Native Vegetation Act 2003 or that is otherwise permitted under Division 2 or 3 of Part 3 of that Act, or

(b) the clearing of vegetation on State protected land (within the meaning of clause 4 of Schedule 3 to the Native Vegetation Act 2003) that is authorised by a development consent under the provisions of the Native Vegetation Conservation Act 1997 as continued in force by that clause, or

(c) trees or other vegetation within a State forest, or land reserved from sale as a timber or forest reserve under the Forestry Act 1916, or

(d) action required or authorised to be done by or under the Electricity Supply Act 1995, the Roads Act 1993 or the Surveying and Spatial Information Act 2002, or

(e) plants declared to be noxious weeds under the Noxious Weeds Act 1993, or

(f) native vegetation retention areas to which clause 6.2 of this Precinct Plan applies, or

(g) existing native vegetation areas to which clause 6.3 of this Precinct Plan applies.
5.10 Heritage conservation

Note. Heritage items (if any) are listed and described in Schedule 5 to this Precinct Plan. Heritage conservation areas (if any) are shown on the Heritage Map as well as being described in Schedule 5.

(1) Objectives The objectives of this clause are as follows—

(a) to conserve environmental heritage,

(b) to conserve the heritage significance of heritage items and heritage conservation areas, including associated fabric, settings and views,

(c) to conserve archaeological sites,

(d) to conserve Aboriginal objects and Aboriginal places of heritage significance.

(2) Requirement for consent Development consent is required for any of the following—

(a) demolishing or moving any of the following or altering the exterior of any of the following (including, in the case of a building, making changes to its detail, fabric, finish or appearance)—

(i) a heritage item,

(ii) an Aboriginal object,

(iii) a building, work, relic or tree within a heritage conservation area,

(b) altering a heritage item that is a building by making structural changes to its interior or by making changes to anything inside the item that is specified in Schedule 5 to this Precinct Plan in relation to the item,

(c) disturbing or excavating an archaeological site while knowing, or having reasonable cause to suspect, that the disturbance or excavation will or is likely to result in a relic being discovered, exposed, moved, damaged or destroyed,

(d) disturbing or excavating an Aboriginal place of heritage significance,

(e) erecting a building on land—

(i) on which a heritage item is located or that is within a heritage conservation area, or

(ii) on which an Aboriginal object is located or that is within an Aboriginal place of heritage significance,

(f) subdividing land—

(i) on which a heritage item is located or that is within a heritage conservation area, or

(ii) on which an Aboriginal object is located or that is within an Aboriginal place of heritage significance.

(3) When consent not required However, development consent under this clause is not required if—

(a) the applicant has notified the consent authority of the proposed development and the consent
authority has advised the applicant in writing before any work is carried out that it is satisfied that the proposed development—

(i) is of a minor nature or is for the maintenance of the heritage item, Aboriginal object, Aboriginal place of heritage significance or archaeological site or a building, work, relic, tree or place within the heritage conservation area, and

(ii) would not adversely affect the heritage significance of the heritage item, Aboriginal object, Aboriginal place, archaeological site or heritage conservation area, or

(b) the development is in a cemetery or burial ground and the proposed development—

(i) is the creation of a new grave or monument, or excavation or disturbance of land for the purpose of conserving or repairing monuments or grave markers, and

(ii) would not cause disturbance to human remains, relics, Aboriginal objects in the form of grave goods, or to an Aboriginal place of heritage significance, or

(c) the development is limited to the removal of a tree or other vegetation that the Council is satisfied is a risk to human life or property, or

(d) the development is exempt development.

(4) **Effect of proposed development on heritage significance** The consent authority must, before granting consent under this clause in respect of a heritage item or heritage conservation area, consider the effect of the proposed development on the heritage significance of the item or area concerned. This subclause applies regardless of whether a heritage management document is prepared under subclause (5) or a heritage conservation management plan is submitted under subclause (6).

(5) **Heritage assessment** The consent authority may, before granting consent to any development—

(a) on land on which a heritage item is located, or

(b) on land that is within a heritage conservation area, or

(c) on land that is within the vicinity of land referred to in paragraph (a) or (b),

require a heritage management document to be prepared that assesses the extent to which the carrying out of the proposed development would affect the heritage significance of the heritage item or heritage conservation area concerned.

(6) **Heritage conservation management plans** The consent authority may require, after considering the heritage significance of a heritage item and the extent of change proposed to it, the submission of a heritage conservation management plan before granting consent under this clause.

(7) **Archaeological sites** The consent authority must, before granting consent under this clause to the carrying out of development on an archaeological site (other than land listed on the State Heritage Register or to which an interim heritage order under the *Heritage Act 1977* applies)—

(a) notify the Heritage Council of its intention to grant consent, and
(b) take into consideration any response received from the Heritage Council within 28 days after the notice is sent.

(8) **Aboriginal places of heritage significance** The consent authority must, before granting consent under this clause to the carrying out of development in an Aboriginal place of heritage significance—

(a) consider the effect of the proposed development on the heritage significance of the place and any Aboriginal object known or reasonably likely to be located at the place by means of an adequate investigation and assessment (which may involve consideration of a heritage impact statement), and

(b) notify the local Aboriginal communities, in writing or in such other manner as may be appropriate, about the application and take into consideration any response received within 28 days after the notice is sent.

(9) **Demolition of nominated State heritage items** The consent authority must, before granting consent under this clause for the demolition of a nominated State heritage item—

(a) notify the Heritage Council about the application, and

(b) take into consideration any response received from the Heritage Council within 28 days after the notice is sent.

(10) **Conservation incentives** The consent authority may grant consent to development for any purpose of a building that is a heritage item or of the land on which such a building is erected, or for any purpose on an Aboriginal place of heritage significance, even though development for that purpose would otherwise not be allowed by this Precinct Plan, if the consent authority is satisfied that—

(a) the conservation of the heritage item or Aboriginal place of heritage significance is facilitated by the granting of consent, and

(b) the proposed development is in accordance with a heritage management document that has been approved by the consent authority, and

(c) the consent to the proposed development would require that all necessary conservation work identified in the heritage management document is carried out, and

(d) the proposed development would not adversely affect the heritage significance of the heritage item, including its setting, or the heritage significance of the Aboriginal place of heritage significance, and

(e) the proposed development would not have any significant adverse effect on the amenity of the surrounding area.

5.11 **Bush fire hazard reduction**

Bush fire hazard reduction work authorised by the *Rural Fires Act 1997* may be carried out on any land without consent.

*Note.* The *Rural Fires Act 1997* also makes provision relating to the carrying out of development on bush fire prone land.
5.12 Infrastructure development and use of existing buildings of the Crown

(1) This Precinct Plan does not restrict or prohibit, or enable the restriction or prohibition of, the carrying out of any development, by or on behalf of a public authority, that is permitted to be carried out without consent under State Environmental Planning Policy (Infrastructure) 2007.

(2) This Precinct Plan does not restrict or prohibit, or enable the restriction or prohibition of, the use of existing buildings of the Crown by the Crown.

Part 6 Additional local provisions

6.1 Public utility infrastructure

(1) The consent authority must not grant development consent to development on land to which this Precinct Plan applies unless it is satisfied that any public utility infrastructure that is essential for the proposed development is available or that adequate arrangements have been made to make that infrastructure available when required.

(2) In this clause, public utility infrastructure includes infrastructure for any of the following—

(a) the supply of water,

(b) the supply of electricity,

(c) the disposal and management of sewage.

(3) This clause does not apply to development for the purpose of providing, extending, augmenting, maintaining or repairing any public utility infrastructure referred to in this clause.

6.2 Development controls—native vegetation retention areas

(1) The objective of this clause is to prevent the clearing of certain native vegetation.

(2) This clause applies to land within a native vegetation retention area as shown on the Native Vegetation Protection Map.

(3) This clause does not apply to native vegetation that the Council is satisfied—

(a) is dying or dead and is not required as the habitat of native fauna, or

(b) is a risk to human life or property.

(4) This clause does not apply to any native vegetation—

(a) within a State forest, or within land reserved from sale as a timber or forest reserve under the Forestry Act 1916, or

(b) declared to be noxious weeds under the Noxious Weeds Act 1993.

(5) A person must not clear native vegetation on land to which this clause applies without—

(a) approval under Part 3A of the Act, or

(b) development consent.
Development consent under this clause is not to be granted unless the consent authority is satisfied of the following in relation to the disturbance of native vegetation—

(a) that there is no reasonable alternative available to the disturbance of the native vegetation,

(b) that as little native vegetation as possible will be disturbed,

(c) that the disturbance of the native vegetation will not increase salinity,

(d) that native vegetation disturbed for the purposes of construction will be reinstated where possible on completion of construction,

(e) that the loss of remnant native vegetation caused by the disturbance will be compensated by revegetation on or near the land to avoid any net loss of remnant native vegetation,

(f) that no more than 0.5 hectare of native vegetation will be cleared unless the clearing is essential for a previously permitted use of the land.

The consent authority must, when determining a development application in respect of the clearing of native vegetation on land within a zone under this Precinct Plan, have regard to the objectives for development in that zone.

This clause does not apply to or in respect of action required or authorised to be done by or under the Electricity Supply Act 1995, the Roads Act 1993, the Surveying and Spatial Information Act 2002 or the Sydney Water Act 1994.

6.3 Development controls—existing native vegetation

(1) The objective of this clause is to manage existing native vegetation in accordance with the relevant biodiversity measures under Part 7 of Schedule 7 to the Threatened Species Conservation Act 1995.

(2) This clause applies to land within an existing native vegetation area as shown on the Native Vegetation Protection Map.

(3) This clause does not apply to any vegetation declared to be noxious weeds under the Noxious Weeds Act 1993.

(4) The consent authority must not grant development consent for development on land to which this clause applies unless it is satisfied that the proposed development will not result in the clearing of any existing native vegetation (within the meaning of the relevant biodiversity measures under Part 7 of Schedule 7 to the Threatened Species Conservation Act 1995).

6.4 Maximum gross floor area for retail premises in Zone B1 in East Leppington Precinct

Despite any other provision of this Precinct Plan, the total gross floor area of all retail premises on land in Zone B1 Neighbourhood Centre within the East Leppington Precinct must not exceed 2,500 square metres.

6.5 Vehicular access to service stations and food and drink premises in Zone B1 in East Leppington Precinct

(1) The objectives of this clause are as follows—
(a) to limit direct access to Camden Valley Way from land within Zone B1 Neighbourhood Centre,
(b) to support the efficient operation of Camden Valley Way,
(c) to support the design and operation of the neighbourhood centre.

(2) This clause applies to land in Zone B1 Neighbourhood Centre in the East Leppington Precinct.

(3) Despite any other provision of this Precinct Plan, development consent for development for the purposes of a service station or a food and drink premises with direct vehicular access to Camden Valley Way must not be granted unless the consent authority is satisfied that vehicular access will be restricted to left in and left out vehicular movement (that is, where the turning movements of vehicles leaving the premises onto Camden Valley Way are limited to left turns and the turning movements of vehicles leaving Camden Valley Way to enter the premises are limited to left turns).

6.6 Attached dwellings, manor homes and multi dwelling housing in Zone R2 Low Density Residential

(1) The objectives of this clause are as follows—

(a) to permit, with development consent, attached dwellings, manor homes and multi dwelling housing in Zone R2 Low Density Residential in limited circumstances,
(b) to provide location and development criteria that must be satisfied before development consent can be granted.

(2) Development for the purposes of attached dwellings or multi dwelling housing is permissible with development consent on land in Zone R2 Low Density Residential if the dwelling density (per hectare) shown on the Residential Density Map in relation to the land is 15 and the land—

(a) adjoins land in Zone RE1 Public Recreation, or is separated from land in that zone only by a public road, or
(b) adjoins land in Zone B1 Neighbourhood Centre or Zone B2 Local Centre, or is separated from land in any of those zones only by a public road, or
(c) is within 400m of land in Zone B1 Neighbourhood Centre or Zone B2 Local Centre and—
   (i) adjoins land in Zone SP2 Infrastructure that is set aside for drainage or educational purposes, or
   (ii) is separated from land in Zone SP2 Infrastructure that is set aside for drainage or educational purposes only by a public road.

(3) Development for the purposes of attached dwellings or multi dwelling housing is permissible with development consent on land in Zone R2 Low Density Residential if the dwelling density (per hectare) shown on the Residential Density Map in relation to the land is not less than 20.

(4) Development for the purposes of manor homes is permissible with development consent on land in Zone R2 Low Density Residential if—

(a) the dwelling density (per hectare) shown on the Residential Density Map in relation to the
land is 25, or

(b) the dwelling density (per hectare) shown on the Residential Density Map in relation to the land is 20 and the land is located on the corner of 2 streets.

(5) Development must not be granted under this clause unless the consent authority is satisfied that—

(a) the attached dwellings, manor homes or multi dwelling housing will not adversely impact on the amenity of any adjoining residential properties, and

(b) the attached dwellings or multi dwelling housing will be designed and orientated to provide active frontages to and surveillance of the public recreation drainage land, and

(c) the attached dwellings, manor homes or multi dwelling housing will not adversely impact on or limit solar access to adjoining residential or public open space land.

(6) This clause has effect despite anything to the contrary in the Land Use Table or any other provision of this Precinct Plan.

Schedule 1 Additional permitted uses

(Cause 2.5)

When this Precinct Plan was made this Schedule was blank.

Schedule 4 Classification and reclassification of public land

(Cause 5.2)

Part 1 Land classified, or reclassified, as operational land—no interests changed

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<thead>
<tr>
<th>Column 1</th>
<th>Column 2</th>
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<tr>
<td>Locality</td>
<td>Description</td>
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Part 2 Land classified, or reclassified, as operational land—interests changed

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Part 3 Land classified, or reclassified, as community land

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### Schedule 5 Environmental heritage

**Part 1 Heritage items**

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<tr>
<th>Precinct</th>
<th>Item name</th>
<th>Address</th>
<th>Property description</th>
<th>Significance</th>
<th>Item no</th>
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<tbody>
<tr>
<td>Austral</td>
<td>Hellenic monument</td>
<td>Part of Lot 10, DP 771080</td>
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<tr>
<td>Austral</td>
<td>Ian’s Hardware and House</td>
<td>256 Edmondson Avenue</td>
<td>Lot E, DP 385534</td>
<td>Local 7</td>
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<td>Austral</td>
<td>H J Starr Progress Hall</td>
<td>264 Edmondson Avenue</td>
<td>Lot A, DP 340916</td>
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<td>Austral</td>
<td>Brick house and garden</td>
<td>275 Edmondson Avenue</td>
<td>Lot 2, DP 258224</td>
<td>Local 5</td>
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<tr>
<td>Leppington North</td>
<td>Bringelly Road—cultural</td>
<td>Between Camden Valley Way and Kemps Creek</td>
<td>Road reserve</td>
<td>Local 17</td>
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<tr>
<td></td>
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<td></td>
<td></td>
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<tr>
<td>Leppington North, East</td>
<td>Upper Nepean Scheme—Upper</td>
<td>Between Bringelly Road and Denham Court Road</td>
<td>Lot 1, DP 725231; Lots 1 and 2, DP 596351</td>
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<td>Leppington North</td>
<td>The Brown Memorial</td>
<td>145 Bringelly Road</td>
<td>Lot 1, DP 725231</td>
<td>Local 11</td>
<td></td>
</tr>
<tr>
<td></td>
<td>and water trough</td>
<td></td>
<td></td>
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<td>Leppington North</td>
<td>Row of 3 Bunya pines</td>
<td>145 Bringelly Road</td>
<td>Lot 1, DP 725231 and adjacent road reserve</td>
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<td>Leppington North</td>
<td>W V Scott War Memorial</td>
<td>380 Bringelly Road</td>
<td>Lot 1173, DP 2475; Lot 1174, DP 1066228; Lot 1138, DP 2475</td>
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<td>Leppington North</td>
<td>Cement-rendered house</td>
<td>40 Browns Road (60 Fifth Avenue)</td>
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<td>Leppington North</td>
<td>House and garden</td>
<td>170 Edmondson Avenue (125 Eighth Avenue)</td>
<td>Lot 926, DP 2475</td>
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<td>Leppington North</td>
<td>Cowpasture Road—cultural</td>
<td>Old Cowpasture Road</td>
<td>Disused road reserve (south of Bringelly Road)</td>
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**Part 2 Heritage conservation areas**

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<th>Name of heritage conservation area</th>
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<td>Austral Town Centre Conservation Area</td>
<td>Shown by green hatching and labelled “C1”</td>
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Part 3 Archaeological sites

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<th>Property description</th>
<th>Significance</th>
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<td>Austral</td>
<td>Former blacksmith’s workshop site</td>
<td>240 Fifteenth Avenue</td>
<td>Part of Lot 433, DP 2475</td>
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<tr>
<td>Austral</td>
<td>Weatherboard house site</td>
<td>305 Fifteenth Avenue</td>
<td>Lots 354 and 355, DP 2475</td>
<td>Local</td>
<td>4</td>
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<tr>
<td>Leppington North</td>
<td>Forest home site</td>
<td>1720–1726 Camden Valley Way</td>
<td>Lot 6, DP 205472</td>
<td>Local</td>
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</table>

Appendix 9 Camden Growth Centres Precinct Plan

Part 1 Preliminary

Note. The Standard Instrument (Local Environmental Plans) Order 2006 sets out matters to be included in standard local environmental plans. While this Precinct Plan is not a standard local environmental plan, it is generally consistent with standard plans. A number of clauses from the Standard Instrument (Local Environmental Plans) Order 2006 have been included in this Precinct Plan and the clause numbering from that Order has been retained. This means that the numbering in this Precinct Plan may contain some gaps. Additional provisions have been inserted and are numbered accordingly.

1.1 Name of Precinct Plan

This Precinct Plan is the Camden Growth Centres Precinct Plan 2013.

1.2 Aims of Precinct Plan

The aims of this Precinct Plan are as follows—

(a) to make development controls that will ensure the creation of quality environments and good design outcomes,

(b) to protect and enhance environmentally sensitive natural areas and cultural heritage,

(c) to provide for recreational opportunities,

(d) to provide for multifunctional and innovative development that encourages employment and economic growth,

(e) to promote housing choice and affordability,

(f) to provide for sustainable development,

(g) to promote pedestrian and vehicle connectivity.

1.3 Land to which Precinct Plan applies

This Precinct Plan applies to land within the Catherine Fields Precinct, East Leppington Precinct, Leppington North Precinct and Leppington Precinct as shown on the Land Application Map.

Note. The Land Application Map differs from the Precinct Boundary Map and, as such, this Precinct Plan does not apply to all the land within the Catherine Fields Precinct, East Leppington Precinct, Leppington North Precinct or Leppington Precinct (as shown on the Precinct Boundary Map).
1.4 Definition

In this Precinct Plan, Council means Camden Council.

Note. The Dictionary at the end of this State environmental planning policy defines words and expressions for the purposes of this Precinct Plan, including the relevant maps.

1.5 Notes

Notes in this Plan are provided for guidance and do not form part of this Plan.

1.6 Consent authority

The consent authority for the purposes of this Precinct Plan is (subject to the Act) the Council.

1.8 Repeal of other local planning instruments applying to land

(1) All local environmental plans and deemed environmental planning instruments applying only to the land to which this Precinct Plan applies are repealed.

(2) All local environmental plans and deemed environmental planning instruments applying to the land to which this Precinct Plan applies and to other land cease to apply to the land to which this Precinct Plan applies.

Note. Camden Local Environmental Plan 2010 ceases to apply to the land to which this Precinct Plan applies.

(3) This clause does not affect the operation of other provisions of this State environmental planning policy.

1.8A Savings provision relating to pending development applications

If a development application has been made before the commencement of this Precinct Plan in relation to land to which this Precinct Plan applies and the application has not been finally determined before that commencement, the application must be determined as if this Precinct Plan had not commenced.

1.9 Application of SEPPs

(1) This Precinct Plan is subject to the provisions of any State environmental planning policy that prevails over this Precinct Plan as provided by section 3.28 of the Act.

(2) State Environmental Planning Policy No 1—Development Standards does not apply to the land to which this Precinct Plan applies.

1.9A Suspension of covenants, agreements and instruments

(1) For the purpose of enabling development on land in any zone to be carried out in accordance with this Precinct Plan or with a consent granted under the Act, any agreement, covenant or other similar instrument that restricts the carrying out of that development does not apply to the extent necessary to serve that purpose.

(2) This clause does not apply—

(a) to a covenant imposed by the Council or that the Council requires to be imposed, or
(b) to any relevant instrument within the meaning of section 13.4 of the *Crown Land Management Act 2016*, or

(c) to any conservation agreement within the meaning of the *National Parks and Wildlife Act 1974*, or

(d) to any Trust agreement within the meaning of the *Nature Conservation Trust Act 2001*, or

(e) to any property vegetation plan within the meaning of the *Native Vegetation Act 2003*, or

(f) to any biobanking agreement within the meaning of Part 7A of the *Threatened Species Conservation Act 1995*, or

(g) to any planning agreement within the meaning of Division 7.1 of the Act.

(3) This clause does not affect the rights or interests of any public authority under any registered instrument.

(4) Under section 28 of the Act, the Governor, before the making of this clause, approved of subclauses (1)–(3).

**Part 2 Permitted or prohibited development**

### 2.1 Land use zones

The land use zones under this Precinct Plan are as follows—

**Rural Zones**
- RU6 Transition

**Residential Zones**
- R2 Low Density Residential
- R3 Medium Density Residential

**Business Zones**
- B1 Neighbourhood Centre
- B2 Local Centre
- B3 Commercial Core
- B4 Mixed Use
- B5 Business Development
- B7 Business Park

**Industrial Zones**
- IN2 Light Industrial
**Special Purpose Zones**

SP2 Infrastructure

**Recreation Zones**

RE1 Public Recreation

RE2 Private Recreation

**Environment Protection Zones**

E2 Environmental Conservation

E4 Environmental Living

### 2.2 Zoning of land to which Precinct Plan applies

For the purposes of this Precinct Plan, land is within the zones shown on the [Land Zoning Map](#).

### 2.3 Zone objectives and Land Use Table

1. The Land Use Table at the end of this Part specifies for each zone—
   - (a) the objectives for development, and
   - (b) development that may be carried out without consent, and
   - (c) development that may be carried out only with consent, and
   - (d) development that is prohibited.

2. The consent authority must have regard to the objectives for development in a zone when determining a development application in respect of land within the zone.

3. In the Land Use Table at the end of this Part—
   - (a) a reference to a type of building or other thing is a reference to development for the purposes of that type of building or other thing, and
   - (b) a reference to a type of building or other thing does not include (despite any definition in this Policy) a reference to a type of building or other thing referred to separately in the Table in relation to the same zone.

4. This clause is subject to the other provisions of this Precinct Plan.

**Notes.**

1. Schedule 1 sets out additional permitted uses for particular land.
2. Clause 2.6 requires consent for subdivision of land.
3. Part 5 contains other provisions that require consent for particular development.
4. Part 6 sets out additional permitted uses for particular land.

### 2.4 Unzoned land

1. Development may be carried out on unzoned land only with consent.

2. Before granting development consent, the consent authority—
must consider whether the development will impact on adjoining zoned land and, if so, consider the objectives for development in the zones of the adjoining land, and

(b) must be satisfied that the development is appropriate and is compatible with permissible land uses in any such adjoining land.

2.5 Additional permitted uses for particular land

(1) Development on particular land that is described or referred to in Schedule 1 to this Appendix may be carried out—

(a) with consent, or

(b) if the Schedule so provides—without development consent,

in accordance with the conditions (if any) specified in that Schedule in relation to that development.

(2) This clause has effect despite anything to the contrary in the Land Use Table at the end of this Part or other provision of this Precinct Plan.

2.6 Subdivision—consent requirements

Land to which this Precinct Plan applies may be subdivided, but only with development consent.

Note. State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 specifies certain subdivision development as exempt development.

2.7 Demolition

The demolition of a building or work may be carried out only with development consent.

Note. The demolition of certain buildings and works is identified in State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 as exempt development.

2.8 Temporary use of land

(1) The objective of this clause is to provide for the temporary use of land if the use does not compromise future development of the land, or have detrimental economic, social, amenity or environmental effects on the land.

(2) Despite any other provision of this Precinct Plan, development consent may be granted for development on land in any zone for a temporary use for a maximum period of 52 days (whether or not consecutive days) in any period of 12 months.

(3) Development consent must not be granted unless the consent authority is satisfied that—

(a) the temporary use will not prejudice the subsequent carrying out of development on the land in accordance with this Precinct Plan and this or any other applicable environmental planning instrument, and

(b) the temporary use will not adversely impact on any adjoining land or the amenity of the neighbourhood, and

(c) the temporary use and location of any structures related to the use will not adversely impact
on environmental attributes or features of the land, or increase the risk of natural hazards
that may affect the land, and

(d) at the end of the temporary use period, the site will, as far as is practicable, be restored to the
condition in which it was before the commencement of the use.

(4) Despite subclause (2), the temporary use of a dwelling as a sales office for a new release area or
a new housing estate may exceed the maximum number of days specified in that subclause.

(5) Subclause (3) (d) does not apply to the temporary use of a dwelling as a sales office mentioned
in subclause (4).

(6) This clause does not prescribe a development standard that may be varied under this Precinct
Plan.

Land Use Table

Zone RU6 Transition

1 Objectives of zone

• To protect and maintain land that provides a transition between rural and other land uses of varying
intensities or environmental sensitivities.

• To minimise conflict between land uses within this zone and land uses within adjoining zones.

2 Permitted without consent

Extensive agriculture; Home occupations; Roads

3 Permitted with consent

Agriculture; Dual occupations; Dwelling houses; Environmental protection works; Home-based
child care; Home businesses; Home industries; Horticulture; Secondary dwellings; Any other
development not specified in item 2 or 4

4 Prohibited

Air transport facilities; Amusement centres; Biosolids treatment facilities; Boat repair facilities; Boat
sheds; Bulky goods premises; Business premises; Caravan parks; Cemeteries; Centre-based child
care facilities; Charter and tourism boating facilities; Community facilities; Correctional centres;
Crematoria; Educational establishments; Entertainment facilities; Exhibition homes; Exhibition
villages; Extractive industries; Freight transport facilities; Function centres; Hazardous storage
establishments; Highway service centres; Home occupations (sex services); Industries; Information
and education facilities; Intensive livestock agriculture; Intensive plant agriculture; Marinas;
Moorings; Mortuaries; Office premises; Passenger transport facilities; Places of public worship;
Recreation facilities (indoor); Recreation facilities (major); Registered clubs; Residential
accommodation; Restricted premises; Retail premises; Rural industries; Sewage treatment plants;
Sex services premises; Storage premises; Timber and building supplies; Tourist and visitor
accommodation; Transport depots; Truck depots
Zone R2  Low Density Residential

1 Objectives of zone

• To provide for the housing needs of the community within a low density residential environment.

• To enable other land uses that provide facilities or services to meet the day to day needs of residents.

• To allow people to carry out a reasonable range of activities from their homes where such activities are not likely to adversely affect the living environment of neighbours.

• To support the well-being of the community by enabling educational, recreational, community, religious and other activities where compatible with the amenity of a low density residential environment.

• To provide a diverse range of housing types to meet community housing needs within a low density residential environment.

2 Permitted without consent

Home-based child care; Home occupations

3 Permitted with consent

Bed and breakfast accommodation; Boarding houses; Business identification signs; Centre-based child care facilities; Community facilities; Drainage; Dual occupancies; Dwelling houses; Earthworks; Educational establishments; Environmental facilities; Environmental protection works; Exhibition homes; Exhibition villages; Flood mitigation works; Group homes; Health consulting rooms; Home businesses; Home industries; Information and education facilities; Neighbourhood shops; Places of public worship; Recreation areas; Recreation facilities (indoor); Recreation facilities (outdoor); Roads; Secondary dwellings; Semi-detached dwellings; Seniors housing; Shop top housing; Studio dwellings; Veterinary hospitals; Waterbodies (artificial)

4 Prohibited

Any development not specified in item 2 or 3

Zone R3  Medium Density Residential

1 Objectives of zone

• To provide for the housing needs of the community within a medium density residential environment.

• To provide a variety of housing types within a medium density residential environment.

• To enable other land uses that provide facilities or services to meet the day to day needs of residents.

• To support the well-being of the community by enabling educational, recreational, community, religious and other activities where compatible with the amenity of a medium density residential environment.
2 Permitted without consent

Home-based child care; Home occupations

3 Permitted with consent

Attached dwellings; Bed and breakfast accommodation; Boarding houses; Building identification signs; Business identification signs; Centre-based child care facilities; Community facilities; Dual occupancies; Dwelling houses; Group homes; Manor homes; Multi dwelling housing; Neighbourhood shops; Places of public worship; Residential flat buildings; Roads; Secondary dwellings; Semi-detached dwellings; Seniors housing; Studio dwellings; Any other development not specified in item 2 or 4

4 Prohibited

Agriculture; Air transport facilities; Airstrips; Amusement centres; Boat repair facilities; Boat sheds; Business premises; Caravan parks; Cemeteries; Charter and tourism boating facilities; Correctional centres; Crematoria; Depots; Electricity generating works; Entertainment facilities; Extractive industries; Freight transport facilities; Function centres; Helipads; Highway service centres; Home occupations (sex services); Industries; Information and education facilities; Marinas; Moorings; Mortuaries; Office premises; Passenger transport facilities; Public administration buildings; Recreation facilities (indoor); Recreation facilities (major); Recreation facilities (outdoor); Registered clubs; Research stations; Restricted premises; Retail premises; Rural supplies; Service stations; Sex services premises; Signage; Storage premises; Tourist and visitor accommodation; Transport depots; Truck depots; Vehicle body repair workshops; Vehicle repair stations; Vehicle sales or hire premises; Veterinary hospitals; Warehouse or distribution centres; Waste or resource management facilities; Water recreation structures; Wholesale supplies

Zone B1 Neighbourhood Centre

1 Objectives of zone

- To provide a range of small-scale retail, business and community uses that serve the needs of people who live or work in the surrounding neighbourhood.

2 Permitted without consent

Home-based child care; Home occupations

3 Permitted with consent

Amusement centres; Bed and breakfast accommodation; Boarding houses; Building identification signs; Business identification signs; Business premises; Centre-based child care facilities; Community facilities; Drainage; Earthworks; Educational establishments; Environmental facilities; Environmental protection works; Flood mitigation works; Food and drink premises; Hostels; Hotel or motel accommodation; Kiosks; Medical centres; Neighbourhood shops; Office premises; Passenger transport facilities; Places of public worship; Public administration buildings; Recreation areas; Respite day care centres; Roads; Service stations; Serviced apartments; Shop top housing; Shops; Veterinary hospitals

4 Prohibited

Any development not specified in item 2 or 3
Zone B2 Local Centre

1 Objectives of zone

• To provide a range of retail, business, entertainment and community uses that serve the needs of people who live in, work in and visit the local area.

• To encourage employment opportunities in accessible locations.

• To maximise public transport patronage and encourage walking and cycling.

• To provide for residential development that contributes to the vitality of the local centre.

• To ensure that residential development within the centre does not detract from the primary function of the centre being to provide for retail, business, entertainment and community uses.

• To facilitate active retail, commercial, entertainment and community facility uses at the ground level of mixed use development.

• To encourage development that will contribute to economic growth and the creation of employment opportunities.

2 Permitted without consent

Home-based child care; Home businesses; Home occupations

3 Permitted with consent

Boarding houses; Business premises; Car parks; Centre-based child care facilities; Community facilities; Educational establishments; Entertainment facilities; Function centres; Information and education facilities; Office premises; Passenger transport facilities; Recreation facilities (indoor); Registered clubs; Retail premises; Roads; Service stations; Shop top housing; Tourist and visitor accommodation; Any other development not specified in item 2 or 4

4 Prohibited

Agriculture; Air transport facilities; Airstrips; Boat repair facilities; Boat sheds; Bulky goods premises; Caravan parks; Cemeteries; Charter and tourism boating facilities; Correctional centres; Crematoria; Depots; Electricity generating works; Environmental facilities; Exhibition homes; Exhibition villages; Extractive industries; Forestry; Freight transport facilities; Home occupations (sex services); Industries; Marinas; Moorings; Mortuaries; Recreation facilities (major); Research stations; Residential accommodation; Restricted premises; Sex services premises; Storage premises; Transport depots; Truck depots; Vehicle body repair workshops; Warehouse or distribution centres; Waste or resource management facilities; Water recreation structures; Wholesale supplies

Zone B3 Commercial Core

1 Objectives of zone

• To provide a wide range of retail, business, office, entertainment, community and other suitable land uses that serve the needs of the local and wider community.

• To encourage appropriate employment opportunities in accessible locations.

• To maximise public transport patronage and encourage walking and cycling.
2 Permitted without consent

Nil

3 Permitted with consent

Amusement centres; Building identification signs; Business identification signs; Business premises; Centre-based child care facilities; Community facilities; Drainage; Educational establishments; Emergency services facilities; Entertainment facilities; Environmental facilities; Environmental protection works; Flood mitigation works; Function centres; Group homes; Helipads; Heliports; Hotel or motel accommodation; Information and education facilities; Medical centres; Office premises; Passenger transport facilities; Places of public worship; Public administration buildings; Recreation areas; Recreation facilities (indoor); Recreation facilities (outdoor); Registered clubs; Restricted premises; Retail premises; Roads; Shop top housing; Veterinary hospitals; Water recreation structures; Water recycling facilities; Waterbodies (artificial)

4 Prohibited

Any development not specified in item 2 or 3

Zone B4 Mixed Use

1 Objectives of zone

- To provide a mixture of compatible land uses.
- To integrate suitable business, office, residential, retail and other development in accessible locations so as to maximise public transport patronage and encourage walking and cycling.
- To facilitate active retail, commercial, entertainment and community uses at ground level of mixed use developments.
- To provide for residential development that contributes to the vitality of the local centre.
- To ensure that residential development adjacent to the centre does not detract from the primary function of the centre being to provide for retail, business, entertainment and community uses.

2 Permitted without consent

Home-based child care; Home occupations

3 Permitted with consent

Backpackers’ accommodation; Boarding houses; Business premises; Centre-based child care facilities; Community facilities; Educational establishments; Entertainment facilities; Exhibition homes; Function centres; Health services facilities; Hostels; Hotel or motel accommodation; Information and education facilities; Multi dwelling housing; Office premises; Passenger transport facilities; Recreation facilities (indoor); Registered clubs; Residential flat buildings; Retail premises; Roads; Seniors housing; Serviced apartments; Shop top housing; Any other development not specified in item 2 or 4

4 Prohibited

Agriculture; Air transport facilities; Boat repair facilities; Boat sheds; Bulky goods premises;
Caravan parks; Cemeteries; Charter and tourism boating facilities; Correctional centres; Crematoria; Depots; Electricity generating works; Extractive industries; Forestry; Freight transport facilities; Home occupations (sex services); Industries; Mortuaries; Recreation areas; Recreation facilities (major); Research stations; Residential accommodation; Rural industries; Sewerage systems; Sex services premises; Storage premises; Tourist and visitor accommodation; Transport depots; Waste or resource management facilities; Water recreation structures; Wholesale supplies

Zone B5 Business Development

1 Objectives of zone

• To enable a mix of business and warehouse uses, and bulky goods premises that require a large floor area, in locations that are close to, and that support the viability of, centres.

2 Permitted without consent

Nil

3 Permitted with consent

Building identification signs; Bulky goods premises; Business identification signs; Car parks; Centre-based child care facilities; Community facilities; Drainage; Environmental facilities; Environmental protection works; Flood mitigation works; Food and drink premises; Hotel or motel accommodation; Landscaping material supplies; Liquid fuel depots; Office premises; Passenger transport facilities; Places of public worship; Public administration buildings; Pubs; Recreation areas; Recreation facilities (indoors); Recreation facilities (outdoor); Registered clubs; Restaurants; Roads; Self-storage units; Service stations; Timber and building supplies; Vehicle sales or hire premises; Warehouse or distribution centres

4 Prohibited

Any development not specified in item 2 or 3

Zone B7 Business Park

1 Objectives of zone

• To provide a range of office and light industrial uses.

• To encourage employment opportunities.

• To enable other land uses that provide facilities or services to meet the day to day needs of workers in the area.

2 Permitted without consent

Nil

3 Permitted with consent

Building identification signs; Business identification signs; Centre-based child care facilities; Food and drink premises; Helipads; Heliports; Hotel or motel accommodation; Light industries; Neighbourhood shops; Office premises; Passenger transport facilities; Roads; Serviced apartments; Any other development not specified in item 2 or 4
4 Prohibited

Agriculture; Air transport facilities; Airstrips; Amusement centres; Boat repair facilities; Boat sheds; Caravan parks; Cemeteries; Charter and tourism boating facilities; Correctional centres; Crematoria; Depots; Electricity generating works; Entertainment facilities; Environmental facilities; Exhibition homes; Exhibition villages; Extractive industries; Farm buildings; Forestry; Freight transport facilities; Heavy industrial storage establishments; Highway service centres; Industries; Landscaping material supplies; Liquid fuel depots; Marinas; Moorings; Mortuaries; Port facilities; Recreation facilities (major); Residential accommodation; Restricted premises; Retail premises; Rural industries; Sex services premises; Signage; Storage premises; Tourist and visitor accommodation; Timber and building supplies; Transport depots; Truck depots; Waste or resource management facilities; Water recreation structures

Zone IN2 Light Industrial

1 Objectives of zone

• To provide a wide range of light industrial, warehouse and related land uses.

• To encourage employment opportunities and to support the viability of centres.

• To minimise any adverse effect of industry on other land uses.

• To enable other land uses that provide facilities or services to meet the day to day needs of workers in the area.

2 Permitted without consent

Nil

3 Permitted with consent

Agricultural produce industries; Building identification signs; Business identification signs; Depots; Food and drink premises; Heliports; Hotel or motel accommodation; Industrial training facilities; Landscaping material supplies; Light industries; Neighbourhood shops; Roads; Any other development not specified in item 2 or 4

4 Prohibited

Agriculture; Air transport facilities; Amusement centres; Boat sheds; Bulky goods premises; Business premises; Caravan parks; Cemeteries; Charter and tourism boating facilities; Correctional centres; Crematoria; Educational establishments; Entertainment facilities; Environmental facilities; Exhibition homes; Exhibition villages; Extractive industries; Farm buildings; Forestry; Freight transport facilities; Function centres; Health services facilities; Heavy industrial storage establishments; Home-based child care; Home businesses; Home occupations; Home occupations (sex services); Industries; Marinas; Moorings; Office premises; Public administration buildings; Recreation facilities (major); Research stations; Residential accommodation; Restricted premises; Retail premises; Rural industries; Sex services premises; Signage; Tourist and visitor accommodation; Water recreation structures
**Zone SP2  Infrastructure**

1 **Objectives of zone**
   - To provide for infrastructure and related uses.
   - To prevent development that is not compatible with or that may detract from the provision of infrastructure.

2 **Permitted without consent**
   - Roads

3 **Permitted with consent**
   - The purpose shown on the [Land Zoning Map](#), including any development that is ordinarily incidental or ancillary to development for that purpose

4 **Prohibited**
   - Any development not specified in item 2 or 3

**Zone RE1  Public Recreation**

1 **Objectives of zone**
   - To enable land to be used for public open space or recreational purposes.
   - To provide a range of recreational settings and activities and compatible land uses.
   - To protect and enhance the natural environment for recreational purposes.

2 **Permitted without consent**
   - Environmental protection works

3 **Permitted with consent**
   - Building identification signs; Business identification signs; Centre-based child care facilities; Community facilities; Drainage; Environmental facilities; Flood mitigation works; Information and education facilities; Kiosks; Markets; Recreation areas; Recreation facilities (indoor); Recreation facilities (major); Recreation facilities (outdoor); Restaurants; Roads; Take away food and drink premises; Water recreation structures; Waterbodies (artificial)

4 **Prohibited**
   - Any development not specified in item 2 or 3

**Zone RE2  Private Recreation**

1 **Objectives of zone**
   - To enable land to be used for private open space or recreational purposes.
   - To provide a range of recreational settings and activities and compatible land uses.
   - To protect and enhance the natural environment for recreational purposes.
2 Permitted without consent

Nil

3 Permitted with consent

Caravan parks; Community facilities; Drainage; Electricity generating works; Environmental facilities; Environmental protection works; Flood mitigation works; Information and education facilities; Kiosks; Recreation areas; Recreation facilities (indoor); Recreation facilities (major); Recreation facilities (outdoor); Registered clubs; Restaurants; Roads; Signage; Water recycling facilities; Waterbodies (artificial)

4 Prohibited

Any development not specified in item 2 or 3

Zone E2  Environmental Conservation

1 Objectives of zone

• To protect, manage and restore areas of high ecological, scientific, cultural or aesthetic values.

• To prevent development that could destroy, damage or otherwise have an adverse effect on those values.

2 Permitted without consent

Nil

3 Permitted with consent

Drainage; Environmental facilities; Environmental protection works; Flood mitigation works; Information and education facilities; Kiosks; Recreation areas; Research stations; Roads; Signage; Waterbodies (artificial)

4 Prohibited

Business premises; Hotel or motel accommodation; Industries; Multi dwelling housing; Recreation facilities (major); Residential flat buildings; Restricted premises; Retail premises; Seniors housing; Service stations; Warehouse or distribution centres; Any other development not specified in item 2 or 3

Zone E4  Environmental Living

1 Objectives of zone

• To provide for low-impact residential development in areas with special ecological, scientific or aesthetic values.

• To ensure that residential development does not have an adverse effect on those values.

2 Permitted without consent

Home-based child care; Home occupations
3 Permitted with consent

Bed and breakfast accommodation; Centre-based child care facilities; Community facilities; Drainage; Dual occupancies; Dwelling houses; Environmental facilities; Environmental protection works; Extensive agriculture; Flood mitigation works; Group homes; Health consulting rooms; Home businesses; Home industries; Recreation areas; Respite day care centres; Roads; Secondary dwellings; Waterbodies (artificial)

4 Prohibited

Industries; Service stations; Warehouse or distribution centres; Any other development not specified in item 2 or 3

Part 3

3.1–3.3 (Repealed)

Part 4 Principal development standards

4.1 Minimum subdivision lot size

(1) The objectives of this clause are as follows—

(a) to ensure orderly and efficient use of land,

(b) to ensure a minimum lot size sufficient for development,

(c) to allow for a range of lot sizes that cater for a diversity of land uses and employment activities.

(2) This clause applies to a subdivision of any land shown on the Lot Size Map that requires development consent and that is carried out after the commencement of this Precinct Plan.

(3) The size of any lot resulting from any such subdivision of land to which this clause applies is not to be less than the minimum size shown on the Lot Size Map in relation to that land.

(4) This clause does not apply in relation to the subdivision of individual lots in a strata plan or community title scheme.

4.1AA Subdivision resulting in lots between 225–300m²

(1) This clause applies to land in the following zones—

(a) Zone R2 Low Density Residential,

(b) Zone R3 Medium Density Residential.

(2) Development consent may be granted to the subdivision of land to which this clause applies resulting in the creation of a lot that has an area of less than 300m² (but not less than 225m²), if the consent authority is satisfied that the lot will contain a sufficient building envelope to enable the erection of a dwelling house on the lot.

(3) This clause does not apply to a subdivision that is the subject of a development application under clause 4.1AD (2) (b), 4.1AE (2) (b) or 4.1AF.
4.1A Minimum lot sizes for residential development in non-residential zones

(1) The objectives of this clause are as follows—

(a) to establish minimum lot sizes for residential development,

(b) to ensure that residential development results in the efficient use of land and contributes to the supply of new housing in the South West Growth Centre,

(c) to ensure that residential development has adequate usable areas for buildings and open space,

(d) to ensure that residential development is compatible with the character of the locality and with surrounding residential areas,

(e) to facilitate and encourage the provision of a range of dwelling types.

(2) This clause applies to development on land for which no minimum lot size is shown on the Lot Size Map.

(3) The minimum lot size for certain residential development is set out in the table below.

<table>
<thead>
<tr>
<th>Dwelling type</th>
<th>Minimum lot size</th>
</tr>
</thead>
<tbody>
<tr>
<td>Dwelling houses (detached)</td>
<td>200 square metres</td>
</tr>
<tr>
<td>Semi-detached dwellings</td>
<td>200 square metres</td>
</tr>
<tr>
<td>Dual occupancies</td>
<td>500 square metres</td>
</tr>
<tr>
<td>Secondary dwellings</td>
<td>450 square metres</td>
</tr>
<tr>
<td>Attached dwellings</td>
<td>375 square metres</td>
</tr>
<tr>
<td>Multi dwelling housing</td>
<td>1,000 square metres</td>
</tr>
<tr>
<td>Residential flat buildings</td>
<td>1,000 square metres</td>
</tr>
</tbody>
</table>

(3A) (Repealed)

(4) This clause does not apply to the land in Zone R2 Low Density Residential or Zone R3 Medium Density Residential.

4.1AB Minimum lot sizes for residential development in Zone R2 Low Density Residential and Zone R3 Medium Density Residential

(1) The objectives of this clause are as follows—

(a) to establish minimum lot sizes for residential development in Zone R2 Low Density Residential and Zone R3 Medium Density Residential,

(b) to ensure that residential development in the Catherine Fields, East Leppington, Leppington North Precinct and Leppington Precinct results in the efficient use of land and contributes to the supply of new housing in the South West Growth Centre,

(c) to ensure that residential development has adequate usable areas for buildings and open...
space,

(d) to ensure that residential development in the Catherine Fields, East Leppington, Leppington North Precinct and Leppington Precinct is compatible with the character of the locality and with surrounding residential areas,

(e) to facilitate and encourage the provision of a range of residential lot types, in particular, small lot housing.

(2) This clause applies to land in the following zones—

(a) Zone R2 Low Density Residential,

(b) Zone R3 Medium Density Residential.

(3) The minimum lot size for a dwelling house is 300m$^2$ if the dwelling density (per hectare) shown on the Residential Density Map in relation to the land is 15, 20 or 25.

(4) The minimum lot size for a dual occupancy is—

(a) 500m$^2$ if the dwelling density (per hectare) shown on the Residential Density Map in relation to the land is 15 or 20, or

(b) 400m$^2$ if the dwelling density (per hectare) shown on the Residential Density Map in relation to the land is 25.

(5) The minimum lot size for a semi-detached dwelling is—

(a) 200m$^2$ if the dwelling density (per hectare) shown on the Residential Density Map in relation to the land is 15, or

(a1) 150m$^2$ if the dwelling density (per hectare) shown on the Residential Density Map in relation to the land is 20, or

(b) 125m$^2$ if the dwelling density (per hectare) shown on the Residential Density Map in relation to the land is 25.

(6) The minimum lot size for an attached dwelling is—

(a) 1,500m$^2$ if the dwelling density (per hectare) shown on the Residential Density Map in relation to the land is 15, or

(b) 375m$^2$ if the dwelling density (per hectare) shown on the Residential Density Map in relation to the land is 20 or 25.

(7) The minimum lot size for multi dwelling housing is—

(a) 1,500m$^2$ if the dwelling density (per hectare) shown on the Residential Density Map in relation to the land is 15 or 20, or

(b) 375m$^2$ if the dwelling density (per hectare) shown on the Residential Density Map in relation to the land is 25.

(8) The minimum lot size for a manor home is 600m$^2$ if the dwelling density (per hectare) shown on
The Residential Density Map in relation to the land is 20 or 25.

(9) The minimum lot size for a residential flat building is 2,000m² if the dwelling density (per hectare) shown on the Residential Density Map in relation to the land is 25.

4.1AC Minimum lot sizes for secondary dwellings in Zone R2 Low Density Residential and Zone R3 Medium Density Residential

(1) This clause applies to land in the following zones—
   (a) Zone R2 Low Density Residential,
   (b) Zone R3 Medium Density Residential.

(2) The minimum lot size for a secondary dwelling on land in Zone R2 Low Density Residential is 450m².

(3) The minimum lot size for a secondary dwelling on land in Zone R3 Medium Density Residential is the minimum lot size for the principal dwelling in conjunction with which the secondary dwelling is established, determined in accordance with clause 4.1AB.

4.1AD Exceptions to minimum lot sizes for dwelling houses

(1) This clause applies to the following—
   (a) a lot in Zone R2 Low Density Residential that has an area less than 300m² (but not less than 250m²) if the dwelling density (per hectare) shown on the Residential Density Map in relation to the land is 15,
   (b) a lot in Zone R2 Low Density Residential that has an area less than 300m² (but not less than 225m²) if the dwelling density (per hectare) shown on the Residential Density Map in relation to the land is 20,
   (c) a lot in Zone R3 Medium Density Residential that has an area less than 300m² (but not less than 225m²).

(2) Despite clause 4.1AB (3), development consent may be granted to the erection of a dwelling house on a lot to which this clause applies if—
   (a) the lot results from a subdivision to which development consent has been granted in accordance with clause 4.1AA and, in determining the development application for the erection of the dwelling house, the consent authority considers any information that it considered for the purposes of that clause in determining the development application for that subdivision, or
   (b) the development application is a single development application for development consisting of both of the following—
      (i) the subdivision of land into 2 or more lots,
      (ii) the erection of the dwelling house on one of the lots resulting from the subdivision.
4.1AE Exceptions to minimum lot sizes for dwelling houses on other lots in Zone R2 Low Density Residential

(1) This clause applies to a lot in Zone R2 Low Density Residential that has an area of less than 250m² (but not less than 225m²) if the dwelling density (per hectare) shown on the Residential Density Map in relation to the land is 15.

(2) Despite clause 4.1AB (3), development consent may be granted to the erection of a dwelling house on a lot to which this clause applies if the lot meets the requirements of subclause (3) and—

(a) the lot results from a subdivision to which development consent has been granted in accordance with clause 4.1AA and, in determining the development application for the erection of the dwelling house, the consent authority considers any information that it considered for the purposes of that clause in determining the development application for that subdivision, or

(b) the development application is a single development application for development consisting of both of the following—
   (i) the subdivision of land into 2 or more lots,
   (ii) the erection of the dwelling house on one of the lots resulting from the subdivision.

(3) A lot meets the requirements of this subclause if—

(a) the lot adjoins land in Zone RE1 Public Recreation or land that is set aside for open space or recreation purposes, or is separated from land in that zone only by a public road, or

(b) the lot adjoins land in Zone B1 Neighbourhood Centre, Zone B2 Local Centre or Zone B4 Mixed Use, or is separated from land in any of those zones only by a public road, or

(c) the lot is within 400m of land in Zone B1 Neighbourhood Centre or Zone B2 Local Centre and—
   (i) adjoins land in Zone SP2 Infrastructure that is set aside for drainage or education purposes, or
   (ii) is separated from land in Zone SP2 Infrastructure that is set aside for drainage or education purposes only by a public road.

(4) Despite subclause (2), development consent must not be granted to the erection of a dwelling house to which this clause applies unless the consent authority is satisfied that the dwelling house—

(a) will not adversely impact on the amenity of adjoining residential properties, and

(b) will be designed and orientated to provide active frontages to and surveillance of the public recreation or drainage land, and

(c) will not adversely impact on or limit solar access to adjoining residential or public open space land.
4.1AF Exceptions to minimum lot sizes for dwelling houses on small lots

(1) This clause applies to the following lots—

(a) a lot in Zone R2 Low Density Residential that has an area less than 225m$^2$ (equal to or greater than 200m$^2$ but) and for which the dwelling density (per hectare) shown on the Residential Density Map in relation to the land is 20,

(b) a lot in Zone R3 Medium Density Residential that has an area less than 225m$^2$ (but not less than 125m$^2$).

(2) Despite clause 4.1AB (3), development consent may be granted to the erection of a dwelling house on a lot to which this clause applies if the development application is a single development application for development consisting of both of the following—

(a) the subdivision of land into 2 or more lots,

(b) the erection of the dwelling house on one of the lots resulting from the subdivision.

4.1AG Minimum lot sizes in split zones

(1) This clause applies to each lot that contains land in Zone R2 Low Density Residential or Zone R3 Medium Density Residential and land in any other zone.

(2) For the purposes of clauses 4.1AA–4.1AF, a reference to the area of a lot—

(a) in relation to land in Zone R2 Low Density Residential, means the area of that part of the lot that is in Zone R2 Low Density Residential, and

(b) in relation to land in Zone R3 Medium Density Residential, means the area of that part of the lot that is in Zone R3 Medium Density Residential, and

(c) does not include any part of the lot that is in any other zone.

4.1B Residential density

(1) The objectives of this clause are—

(a) to establish minimum density requirements for residential development, and

(b) to ensure that residential development makes efficient use of land and infrastructure, and contributes to the availability of new housing, and

(c) to ensure that the scale of residential development is compatible with the character of the precinct and adjoining land.

(2) This clause applies to residential development of the kind referred to in clause 4.1AB (3) or 4.1AC that—

(a) is carried out on land to which this Precinct Plan applies that is shown on the Residential Density Map, and

(b) requires development consent, and

(c) is carried out after the commencement of this Precinct Plan.
(3) The density of any residential development to which this clause applies is not to be less than the density shown on the Residential Density Map in relation to that land.

(4) In this clause—

density means the net developable area in hectares of the land on which the development is situated divided by the number of dwellings proposed to be located on that land.

net developable area means the land occupied by the development, including internal streets plus half the width of any adjoining access roads that provide vehicular access, but excluding land that is not zoned for residential purposes.

4.1C (Repealed)

4.2 Rural subdivision

(1) The objective of this clause is to provide flexibility in the application of standards for subdivision in rural zones to allow land owners a greater chance to achieve the objectives for development in the relevant zone.

(2) Land in Zone RU6 Transition may, with development consent, be subdivided for the purpose of primary production to create a lot of a size that is less than the minimum size shown on the Lot Size Map in relation to that land.

(3) However, such a lot cannot be created if an existing dwelling would, as the result of the subdivision, be situated on the lot.

(4) A dwelling cannot be erected on such a lot.

Note. A dwelling includes a rural worker’s dwelling (see definition of that term in the Dictionary).

4.3 Height of buildings

(1) The objectives of this clause are as follows—

(a) to establish the maximum height of buildings,

(b) to minimise visual impact and protect the amenity of adjoining development and land in terms of solar access to buildings and open space,

(c) to facilitate higher density development in and around commercial centres and major transport routes.

(2) The height of a building on any land is not to exceed the maximum height shown for the land on the Height of Buildings Map.

4.4 Floor space ratio

(1) The objective of this clause is to control the bulk and scale of buildings by setting maximum floor space ratios for development.

(2) The floor space ratio for a building on any land is not to exceed the maximum floor space ratio shown for the land on the Floor Space Ratio Map.
4.5 Calculation of floor space ratio and site area

(1) Objectives The objectives of this clause are as follows—

(a) to define floor space ratio,

(b) to set out rules for the calculation of the site area of development for the purpose of applying permitted floor space ratios, including rules to—

(i) prevent the inclusion in the site area of an area that has no significant development being carried out on it, and

(ii) prevent the inclusion in the site area of an area that has already been included as part of a site area to maximise floor space area in another building, and

(iii) require community land and public places to be dealt with separately.

(2) Definition of “floor space ratio” The floor space ratio of buildings on a site is the ratio of the gross floor area of all buildings within the site to the site area.

(3) Site area In determining the site area of proposed development for the purpose of applying a floor space ratio, the site area is taken to be—

(a) if the proposed development is to be carried out on only one lot, the area of that lot, or

(b) if the proposed development is to be carried out on 2 or more lots, the area of any lot on which the development is proposed to be carried out that has at least one common boundary with another lot on which the development is being carried out.

In addition, subclauses (4)–(7) apply to the calculation of the site area for the purposes of applying a floor space ratio to proposed development.

(4) Exclusions from site area The following land must be excluded from the site area—

(a) land on which the proposed development is prohibited, whether under this Precinct Plan or any other law,

(b) community land or a public place (except as provided by subclause (7)).

(5) Strata subdivisions The area of a lot that is wholly or partly on top of another or others in a strata subdivision is to be included in the calculation of the site area only to the extent that it does not overlap with another lot already included in the site area calculation.

(6) Only significant development to be included The site area for proposed development must not include a lot additional to a lot or lots on which the development is being carried out unless the proposed development includes significant development on that additional lot.

(7) Certain public land to be separately considered For the purpose of applying a floor space ratio to any proposed development on, above or below community land or a public place, the site area must only include an area that is on, above or below that community land or public place, and is occupied or physically affected by the proposed development, and may not include any other area on which the proposed development is to be carried out.

(8) Existing buildings The gross floor area of any existing or proposed buildings within the vertical
projection (above or below ground) of the boundaries of a site is to be included in the calculation of the total floor space for the purposes of applying a floor space ratio, whether or not the proposed development relates to all of the buildings.

(9) **Covenants to prevent “double dipping”** When development consent is granted to development on a site comprised of 2 or more lots, a condition of the consent may require a covenant to be registered that prevents the creation of floor area on a lot (*the restricted lot*) if the consent authority is satisfied that an equivalent quantity of floor area will be created on another lot only because the site included the restricted lot.

(10) **Covenants affect consolidated sites** If—

(a) a covenant of the kind referred to in subclause (9) applies to any land (*affected land*), and

(b) proposed development relates to the affected land and other land that together comprise the site of the proposed development,

the maximum amount of floor area allowed on the other land by the floor space ratio fixed for the site by this Precinct Plan is reduced by the quantity of floor space area the covenant prevents being created on the affected land.

(11) **Definition** In this clause, *public place* has the same meaning as it has in the *Local Government Act 1993*.

4.5A **Shops—total gross floor area**

(1) The total gross floor area used for the purpose of shops (including neighbourhood shops) on all land within Zone B7 Business Park must not exceed 3,500 square metres.

(2) The total gross floor area used for the purpose of shops in a particular development on land within Zone B7 Business Park must not exceed 500 square metres.

4.6 **Exceptions to development standards**

(1) The objectives of this clause are as follows—

(a) to provide an appropriate degree of flexibility in applying certain development standards to particular development,

(b) to achieve better outcomes for and from development by allowing flexibility in particular circumstances.

(2) Development consent may, subject to this clause, be granted for development even though the development would contravene a development standard imposed by this or any other environmental planning instrument. However, this clause does not apply to a development standard that is expressly excluded from the operation of this clause.

(3) Consent must not be granted for development that contravenes a development standard unless the consent authority has considered a written request from the applicant that seeks to justify the contravention of the development standard by demonstrating—

(a) that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and
(b) that there are sufficient environmental planning grounds to justify contravening the development standard.

(4) Development consent must not be granted for development that contravenes a development standard unless—

(a) the consent authority is satisfied that—

(i) the applicant’s written request has adequately addressed the matters required to be demonstrated by subclause (3), and

(ii) the proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out, and

(b) the concurrence of the Director-General has been obtained.

(5) In deciding whether to grant concurrence, the Director-General must consider—

(a) whether contravention of the development standard raises any matter of significance for State environmental planning, and

(b) the public benefit of maintaining the development standard, and

(c) any other matters required to be taken into consideration by the Director-General before granting concurrence.

(6) Development consent must not be granted under this clause for a subdivision of land in Zone RU1 Primary Production, Zone RU2 Rural Landscape, Zone RU3 Forestry, Zone RU4 Primary Production Small Lots, Zone RU6 Transition, Zone R5 Large Lot Residential, Zone E2 Environmental Conservation, Zone E3 Environmental Management or Zone E4 Environmental Living if—

(a) the subdivision will result in 2 or more lots of less than the minimum area specified for such lots by a development standard, or

(b) the subdivision will result in at least one lot that is less than 90% of the minimum area specified for such a lot by a development standard.

Note. When this Precinct Plan was made it did not include any of these zones other than Zone RU6 Transition and Zone E2 Environmental Conservation.

(7) After determining a development application made pursuant to this clause, the consent authority must keep a record of its assessment of the factors required to be addressed in the applicant’s written request referred to in subclause (3).

(8) This clause does not allow development consent to be granted for development that would contravene any of the following—

(a) a development standard for complying development,

(b) a development standard that arises, under the regulations under the Act, in connection with a commitment set out in a BASIX certificate for a building to which State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004 applies or for the land on
which such a building is situated,

(c) clause 5.4.

Part 5 Miscellaneous provisions

5.1 Relevant acquisition authority

(1) The objective of this clause is to identify, for the purposes of section 3.15 of the Act, the authority of the State that will be the relevant authority to acquire land reserved for certain public purposes if the land is required to be acquired under Division 3 of Part 2 of the Land Acquisition (Just Terms Compensation) Act 1991 (the owner-initiated acquisition provisions).

Note. If the landholder will suffer hardship if there is any delay in the land being acquired by the relevant authority, section 23 of the Land Acquisition (Just Terms Compensation) Act 1991 requires the authority to acquire the land.

(2) The authority of the State that will be the relevant authority to acquire land, if the land is required to be acquired under the owner-initiated acquisition provisions, is the authority of the State specified below in relation to the land shown on the Land Reservation Acquisition Map (or, if an authority of the State is not specified in relation to land required to be so acquired, the authority designated or determined under those provisions).

<table>
<thead>
<tr>
<th>Type of land shown on Map</th>
<th>Authority of the State</th>
</tr>
</thead>
<tbody>
<tr>
<td>Zone RE1 Public Recreation and marked “Community facility”</td>
<td>Council</td>
</tr>
<tr>
<td>Zone RE1 Public Recreation and marked “Local open space”</td>
<td>Council</td>
</tr>
<tr>
<td>Zone SP2 Infrastructure and marked “Classified Roads and Maritime Services road”</td>
<td>Roads and Maritime Services</td>
</tr>
<tr>
<td>Zone SP2 Infrastructure and marked “Local drainage”</td>
<td>Council</td>
</tr>
<tr>
<td>Zone SP2 Infrastructure and marked “Railway”</td>
<td>The corporation constituted under section 2.5 of the Act</td>
</tr>
<tr>
<td>Zone SP2 Infrastructure and marked “Local road”</td>
<td>Council</td>
</tr>
<tr>
<td>Zone B4 Mixed Use and marked “Educational establishment”</td>
<td>NSW Department of Education and Communities</td>
</tr>
<tr>
<td>Zone B4 Mixed Use and marked “Community facility”</td>
<td>Council</td>
</tr>
<tr>
<td>Zone B4 Mixed Use and marked “Health services facility”</td>
<td>NSW Department of Health</td>
</tr>
</tbody>
</table>

(3) Development on land acquired by an authority of the State under the owner-initiated acquisition provisions may, before it is used for the purpose for which it is reserved, be carried out, with development consent, for any purpose.
5.2 Classification and reclassification of public land

(1) The objective of this clause is to enable the Council to classify or reclassify public land as “operational land” or “community land” in accordance with Part 2 of Chapter 6 of the Local Government Act 1993.

**Note.** Under the Local Government Act 1993, “public land” is generally land vested in or under the control of a council (other than roads and certain Crown land). The classification or reclassification of public land may also be made by a resolution of the Council under section 31, 32 or 33 of the Local Government Act 1993. Section 30 of that Act enables this Precinct Plan to discharge trusts on which public reserves are held if the land is reclassified under this Precinct Plan as operational land.

(2) The public land described in Part 1 or Part 2 of Schedule 4 to this Appendix is classified, or reclassified, as operational land for the purposes of the Local Government Act 1993.

(3) The public land described in Part 3 of Schedule 4 to this Appendix is classified, or reclassified, as community land for the purposes of the Local Government Act 1993.

(4) The public land described in Part 1 of Schedule 4—

(a) does not cease to be a public reserve to the extent (if any) that it is a public reserve, and

(b) continues to be affected by any trusts, estates, interests, dedications, conditions, restrictions or covenants that affected the land before its classification, or reclassification, as operational land.

(5) The public land described in Part 2 of Schedule 4, to the extent (if any) that it is a public reserve, ceases to be a public reserve when the description of the land is inserted into that Part and is discharged from all trusts, estates, interests, dedications, conditions, restrictions and covenants affecting the land or any part of the land, except—

(a) those (if any) specified for the land in Column 3 of Part 2 of Schedule 4, and

(b) any reservations that except land out of the Crown grant relating to the land, and

(c) reservations of minerals (within the meaning of the Crown Land Management Act 2016).

**Note.** In accordance with section 30 (2) of the Local Government Act 1993, the approval of the Governor to subclause (5) applying to the public land concerned is required before the description of the land is inserted in Part 2 of Schedule 4 to this Appendix.

5.3 Development near zone boundaries

(1) The objective of this clause is to provide flexibility where the investigation of a site and its surroundings reveals that a use allowed on the other side of a zone boundary would enable a more logical and appropriate development of the site and be compatible with the planning objectives and land uses for the adjoining zone.

(2) This clause applies to so much of any land that is within the relevant distance of a boundary between any 2 zones. The relevant distance is as follows—
(a) 10 metres between Zone RE1 Public Recreation and any other zone,
(b) 10 metres between Zone E2 Environmental Conservation and any other zone,
(c) 30 metres between any two zones excluding Zone RE1 Public Recreation and Zone E2
Environmental Conservation,
(d) despite paragraphs (a)–(c), 50 metres if any part of the land is within the East Leppington
Precinct.

(3) This clause does not apply to land proposed to be developed for the purpose of sex services
premises or restricted premises.

(4) Despite the provisions of this Precinct Plan relating to the purposes for which development may
be carried out, consent may be granted to development of land to which this clause applies for
any purpose that may be carried out in the adjoining zone, but only if the consent authority is
satisfied that—
(a) the development is not inconsistent with the objectives for development in both zones, and
(b) the carrying out of the development is desirable due to compatible land use planning,
infrastructure capacity and other planning principles relating to the efficient and timely
development of land, and
(c) if any part of the land is in Zone RE1 Public Recreation and within the East Leppington
Precinct, the relevant acquisition authority for any land marked “Local open space” on the
Land Reservation Acquisition Map consents to the development being on that land.

(5) This clause does not prescribe a development standard that may be varied under this Precinct
Plan.

5.4 Controls relating to miscellaneous permissible uses

(1) Bed and breakfast accommodation If development for the purposes of bed and breakfast
accommodation is permitted under this Precinct Plan, the accommodation that is provided to
guests must consist of no more than 3 bedrooms.

    Note. Any such development that provides for a certain number of guests or rooms may involve a change in
the class of building under the Building Code of Australia.

(2) Home businesses If development for the purposes of a home business is permitted under this
Precinct Plan, the carrying on of the business must not involve the use of more than 50 square
metres of gross floor area.

(3) Home industries If development for the purposes of a home industry is permitted under this
Precinct Plan, the carrying on of the home industry must not involve the use of more than 30
square metres of gross floor area.

(4) Industrial retail outlets If development for the purposes of an industrial retail outlet is permitted
under this Precinct Plan, the retail gross floor area must not exceed—
(a) 40% of the combined gross floor area of the industrial retail outlet and the building or place
on which the relevant industry is carried out, or
(b) 400 square metres,

whichever is the lesser.

(5) **Farm stay accommodation** If development for the purposes of farm stay accommodation is permitted under this Precinct Plan, the accommodation that is provided to guests must consist of no more than 3 bedrooms.

(6) **Kiosks** If development for the purposes of a kiosk is permitted under this Precinct Plan, the gross floor area must not exceed 30 square metres.

(7) **Neighbourhood shops** If development for the purposes of a neighbourhood shop is permitted under this Precinct Plan, the retail gross floor area must not exceed 100 square metres.

(8) **Roadside stalls** If development for the purposes of a roadside stall is permitted under this Precinct Plan, the gross floor area must not exceed 8 square metres.

(9) **Secondary dwellings** If development for the purposes of a secondary dwelling is permitted under this Precinct Plan, the total gross floor area of the dwelling (excluding any area used for parking) must not exceed whichever of the following is the greater—

(a) 75 square metres,

(b) 30% of the total gross floor area of both the self-contained dwelling and the principal dwelling.

### 5.6 Architectural roof features

(1) The objectives of this clause are—

(a) to ensure that architectural roof features are decorative elements only, and

(b) to ensure that the majority of the roof features are contained within the prescribed building height.

(2) Development that includes an architectural roof feature that exceeds, or causes a building to exceed, the height limits set by clause 4.3 may be carried out, but only with consent.

(3) Development consent must not be granted to any such development unless the consent authority is satisfied that—

(a) the architectural roof feature—

(i) comprises a decorative element on the uppermost portion of a building, and

(ii) is not an advertising structure, and

(iii) does not include floor space area and is not reasonably capable of modification to include floor space area, and

(iv) will cause minimal overshadowing, and

(b) any building identification signage or equipment for servicing the building (such as plant, lift motor rooms, fire stairs and the like) contained in or supported by the roof feature is
fully integrated into the design of the roof feature.

5.8 Conversion of fire alarms

(1) This clause applies to a fire alarm system that can be monitored by Fire and Rescue NSW or by a private service provider.

(2) The following development may be carried out, but only with development consent—

(a) converting a fire alarm system from connection with the alarm monitoring system of Fire and Rescue NSW to connection with the alarm monitoring system of a private service provider,

(b) converting a fire alarm system from connection with the alarm monitoring system of a private service provider to connection with the alarm monitoring system of another private service provider,

(c) converting a fire alarm system from connection with the alarm monitoring system of a private service provider to connection with a different alarm monitoring system of the same private service provider.

(3), (4) (Repealed)

(5) In this clause—

private service provider means a person or body that has entered into an agreement that is in force with Fire and Rescue NSW to monitor fire alarm systems.

5.9 Preservation of trees or vegetation

(1) The objective of this clause is to preserve the amenity of the area through the preservation of trees and other vegetation.

(2) This clause applies to species or kinds of trees or other vegetation that are prescribed for the purposes of this clause by a development control plan made by the Director-General.

Note. A development control plan may prescribe the trees or other vegetation to which this clause applies by reference to species, size, location or other manner.

(3) A person must not ringbark, cut down, top, lop, remove, injure or wilfully destroy any tree or other vegetation to which any such development control plan applies without the authority conferred by—

(a) development consent, or

(b) a permit granted by the Council.

(4) The refusal by the Council to grant a permit to a person who has duly applied for the grant of the permit is taken for the purposes of the Act to be a refusal by the Council to grant consent for the carrying out of the activity for which a permit was sought.

(5) This clause does not apply to a tree or other vegetation that the Council is satisfied is dying or dead and is not required as the habitat of native fauna.
(6) This clause does not apply to a tree or other vegetation that the Council is satisfied is a risk to human life or property.

(7) This clause does not apply to or in respect of—

(a) the clearing of native vegetation that is authorised by a development consent or property vegetation plan under the *Native Vegetation Act 2003* or that is otherwise permitted under Division 2 or 3 of Part 3 of that Act, or

(b) the clearing of vegetation on State protected land (within the meaning of clause 4 of Schedule 3 to the *Native Vegetation Act 2003*) that is authorised by a development consent under the provisions of the *Native Vegetation Conservation Act 1997* as continued in force by that clause, or

(c) trees or other vegetation within a State forest, or land reserved from sale as a timber or forest reserve under the *Forestry Act 1916*, or

(d) action required or authorised to be done by or under the *Electricity Supply Act 1995*, the *Roads Act 1993* or the *Surveying and Spatial Information Act 2002*, or

(e) plants declared to be noxious weeds under the *Noxious Weeds Act 1993*, or

(f) native vegetation retention areas to which clause 6.2 of this Precinct Plan applies, or

(g) existing native vegetation areas to which clause 6.3 of this Precinct Plan applies.

5.10 Heritage conservation

Note. Heritage items (if any) are listed and described in Schedule 5 to this Precinct Plan. Heritage conservation areas (if any) are shown on the [Heritage Map](#) as well as being described in Schedule 5.

(1) Objectives The objectives of this clause are as follows—

(a) to conserve environmental heritage,

(b) to conserve the heritage significance of heritage items and heritage conservation areas, including associated fabric, settings and views,

(c) to conserve archaeological sites,

(d) to conserve Aboriginal objects and Aboriginal places of heritage significance.

(2) Requirement for consent Development consent is required for any of the following—

(a) demolishing or moving any of the following or altering the exterior of any of the following (including, in the case of a building, making changes to its detail, fabric, finish or appearance)—

   (i) a heritage item,

   (ii) an Aboriginal object,

   (iii) a building, work, relic or tree within a heritage conservation area,

(b) altering a heritage item that is a building by making structural changes to its interior or by
making changes to anything inside the item that is specified in Schedule 5 to this Precinct Plan in relation to the item,

c) disturbing or excavating an archaeological site while knowing, or having reasonable cause to suspect, that the disturbance or excavation will or is likely to result in a relic being discovered, exposed, moved, damaged or destroyed,

d) disturbing or excavating an Aboriginal place of heritage significance,

e) erecting a building on land—

(i) on which a heritage item is located or that is within a heritage conservation area, or

(ii) on which an Aboriginal object is located or that is within an Aboriginal place of heritage significance,

f) subdividing land—

(i) on which a heritage item is located or that is within a heritage conservation area, or

(ii) on which an Aboriginal object is located or that is within an Aboriginal place of heritage significance.

(3) When consent not required However, development consent under this clause is not required if—

a) the applicant has notified the consent authority of the proposed development and the consent authority has advised the applicant in writing before any work is carried out that it is satisfied that the proposed development—

(i) is of a minor nature or is for the maintenance of the heritage item, Aboriginal object, Aboriginal place of heritage significance or archaeological site or a building, work, relic, tree or place within the heritage conservation area, and

(ii) would not adversely affect the heritage significance of the heritage item, Aboriginal object, Aboriginal place, archaeological site or heritage conservation area, or

b) the development is in a cemetery or burial ground and the proposed development—

(i) is the creation of a new grave or monument, or excavation or disturbance of land for the purpose of conserving or repairing monuments or grave markers, and

(ii) would not cause disturbance to human remains, relics, Aboriginal objects in the form of grave goods, or to an Aboriginal place of heritage significance, or

c) the development is limited to the removal of a tree or other vegetation that the Council is satisfied is a risk to human life or property, or

d) the development is exempt development.

(4) Effect of proposed development on heritage significance The consent authority must, before granting consent under this clause in respect of a heritage item or heritage conservation area, consider the effect of the proposed development on the heritage significance of the item or area concerned. This subclause applies regardless of whether a heritage management document is prepared under subclause (5) or a heritage conservation management plan is submitted under
subclause (6).

(5) **Heritage assessment** The consent authority may, before granting consent to any development—

(a) on land on which a heritage item is located, or

(b) on land that is within a heritage conservation area, or

(c) on land that is within the vicinity of land referred to in paragraph (a) or (b),

require a heritage management document to be prepared that assesses the extent to which the carrying out of the proposed development would affect the heritage significance of the heritage item or heritage conservation area concerned.

(6) **Heritage conservation management plans** The consent authority may require, after considering the heritage significance of a heritage item and the extent of change proposed to it, the submission of a heritage conservation management plan before granting consent under this clause.

(7) **Archaeological sites** The consent authority must, before granting consent under this clause to the carrying out of development on an archaeological site (other than land listed on the State Heritage Register or to which an interim heritage order under the **Heritage Act 1977** applies)—

(a) notify the Heritage Council of its intention to grant consent, and

(b) take into consideration any response received from the Heritage Council within 28 days after the notice is sent.

(8) **Aboriginal places of heritage significance** The consent authority must, before granting consent under this clause to the carrying out of development in an Aboriginal place of heritage significance—

(a) consider the effect of the proposed development on the heritage significance of the place and any Aboriginal object known or reasonably likely to be located at the place by means of an adequate investigation and assessment (which may involve consideration of a heritage impact statement), and

(b) notify the local Aboriginal communities, in writing or in such other manner as may be appropriate, about the application and take into consideration any response received within 28 days after the notice is sent.

(9) **Demolition of nominated State heritage items** The consent authority must, before granting consent under this clause for the demolition of a nominated State heritage item—

(a) notify the Heritage Council about the application, and

(b) take into consideration any response received from the Heritage Council within 28 days after the notice is sent.

(10) **Conservation incentives** The consent authority may grant consent to development for any purpose of a building that is a heritage item or of the land on which such a building is erected, or for any purpose on an Aboriginal place of heritage significance, even though development for that purpose would otherwise not be allowed by this Precinct Plan, if the consent authority is
satisfied that—

(a) the conservation of the heritage item or Aboriginal place of heritage significance is facilitated by the granting of consent, and

(b) the proposed development is in accordance with a heritage management document that has been approved by the consent authority, and

(c) the consent to the proposed development would require that all necessary conservation work identified in the heritage management document is carried out, and

(d) the proposed development would not adversely affect the heritage significance of the heritage item, including its setting, or the heritage significance of the Aboriginal place of heritage significance, and

(e) the proposed development would not have any significant adverse effect on the amenity of the surrounding area.

5.11 Bush fire hazard reduction

Bush fire hazard reduction work authorised by the *Rural Fires Act 1997* may be carried out on any land without consent.

*Note.* The *Rural Fires Act 1997* also makes provision relating to the carrying out of development on bush fire prone land.

5.12 Infrastructure development and use of existing buildings of the Crown

(1) This Precinct Plan does not restrict or prohibit, or enable the restriction or prohibition of, the carrying out of any development, by or on behalf of a public authority, that is permitted to be carried out without consent under *State Environmental Planning Policy (Infrastructure) 2007*.

(2) This Precinct Plan does not restrict or prohibit, or enable the restriction or prohibition of, the use of existing buildings of the Crown by the Crown.

Part 6 Additional local provisions

6.1 Public utility infrastructure

(1) The consent authority must not grant development consent to development on land to which this Precinct Plan applies unless it is satisfied that any public utility infrastructure that is essential for the proposed development is available or that adequate arrangements have been made to make that infrastructure available when required.

(2) In this clause, *public utility infrastructure* includes infrastructure for any of the following—

(a) the supply of water,

(b) the supply of electricity,

(c) the disposal and management of sewage.

(3) This clause does not apply to development for the purpose of providing, extending, augmenting, maintaining or repairing any public utility infrastructure referred to in this clause.
6.2 Development controls—native vegetation retention areas

(1) The objective of this clause is to prevent the clearing of certain native vegetation.

(2) This clause applies to land within a native vegetation retention area as shown on the Native Vegetation Protection Map.

(3) This clause does not apply to native vegetation that the Council is satisfied—
   (a) is dying or dead and is not required as the habitat of native fauna, or
   (b) is a risk to human life or property.

(4) This clause does not apply to any native vegetation—
   (a) within a State forest, or within land reserved from sale as a timber or forest reserve under the Forestry Act 1916, or
   (b) declared to be noxious weeds under the Noxious Weeds Act 1993.

(5) A person must not clear native vegetation on land to which this clause applies without—
   (a) approval under Part 3A of the Act, or
   (b) development consent.

(6) Development consent under this clause is not to be granted unless the consent authority is satisfied of the following in relation to the disturbance of native vegetation—
   (a) that there is no reasonable alternative available to the disturbance of the native vegetation,
   (b) that as little native vegetation as possible will be disturbed,
   (c) that the disturbance of the native vegetation will not increase salinity,
   (d) that native vegetation disturbed for the purposes of construction will be reinstated where possible on completion of construction,
   (e) that the loss of remnant native vegetation caused by the disturbance will be compensated by revegetation on or near the land to avoid any net loss of remnant native vegetation,
   (f) that no more than 0.5 hectares of native vegetation will be cleared unless the clearing is essential for a previously permitted use of the land.

(7) The consent authority must, when determining a development application in respect of the clearing of native vegetation on land within a zone under this Precinct Plan, have regard to the objectives for development in that zone.

(8) This clause does not apply to or in respect of action required or authorised to be done by or under the Electricity Supply Act 1995, the Roads Act 1993, the Surveying and Spatial Information Act 2002 or the Sydney Water Act 1994.

6.3 Development controls—existing native vegetation

(1) The objective of this clause is to manage existing native vegetation in accordance with the
relevant biodiversity measures under Part 7 of Schedule 7 to the Threatened Species Conservation Act 1995.

(2) This clause applies to land within an existing native vegetation area as shown on the Native Vegetation Protection Map.

(3) This clause does not apply to any vegetation declared to be noxious weeds under the Noxious Weeds Act 1993.

(4) The consent authority must not grant development consent for development on land to which this clause applies unless it is satisfied that the proposed development will not result in the clearing of any existing native vegetation (within the meaning of the relevant biodiversity measures under Part 7 of Schedule 7 to the Threatened Species Conservation Act 1995).

6.5 Restricted premises

(1) Development consent must not be granted to development for the purposes of restricted premises if the premises will be located on land that abuts, or is separated only by a road from land—

(a) in Zone R2 Low Density Residential, Zone R3 Medium Density Residential or Zone RE1 Public Recreation, or

(b) used for the purposes of a community facility, school or place of public worship.

(2) In deciding whether to grant consent to development for the purposes of restricted premises, the consent authority must consider—

(a) the impact of the proposed development on places of high pedestrian activity, and

(b) the impact of the proposed development on land frequented by children for care, recreational or cultural purposes, and

(c) whether the appearance of the restricted premises is sufficiently discreet.

6.6 Maximum gross floor area for retail premises in Zone B2

Despite any other provision of this Precinct Plan, the gross floor area of all development for the purpose of retail premises on land that is within both the East Leppington Precinct and Zone B2 Local Centre must not exceed 16,500 square metres.

6.7 Attached dwellings, manor homes and multi dwelling housing in Zone R2 Low Density Residential

(1) The objectives of this clause are—

(a) to permit, with development consent, attached dwellings, manor homes and multi dwelling housing in Zone R2 Low Density Residential in limited circumstances, and

(b) to provide location and development criteria that must be satisfied before development consent can be granted.

(2) Development for the purposes of attached dwellings or multi dwelling housing is permissible with development consent on land in Zone R2 Low Density Residential if the dwelling density (per hectare) shown on the Residential Density Map in relation to the land is 15 and the land—
(a) adjoins land in Zone RE1 Public Recreation or land that is set aside for open space or recreation purposes, or is separated from land in that zone only by a public road, or

(b) adjoins land in Zone B1 Neighbourhood Centre, Zone B2 Local Centre or Zone B4 Mixed Use, or is separated from land in any of those zones only by a public road, or

(c) is within 400m of land in Zone B1 Neighbourhood Centre or Zone B2 Local Centre and—

(i) adjoins land in Zone SP2 Infrastructure that is set aside for drainage or educational purposes, or

(ii) is separated from land in Zone SP2 Infrastructure that is set aside for drainage or educational purposes only by a public road.

(3) Development for the purposes of attached dwellings or multi dwelling housing is permissible with development consent on land in Zone R2 Low Density Residential if the dwelling density (per hectare) shown on the Residential Density Map in relation to the land is not less than 20.

(4) Development for the purposes of manor homes is permissible with development consent on land in Zone R2 Low Density Residential if—

(a) the dwelling density (per hectare) shown on the Residential Density Map in relation to the land is 20, and

(b) the land is located on the corner of 2 streets.

(5) Development must not be granted under this clause unless the consent authority is satisfied that—

(a) the attached dwellings, manor homes or multi dwelling housing will not adversely impact on the amenity of any adjoining residential properties, and

(b) the attached dwellings or multi dwelling housing will be designed and orientated to provide active frontages to and surveillance of the public recreation drainage land, and

(c) the attached dwellings, manor homes or multi dwelling housing will not adversely impact on or limit solar access to adjoining residential or public open space land.

(6) This clause has effect despite anything to the contrary in the Land Use Table or any other provision of this Precinct Plan.

**Schedule 1 Additional permitted uses**

**(Clause 2.5)**

1. **Use of land in Zone B2**

   (1) This clause applies to land that is within both the East Leppington Precinct and Zone B2 Local Centre.

   (2) Development for the purpose of attached dwellings is permitted with development consent but only as part of a mixed use development that includes retail premises.
2 Use of land in Zone SP2

(1) This clause applies to land that is within both the East Leppington Precinct and Zone SP2 Infrastructure and marked “Community facility” on the Land Reservation Acquisition Map.

(2) Development for the purpose of an information and education facility is permitted with development consent.

Schedule 4 Classification and reclassification of public land

Part 1 Land classified, or reclassified, as operational land—no interests changed

<table>
<thead>
<tr>
<th>Locality</th>
<th>Description</th>
</tr>
</thead>
<tbody>
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Part 2 Land classified, or reclassified, as operational land—interests changed

<table>
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<th>Locality</th>
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Part 3 Land classified, or reclassified, as community land

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Schedule 5 Environmental heritage

<table>
<thead>
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<th>Precinct</th>
<th>Item name</th>
<th>Address</th>
<th>Property description</th>
<th>Significance</th>
<th>Item no</th>
</tr>
</thead>
<tbody>
<tr>
<td>Catherine Fields</td>
<td>Oran Park, including homestead, gardens, outbuildings, old cottage, silo, stable building, carriage house, drive and circular carriage drive</td>
<td>931 Cobbitty Road</td>
<td>Part Lot 27, DP 213330 and Part Lot 7, DP 1173813</td>
<td>State</td>
<td>18</td>
</tr>
<tr>
<td>Leppington</td>
<td>Cottage and landscaping</td>
<td>168 Heath Road</td>
<td>Lot 201, DP 616618</td>
<td>Local</td>
<td>22</td>
</tr>
</tbody>
</table>
Appendix 10 Campbelltown Growth Centres Precinct Plan

Part 1 Preliminary

Note. The Standard Instrument (Local Environmental Plans) Order 2006 sets out matters to be included in standard local environmental plans. While this Precinct Plan is not a standard local environmental plan, it is generally consistent with standard plans. A number of clauses from the Standard Instrument (Local Environmental Plans) Order 2006 have been included in this Precinct Plan and the clause numbering from that Order has been retained. This means that the numbering in this Precinct Plan may contain some gaps. Additional provisions have been inserted and are numbered accordingly.

1.1 Name of Precinct Plan

This Precinct Plan is the Campbelltown Growth Centres Precinct Plan 2013.

1.2 Aims of Precinct Plan

The aims of this Precinct Plan are as follows—

(a) to make development controls for land that will ensure the creation of quality environments and good design outcomes,

(b) to protect and enhance environmentally sensitive natural areas and cultural heritage,

(c) to provide for recreational opportunities,

(d) to provide for multifunctional and innovative development that encourages employment and economic growth,

(e) to promote housing choice and affordability,

(f) to provide for sustainable development,

(g) to promote pedestrian and vehicle connectivity.

1.3 Land to which Precinct Plan applies

This Precinct Plan applies to land within the East Leppington Precinct as shown on the Land Application Map.

Note. The Land Application Map differs from the Precinct Boundary Map and, as such, this Precinct Plan does not apply to all the land within the East Leppington Precinct (as shown on the Precinct Boundary Map).
1.4 Definition

In this Precinct Plan, *Council* means Campbelltown City Council.

*Note.* The Dictionary at the end of this State environmental planning policy defines words and expressions for the purposes of this Precinct Plan, including the relevant maps.

1.5 Notes

Notes in this Precinct Plan are provided for guidance and do not form part of this Plan.

1.6 Consent authority

The consent authority for the purposes of this Precinct Plan is (subject to the Act) the Council.

1.8 Repeal of other local planning instruments applying to land

(1) All local environmental plans and deemed environmental planning instruments applying only to the land to which this Precinct Plan applies are repealed.

(2) All local environmental plans and deemed environmental planning instruments applying to the land to which this Precinct Plan applies and to other land cease to apply to the land to which this Precinct Plan applies.

*Note.* Campbelltown Local Environmental Plan—District 8 (Central Hills Lands) ceases to apply to the land to which this Precinct Plan applies.

(3) This clause does not affect the operation of other provisions of this State environmental planning policy.

1.8A Savings provision relating to pending development applications

If a development application has been made before the commencement of this Precinct Plan in relation to land to which this Precinct Plan applies and the application has not been finally determined before that commencement, the application must be determined as if this Precinct Plan had not commenced.

1.9 Application of SEPPs

(1) This Precinct Plan is subject to the provisions of any State environmental planning policy that prevails over this Precinct Plan as provided by section 3.28 of the Act.

(2) *State Environmental Planning Policy No 1—Development Standards* does not apply to the land to which this Precinct Plan applies.

1.9A Suspension of covenants, agreements and instruments

(1) For the purpose of enabling development on land in any zone to be carried out in accordance with this Precinct Plan or with a consent granted under the Act, any agreement, covenant or other similar instrument that restricts the carrying out of that development does not apply to the extent necessary to serve that purpose.

(2) This clause does not apply—

(a) to a covenant imposed by the Council or that the Council requires to be imposed, or
(b) to any relevant instrument within the meaning of section 13.4 of the Crown Land Management Act 2016, or

(c) to any conservation agreement within the meaning of the National Parks and Wildlife Act 1974, or

(d) to any Trust agreement within the meaning of the Nature Conservation Trust Act 2001, or

(e) to any property vegetation plan within the meaning of the Native Vegetation Act 2003, or

(f) to any biobanking agreement within the meaning of Part 7A of the Threatened Species Conservation Act 1995, or

(g) to any planning agreement within the meaning of Division 7.1 of the Act.

(3) This clause does not affect the rights or interests of any public authority under any registered instrument.

(4) Under section 28 of the Act, the Governor, before the making of this clause, approved of subclauses (1)–(3).

Part 2 Permitted or prohibited development

2.1 Land use zones

The land use zones under this Precinct Plan are as follows—

Residential Zones

R2 Low Density Residential

R3 Medium Density Residential

Business Zones

B2 Local Centre

B4 Mixed Use

Special Purpose Zones

SP2 Infrastructure

Recreation Zones

RE1 Public Recreation

Environment Protection Zones

E2 Environmental Conservation

E3 Environmental Management

2.2 Zoning of land to which Precinct Plan applies

For the purposes of this Precinct Plan, land is within the zones shown on the Land Zoning Map.
2.3 Zone objectives and Land Use Table

(1) The Land Use Table at the end of this Part specifies for each zone—

(a) the objectives for development, and
(b) development that may be carried out without consent, and
(c) development that may be carried out only with consent, and
(d) development that is prohibited.

(2) The consent authority must have regard to the objectives for development in a zone when determining a development application in respect of land within the zone.

(3) In the Land Use Table at the end of this Part—

(a) a reference to a type of building or other thing is a reference to development for the purposes of that type of building or other thing, and
(b) a reference to a type of building or other thing does not include (despite any definition in this Policy) a reference to a type of building or other thing referred to separately in the Table in relation to the same zone.

(4) This clause is subject to the other provisions of this Precinct Plan.

Notes.
1 Schedule 1 sets out additional permitted uses for particular land.
2 Clause 2.6 requires consent for subdivision of land.
3 Part 5 contains other provisions that require consent for particular development.
4 Part 6 sets out additional permitted uses for particular land.

2.4 Unzoned land

(1) Development may be carried out on unzoned land only with consent.

(2) Before granting consent, the consent authority—

(a) must consider whether the development will impact on adjoining zoned land and, if so, consider the objectives for development in the zones of the adjoining land, and
(b) must be satisfied that the development is appropriate and is compatible with permissible land uses in any such adjoining land.

2.5 Additional permitted uses for particular land

(1) Development on particular land that is described or referred to in Schedule 1 to this Appendix may be carried out—

(a) with consent, or
(b) if the Schedule so provides—without consent,

in accordance with the conditions (if any) specified in that Schedule in relation to that development.
2.6 Subdivision—consent requirements

Land to which this Precinct Plan applies may be subdivided, but only with consent.

Note. State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 specifies certain subdivision development as exempt development.

2.7 Demolition

The demolition of a building or work may be carried out only with consent.

Note. The demolition of certain buildings and works is identified in State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 as exempt development.

2.8 Temporary use of land

(1) The objective of this clause is to provide for the temporary use of land if the use does not compromise future development of the land, or have detrimental economic, social, amenity or environmental effects on the land.

(2) Despite any other provision of this Precinct Plan, development consent may be granted for development on land in any zone for a temporary use for a maximum period of 52 days (whether or not consecutive days) in any period of 12 months.

(3) Development consent must not be granted unless the consent authority is satisfied that—

(a) the temporary use will not prejudice the subsequent carrying out of development on the land in accordance with this Precinct Plan and this or any other applicable environmental planning instrument, and

(b) the temporary use will not adversely impact on any adjoining land or the amenity of the neighbourhood, and

(c) the temporary use and location of any structures related to the use will not adversely impact on environmental attributes or features of the land, or increase the risk of natural hazards that may affect the land, and

(d) at the end of the temporary use period, the site will, as far as is practicable, be restored to the condition in which it was before the commencement of the use.

(4) Despite subclause (2), the temporary use of a dwelling as a sales office for a new release area or a new housing estate may exceed the maximum number of days specified in that subclause.

(5) Subclause (3) (d) does not apply to the temporary use of a dwelling as a sales office mentioned in subclause (4).

(6) This clause does not prescribe a development standard that may be varied under this Precinct Plan.

Land Use Table

Note. Part 6 of this Precinct Plan sets out local provisions which include additional permissible land uses and heads of
Zone R2  Low Density Residential

1 Objectives of zone

• To provide for the housing needs of the community within a low density residential environment.

• To enable other land uses that provide facilities or services to meet the day to day needs of residents.

• To allow people to carry out a reasonable range of activities from their homes where such activities are not likely to adversely affect the living environment of neighbours.

• To support the well-being of the community by enabling educational, recreational, community, religious and other activities where compatible with the amenity of a low density residential environment.

• To provide a diverse range of housing types to meet community housing needs within a low density residential environment.

2 Permitted without consent

Home-based child care; Home occupations

3 Permitted with consent

Bed and breakfast accommodation; Boarding houses; Business identification signs; Centre-based child care facilities; Community facilities; Drainage; Dual occupancies; Dwelling houses; Educational establishments; Environmental protection works; Exhibition homes; Exhibition villages; Group homes; Health consulting rooms; Home businesses; Home industries; Neighbourhood shops; Places of public worship; Roads; Secondary dwellings; Semi-detached dwellings; Seniors housing; Shop top housing; Studio dwellings; Veterinary hospitals

4 Prohibited

Any development not specified in item 2 or 3

Zone R3  Medium Density Residential

1 Objectives of zone

• To provide for the housing needs of the community within a medium density residential environment.

• To provide a variety of housing types within a medium density residential environment.

• To enable other land uses that provide facilities or services to meet the day to day needs of residents.

• To support the well-being of the community by enabling educational, recreational, community, religious and other activities where compatible with the amenity of a medium density residential environment.

• To provide for a variety of housing types, including residential flat buildings, within a medium
density residential environment.

2 Permitted without consent

Home-based child care; Home occupations

3 Permitted with consent

Attached dwellings; Boarding houses; Building identification signs; Business identification signs; Centre-based child care facilities; Community facilities; Dual occupancies; Dwelling houses; Group homes; Manor homes; Multi dwelling housing; Neighbourhood shops; Places of public worship; Residential flat buildings; Roads; Secondary dwellings; Semi-detached dwellings; Seniors housing; Studio dwellings; Any other development not specified in item 2 or 4

4 Prohibited

Agriculture; Air transport facilities; Airstrips; Amusement centres; Boat repair facilities; Boat sheds; Business premises; Caravan parks; Cemeteries; Charter and tourism boating facilities; Correctional centres; Crematoria; Depots; Electricity generating works; Entertainment facilities; Extractive industries; Freight transport facilities; Function centres; Helipads; Highway service centres; Home occupations (sex services); Industries; Information and education facilities; Marinas; Moorings; Mortuaries; Office premises; Passenger transport facilities; Public administration buildings; Recreation facilities (indoor); Recreation facilities (major); Recreation facilities (outdoor); Registered clubs; Research stations; Restricted premises; Retail premises; Rural supplies; Service stations; Sex services premises; Signage; Storage premises; Tourist and visitor accommodation; Transport depots; Truck depots; Vehicle body repair workshops; Vehicle repair stations; Vehicle sales or hire premises; Veterinary hospitals; Warehouse or distribution centres; Waste or resource management facilities; Water recreation structures; Wholesale supplies

Zone B2  Local Centre

1 Objectives of zone

• To provide a range of retail, business, entertainment and community uses that serve the needs of people who live in, work in and visit the local area.

• To encourage employment opportunities in accessible locations.

• To maximise public transport patronage and encourage walking and cycling.

• To provide for residential development that contributes to the vitality of the local centre.

• To ensure that residential development within the centre does not detract from the primary function of the centre being to provide for retail, business, entertainment and community uses.

• To facilitate active retail, commercial, entertainment and community facility uses at ground level of mixed use developments.

• To encourage development that will contribute to economic growth and the creation of employment opportunities within the City of Campbelltown.
2 Permitted without consent

Home-based child care; Home businesses; Home occupations

3 Permitted with consent

Boarding houses; Business premises; Car parks; Centre-based child care facilities; Community facilities; Educational establishments; Entertainment facilities; Function centres; Information and education facilities; Office premises; Passenger transport facilities; Recreation facilities (indoor); Registered clubs; Retail premises; Roads; Service stations; Shop top housing; Tourist and visitor accommodation; Any other development not specified in item 2 or 4

4 Prohibited

Agriculture; Air transport facilities; Airstrips; Boat repair facilities; Boat sheds; Bulky goods premises; Caravan parks; Cemeteries; Charter and tourism boating facilities; Correctional centres; Crematoria; Depots; Electricity generating works; Environmental facilities; Exhibition homes; Exhibition villages; Extractive industries; Forestry; Freight transport facilities; Home occupations (sex services); Industries; Marinas; Moorings; Mortuaries; Recreation facilities (major); Research stations; Residential accommodation; Restricted premises; Sex services premises; Storage premises; Transport depots; Truck depots; Vehicle body repair workshops; Warehouse or distribution centres; Waste or resource management facilities; Water recreation structures; Wholesale supplies

Zone B4 Mixed Use

1 Objectives of zone

• To provide a mixture of compatible land uses.

• To integrate suitable business, office, residential, retail and other development in accessible locations so as to maximise public transport patronage and encourage walking and cycling.

• To provide for residential development that contributes to the vitality of the local centre.

• To ensure that residential development adjacent to the local centre does not detract from the primary function of the centre being to provide for retail, business, entertainment and community uses.

• To facilitate active retail, commercial, entertainment and community uses at ground level of mixed use developments.

2 Permitted without consent

Home-based child care; Home occupations

3 Permitted with consent

Backpackers’ accommodation; Boarding houses; Business premises; Centre-based child care facilities; Community facilities; Educational establishments; Entertainment facilities; Function centres; Health services facilities; Hostels; Hotel or motel accommodation; Information and education facilities; Multi dwelling housing; Office premises; Passenger transport facilities; Recreation facilities (indoor); Registered clubs; Residential flat buildings; Retail premises; Roads; Seniors housing; Serviced apartments; Shop top housing; Any other development not specified in
item 2 or 4

4 Prohibited

Agriculture; Air transport facilities; Boat repair facilities; Boat sheds; Bulky goods premises; Caravan parks; Cemeteries; Charter and tourism boating facilities; Correctional centres; Crematoria; Depots; Electricity generating works; Exhibition homes; Extractive industries; Forestry; Freight transport facilities; Home occupations (sex services); Industries; Mortuaries; Recreation areas; Recreation facilities (major); Research stations; Residential accommodation; Rural industries; Sewerage systems; Sex services premises; Storage premises; Tourist and visitor accommodation; Transport depots; Waste or resource management facilities; Water recreation structures; Wholesale supplies

Zone SP2 Infrastructure

1 Objectives of zone

• To provide for infrastructure and related uses.

• To prevent development that is not compatible with or that may detract from the provision of infrastructure.

2 Permitted without consent

Nil

3 Permitted with consent

Building identification signs; Bush fire hazard reduction works; Car parks; Community facilities; Drainage; Earthworks; Emergency services facilities; Environmental facilities; Environmental protection works; Flood mitigation works; Roads; The purpose shown on the Land Zoning Map, including any development that is ordinarily incidental or ancillary to development for that purpose; Water recycling facilities; Waterbodies (artificial); Water supply systems

4 Prohibited

Any development not specified in item 2 or 3

Zone RE1 Public Recreation

1 Objectives of zone

• To enable land to be used for public open space or recreational purposes.

• To provide a range of recreational settings and activities and compatible land uses.

• To protect and enhance the natural environment for recreational purposes.

2 Permitted without consent

Environmental protection works

3 Permitted with consent

Building identification signs; Business identification signs; Centre-based child care facilities;
Community facilities; Drainage; Environmental facilities; Flood mitigation works; Information and education facilities; Kiosks; Markets; Recreation areas; Recreation facilities (indoor); Recreation facilities (major); Recreation facilities (outdoor); Restaurants; Roads; Take away food and drink premises; Water recreation structures; Waterbodies (artificial)

4 Prohibited

Any development not specified in item 2 or 3

Zone E2 Environmental Conservation

1 Objectives of zone

• To protect, manage and restore areas of high ecological, scientific, cultural or aesthetic values.

• To prevent development that could destroy, damage or otherwise have an adverse effect on those values.

2 Permitted without consent

Nil

3 Permitted with consent

Building identification signs; Drainage; Environmental facilities; Environmental protection works; Information and education facilities; Kiosks

4 Prohibited

Business premises; Hotel or motel accommodation; Industries; Multi dwelling housing; Recreation facilities (major); Residential flat buildings; Restricted premises; Retail premises; Seniors housing; Service stations; Warehouse or distribution centres; Any other development not specified in item 2 or 3

Zone E3 Environmental Management

1 Objectives of zone

• To protect, manage and restore areas with special ecological, scientific, cultural or aesthetic values.

• To provide for a limited range of development that does not have an adverse effect on those values.

• To set aside certain land as protected scenic environment.

• To ensure that such land will remain a rural environment providing visual contrast to the urban areas of Campbelltown.

• To ensure that the residents of Campbelltown will continue to have views of, and access to, a rural environment.

• To preserve existing farming and agricultural research activities.

2 Permitted without consent

Home-based child care; Home occupations
3 Permitted with consent

Agriculture; Dwelling houses; Environmental facilities; Environmental protection works; Flood mitigation works; Home businesses; Home industries; Recreation areas; Roads

4 Prohibited

Industries; Multi dwelling housing; Residential flat buildings; Retail premises; Seniors housing; Service stations; Warehouse or distribution centres; Any other development not specified in item 2 or 3

Part 3

3.1–3.3 (Repealed)

Part 4 Principal development standards

4.1 Minimum subdivision lot size

(1) The objectives of this clause are as follows—

(a) to ensure orderly and efficient use of land,

(b) to ensure a minimum lot size sufficient for development,

(c) to allow for a range of lot sizes that cater for a diversity of land uses and employment activities.

(2) This clause applies to a subdivision of any land shown on the Lot Size Map that requires development consent and that is carried out after the commencement of this Precinct Plan.

(3) The size of any lot resulting from any such subdivision of land to which this clause applies is not to be less than the minimum size shown on the Lot Size Map in relation to that land.

(4) This clause does not apply in relation to the subdivision of individual lots in a strata plan or community title scheme.

4.1AA Subdivision resulting in lots between 225–300m²

(1) This clause applies to land in the following zones—

(a) Zone R2 Low Density Residential,

(b) Zone R3 Medium Density Residential.

(2) Development consent may be granted to the subdivision of land to which this clause applies resulting in the creation of a lot that has an area of less than 300m² (but not less than 225m²), if the consent authority is satisfied that the lot will contain a sufficient building envelope to enable the erection of a dwelling house on the lot.

(3) This clause does not apply to a subdivision that is the subject of a development application under clause 4.1AD (2) (b), 4.1AE (2) (b) or 4.1AF.
4.1A Minimum lot sizes for residential development in non-residential zones

(1) The objectives of this clause are as follows—

(a) to establish minimum lot sizes for residential development,

(b) to ensure that residential development results in the efficient use of land and contributes to the supply of new housing,

(c) to ensure that residential development has adequate usable areas for buildings and open space,

(d) to ensure that residential development is compatible with the character of the locality and with surrounding residential areas,

(e) to facilitate and encourage the provision of a range of dwelling types.

(2) This clause applies to development on land for which no minimum lot size is shown on the Lot Size Map.

(3) The minimum lot size for certain residential development is set out in the table below.

<table>
<thead>
<tr>
<th>Dwelling type</th>
<th>Minimum lot size</th>
</tr>
</thead>
<tbody>
<tr>
<td>Dwelling houses (detached)</td>
<td>250 square metres</td>
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<tr>
<td>Semi-detached dwellings</td>
<td>400 square metres</td>
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<tr>
<td>Dual occupancies</td>
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<td>Secondary dwellings</td>
<td>450 square metres</td>
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<tr>
<td>Attached dwellings</td>
<td>375 square metres</td>
</tr>
<tr>
<td>Multi dwelling housing</td>
<td>1,500 square metres</td>
</tr>
<tr>
<td>Residential flat buildings</td>
<td>2,000 square metres</td>
</tr>
</tbody>
</table>

(4) (Repealed)

(5) This clause does not apply to the residential development of land in Zone R2 Low Density Residential or Zone R3 Medium Density Residential.

4.1AB Minimum lot sizes for residential development in Zone R2 Low Density Residential and Zone R3 Medium Density Residential

(1) The objectives of this clause are as follows—

(a) to establish minimum lot sizes for residential development in Zone R2 Low Density Residential and Zone R3 Medium Density Residential,

(b) to ensure that residential development in the East Leppington Precinct results in the efficient use of land and contributes to the supply of new housing in the South West Growth Centre,

(c) to ensure that residential development has adequate usable areas for buildings and open space,
(d) to ensure that residential development in the East Leppington Precinct is compatible with the character of the locality and with surrounding residential areas,

(e) to facilitate and encourage the provision of a range of residential lot types, in particular, small lot housing.

(2) This clause applies to land in the following zones—

(a) Zone R2 Low Density Residential,

(b) Zone R3 Medium Density Residential.

(3) The minimum lot size for a dwelling house is 300m$^2$ if the dwelling density (per hectare) shown on the Residential Density Map in relation to the land is 15 or 25.

(4) The minimum lot size for a dual occupancy is—

(a) 500m$^2$ if the dwelling density (per hectare) shown on the Residential Density Map in relation to the land is 15, or

(b) 400m$^2$ if the dwelling density (per hectare) shown on the Residential Density Map in relation to the land is 25.

(5) The minimum lot size for a semi-detached dwelling is—

(a) 200m$^2$ if the dwelling density (per hectare) shown on the Residential Density Map in relation to the land is 15, or

(b) 125m$^2$ if the dwelling density (per hectare) shown on the Residential Density Map in relation to the land is 25.

(6) The minimum lot size for an attached dwelling is—

(a) 1,500m$^2$ if the dwelling density (per hectare) shown on the Residential Density Map in relation to the land is 15, or

(b) 375m$^2$ if the dwelling density (per hectare) shown on the Residential Density Map in relation to the land is 25.

(7) The minimum lot size for multi dwelling housing is—

(a) 1,500m$^2$ if the dwelling density (per hectare) shown on the Residential Density Map in relation to the land is 15, or

(b) 375m$^2$ if the dwelling density (per hectare) shown on the Residential Density Map in relation to the land is 25.

(8) The minimum lot size for a manor home is 600m$^2$ if the dwelling density (per hectare) shown on the Residential Density Map in relation to the land is 20 or 25.

(9) The minimum lot size for a residential flat building is 2,000m$^2$ if the dwelling density (per hectare) shown on the Residential Density Map in relation to the land is 25.

4.1AC Minimum lot sizes for secondary dwellings in Zone R2 Low Density Residential and Zone
R3 Medium Density Residential

(1) This clause applies to land in the following zones—
   (a) Zone R2 Low Density Residential,
   (b) Zone R3 Medium Density Residential.

(2) The minimum lot size for a secondary dwelling on land in Zone R2 Low Density Residential is $450m^2$.

(3) The minimum lot size for a secondary dwelling on land in Zone R3 Medium Density Residential is the minimum lot size for the principal dwelling in conjunction with which the secondary dwelling is established, determined in accordance with clause 4.1AB, 4.1AD or 4.1AF.

(4) For the purposes of this clause, a reference to the area of a lot—
   (a) in relation to land in Zone R2 Low Density Residential, means the area of that part of the lot that is in Zone R2 Low Density Residential, and
   (b) in relation to land in Zone R3 Medium Density Residential, means the area of that part of the lot that is in Zone R3 Medium Density Residential, and
   (c) does not include the area of that part of the land that is in any other zone.

4.1AD Exceptions to minimum lot sizes for dwelling houses

(1) This clause applies to the following—
   (a) a lot in Zone R2 Low Density Residential that has an area of less than $300m^2$ (but not less than $250m^2$),
   (b) a lot in Zone R3 Medium Density Residential that has an area of less than $300m^2$ (but not less than $225m^2$).

(2) Despite clause 4.1AB, development consent may be granted to the erection of a dwelling house on a lot to which this clause applies if—
   (a) the lot results from a subdivision to which development consent has been granted in accordance with clause 4.1AA and, in determining the development application for the erection of the dwelling house, the consent authority considers any information that it considered for the purposes of that clause in determining the development application for that subdivision, or
   (b) the development application is a single development application for development consisting of both of the following—
      (i) the subdivision of land into 2 or more lots,
      (ii) the erection of the dwelling house on one of the lots resulting from the subdivision.

4.1AE Exceptions to minimum lot sizes for dwelling houses on other lots in Zone R2 Low Density Residential

(1) This clause applies to a lot in Zone R2 Low Density Residential that has an area less than $250m^2$
(but not less than 225m\(^2\)) and the dwelling density (per hectare) shown on the Residential Density Map in relation to the land is 15.

(2) Despite clause 4.1AB (3), development consent may be granted to the erection of a dwelling house on a lot to which this clause applies if the lot meets the requirements of subclause (3) and—

(a) the lot results from a subdivision to which development consent has been granted in accordance with clause 4.1AA and, in determining the development application for the erection of the dwelling house, the consent authority considers any information that it considered for the purposes of that clause in determining the development application for that subdivision, or

(b) the development application is a single development application for development consisting of both of the following—

(i) the subdivision of land into 2 or more lots,

(ii) the erection of the dwelling house on one of the lots resulting from the subdivision.

(3) A lot meets the requirements of this subclause if—

(a) the lot adjoins land in Zone RE1 Public Recreation, or is separated from land within that zone only by a public road, or

(b) the lot adjoins land in Zone B1 Neighbourhood Centre, Zone B2 Local Centre or Zone B4 Mixed Use (whether in this or any other Precinct), or is separated from land in any of those zones only by a public road, or

(c) the lot is within 400m of land in Zone B2 Local Centre and—

(i) adjoins land in Zone SP2 Infrastructure that is set aside for drainage or educational purposes, or

(ii) is separated from land in Zone SP2 Infrastructure that is set aside for drainage or educational purposes only by a public road.

(4) Despite subclause (2), development consent must not be granted to the erection of a dwelling house to which this clause applies unless the consent authority is satisfied that the dwelling house—

(a) will not adversely impact on the amenity of adjoining residential properties, and

(b) will be designed and orientated to provide active frontages to and surveillance of the public recreation or drainage land, and

(c) will not adversely impact on or limit solar access to adjoining residential or public open space land.

4.1AF Exceptions to minimum lot sizes for dwelling houses on small lots

(1) This clause applies to a lot in Zone R3 Medium Density Residential that has an area less than 225m\(^2\) (but not less than 125m\(^2\)).
(2) Despite clause 4.1AB (3), development consent may be granted to the erection of a dwelling house on a lot to which this clause applies if the development application is a single development application for development consisting of is both of the following—

(a) the subdivision of land into 2 or more lots,

(b) the erection of the dwelling house on one of the lots resulting from the subdivision.

4.1AG  Minimum lot sizes in split zones

(1) This clause applies to each lot that contains land in Zone R2 Low Density Residential or Zone R3 Medium Density Residential and land in any other zone.

(2) For the purposes of clauses 4.1AA–4.1AF, a reference to the area of a lot—

(a) in relation to land in Zone R2 Low Density Residential, means the area of that part of the lot that is in Zone R2 Low Density Residential, and

(b) in relation to land in Zone R3 Medium Density Residential, means the area of that part of the lot that is in Zone R3 Medium Density Residential, and

(c) does not include any part of the lot that is in any other zone.

4.1B  Residential density

(1) The objectives of this clause are—

(a) to establish minimum density requirements for residential development, and

(b) to ensure that residential development makes efficient use of land and infrastructure, and contributes to the availability of new housing, and

(c) to ensure that the scale of residential development is compatible with the character of the growth centre precinct and adjoining land.

(2) This clause applies to residential development of the kind referred to in clause 4.1AB or 4.1AC (1) that—

(a) is carried out on land to which this Precinct Plan applies that is shown on the Residential Density Map, and

(b) requires development consent, and

(c) is carried out after the commencement of this Precinct Plan.

(3) The density of any residential development to which this clause applies is not to be less than the density shown on the Residential Density Map in relation to that land.

(4) In this clause—

\textit{density} means the net developable area in hectares of the land on which the development is situated divided by the number of dwellings proposed to be located on that land.

\textit{net developable area} means the land occupied by the development, including internal streets, but excluding land that is not zoned for residential purposes.
4.1C Erection of dwelling houses on land in Zone E3 Environmental Management

(1) (Repealed)

(2) Development consent must not be granted to the erection of a dwelling house on a lot in Zone E3 Environmental Management unless the size of the lot is at least the minimum size shown for the land on the Lot Size Map.

4.3 Height of buildings

(1) The objectives of this clause are as follows—

(a) to establish the maximum height of buildings,

(b) to minimise visual impact and protect the amenity of adjoining development and land in terms of solar access to buildings and open space,

(c) to facilitate higher density development in and around commercial centres and major transport routes.

(2) The height of a building on any land is not to exceed the maximum height shown for the land on the Height of Buildings Map.

4.6 Exceptions to development standards

(1) The objectives of this clause are as follows—

(a) to provide an appropriate degree of flexibility in applying certain development standards to particular development,

(b) to achieve better outcomes for and from development by allowing flexibility in particular circumstances.

(2) Development consent may, subject to this clause, be granted for development even though the development would contravene a development standard imposed by this or any other environmental planning instrument. However, this clause does not apply to a development standard that is expressly excluded from the operation of this clause.

(3) Development consent must not be granted for development that contravenes a development standard unless the consent authority has considered a written request from the applicant that seeks to justify the contravention of the development standard by demonstrating—

(a) that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and

(b) that there are sufficient environmental planning grounds to justify contravening the development standard.

(4) Development consent must not be granted for development that contravenes a development standard unless—

(a) the consent authority is satisfied that—

(i) the applicant’s written request has adequately addressed the matters required to be
demonstrated by subclause (3), and

(ii) the proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out, and

(b) the concurrence of the Director-General has been obtained.

(5) In deciding whether to grant concurrence, the Director-General must consider—

(a) whether contravention of the development standard raises any matter of significance for State environmental planning, and

(b) the public benefit of maintaining the development standard, and

(c) any other matters required to be taken into consideration by the Director-General before granting concurrence.

(6) Development consent must not be granted under this clause for a subdivision of land in Zone RU1 Primary Production, Zone RU2 Rural Landscape, Zone RU3 Forestry, Zone RU4 Primary Production Small Lots, Zone RU6 Transition, Zone R5 Large Lot Residential, Zone E2 Environmental Conservation, Zone E3 Environmental Management or Zone E4 Environmental Living if—

(a) the subdivision will result in 2 or more lots of less than the minimum area specified for such lots by a development standard, or

(b) the subdivision will result in at least one lot that is less than 90% of the minimum area specified for such a lot by a development standard.

Note. When this Precinct Plan was made it did not include any of these zones other than Zone E2 Environmental Conservation and Zone E3 Environmental Management.

(7) After determining a development application made pursuant to this clause, the consent authority must keep a record of its assessment of the factors required to be addressed in the applicant’s written request referred to in subclause (3).

(8) This clause does not allow development consent to be granted for development that would contravene any of the following—

(a) a development standard for complying development,

(b) a development standard that arises, under the regulations under the Act, in connection with a commitment set out in a BASIX certificate for a building to which State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004 applies or for the land on which such a building is situated,

(c) clause 5.4.

Part 5 Miscellaneous provisions

5.1 Relevant acquisition authority

(1) The objective of this clause is to identify, for the purposes of section 3.15 of the Act, the
authority of the State that will be the relevant authority to acquire land reserved for certain public purposes if the land is required to be acquired under Division 3 of Part 2 of the *Land Acquisition (Just Terms Compensation) Act 1991* (the owner-initiated acquisition provisions).

**Note.** If the landholder will suffer hardship if there is any delay in the land being acquired by the relevant authority, section 23 of the *Land Acquisition (Just Terms Compensation) Act 1991* requires the authority to acquire the land.

2. The authority of the State that will be the relevant authority to acquire land, if the land is required to be acquired under the owner-initiated acquisition provisions, is the authority of the State specified below in relation to the land shown on the *Land Reservation Acquisition Map* (or, if an authority of the State is not specified in relation to land required to be so acquired, the authority designated or determined under those provisions).

<table>
<thead>
<tr>
<th>Type of land shown on Map</th>
<th>Authority of the State</th>
</tr>
</thead>
<tbody>
<tr>
<td>Zone RE1 Public Recreation and marked “Local open space”</td>
<td>Council</td>
</tr>
<tr>
<td>Zone SP2 Infrastructure and marked “Local drainage”</td>
<td>Council</td>
</tr>
<tr>
<td>Zone SP2 Infrastructure and marked “Local road”</td>
<td>Council</td>
</tr>
<tr>
<td>Zone SP2 Infrastructure and marked “Community facility”</td>
<td>Council</td>
</tr>
<tr>
<td>Zone SP2 Infrastructure and marked “Classified road”</td>
<td>Roads and Maritime NSW Roads and Maritime NSW</td>
</tr>
<tr>
<td>Zone SP2 Infrastructure and marked “Educational establishment”</td>
<td>NSW Department of Education and Communities</td>
</tr>
</tbody>
</table>

3. Development on land acquired by an authority of the State under the owner-initiated acquisition provisions may, before it is used for the purpose for which it is reserved, be carried out, with development consent, for any purpose.

**Note.** If land, other than land specified in the Table to subclause (2), is required to be acquired under the owner-initiated acquisition provisions, the Minister for Planning and Infrastructure is required to take action to enable the designation of the acquiring authority under this Part. Pending the designation of the acquiring authority for that land, the acquiring authority is to be the authority determined by order of the Minister for Planning and Infrastructure (see section 21 of the *Land Acquisition (Just Terms Compensation) Act 1991*).

### 5.2 Classification and reclassification of public land

1. The objective of this clause is to enable the Council to classify or reclassify public land as “operational land” or “community land” in accordance with Part 2 of Chapter 6 of the *Local Government Act 1993*.

**Note.** Under the *Local Government Act 1993*, “public land” is generally land vested in or under the control of a council (other than roads and certain Crown land). The classification or reclassification of public land may also be made by a resolution of the Council under section 31, 32 or 33 of the *Local Government Act 1993*. Section 30 of that Act enables this Precinct Plan to discharge trusts on which public reserves are held if the land is reclassified under this Precinct Plan as operational land.

2. The public land described in Part 1 or Part 2 of Schedule 4 to this Appendix is classified, or
reclassified, as operational land for the purposes of the \textit{Local Government Act 1993}.

(3) The public land described in Part 3 of Schedule 4 to this Appendix is classified, or reclassified, as community land for the purposes of the \textit{Local Government Act 1993}.

(4) The public land described in Part 1 of Schedule 4 to this Appendix—

(a) does not cease to be a public reserve to the extent (if any) that it is a public reserve, and

(b) continues to be affected by any trusts, estates, interests, dedications, conditions, restrictions or covenants that affected the land before its classification, or reclassification, as operational land.

(5) The public land described in Part 2 of Schedule 4 to this Appendix, to the extent (if any) that it is a public reserve, ceases to be a public reserve when the description of the land is inserted into that Part and is discharged from all trusts, estates, interests, dedications, conditions, restrictions and covenants affecting the land or any part of the land, except—

(a) those (if any) specified for the land in Column 3 of Part 2 of Schedule 4, and

(b) any reservations that except land out of the Crown grant relating to the land, and

(c) reservations of minerals (within the meaning of the \textit{Crown Land Management Act 2016}).

\textbf{Note.} In accordance with section 30 (2) of the \textit{Local Government Act 1993}, the approval of the Governor to subclause (5) applying to the public land concerned is required before the description of the land is inserted in Part 2 of Schedule 4 to this Appendix.

5.3 \textbf{Development near zone boundaries}

(1) The objective of this clause is to provide flexibility where the investigation of a site and its surroundings reveals that a use allowed on the other side of a zone boundary would enable a more logical and appropriate development of the site and be compatible with the planning objectives and land uses for the adjoining zone.

(2) This clause applies to so much of any land that is within the relevant distance of a boundary between any 2 zones. The relevant distance is 50 metres.

(3) This clause does not apply to land proposed to be developed for the purpose of sex services premises or restricted premises.

(4) Despite the provisions of this Precinct Plan relating to the purposes for which development may be carried out, development consent may be granted to development of land to which this clause applies for any purpose that may be carried out in the adjoining zone, but only if the consent authority is satisfied that—

(a) the development is not inconsistent with the objectives for development in both zones, and

(b) the carrying out of the development is desirable due to compatible land use planning, infrastructure capacity and other planning principles relating to the efficient and timely development of land, and

(c) if the land is in Zone RE1 Public Recreation, the relevant acquisition authority for any land marked “Local open space” on the \textit{Land Reservation Acquisition Map} consents to the
development being on that land.

(5) This clause does not prescribe a development standard that may be varied under this Precinct Plan.

5.4 Controls relating to miscellaneous permissible uses

(1) **Bed and breakfast accommodation** If development for the purposes of bed and breakfast accommodation is permitted under this Precinct Plan, the accommodation that is provided to guests must consist of no more than 3 bedrooms.

*Note. Any such development that provides for a certain number of guests or rooms may involve a change in the class of building under the Building Code of Australia.*

(2) **Home businesses** If development for the purposes of a home business is permitted under this Precinct Plan, the carrying on of the business must not involve the use of more than 50 square metres of gross floor area.

(3) **Home industries** If development for the purposes of a home industry is permitted under this Precinct Plan, the carrying on of the home industry must not involve the use of more than 30 square metres of gross floor area.

(4) **Industrial retail outlets** If development for the purposes of an industrial retail outlet is permitted under this Precinct Plan, the retail gross floor area must not exceed—

(a) 40% of the combined gross floor area of the industrial retail outlet and the building or place on which the relevant industry is carried out, or

(b) 400 square metres, whichever is the lesser.

(5) **Farm stay accommodation** If development for the purposes of farm stay accommodation is permitted under this Precinct Plan, the accommodation that is provided to guests must consist of no more than 3 bedrooms.

(6) **Kiosks** If development for the purposes of a kiosk is permitted under this Precinct Plan, the gross floor area must not exceed 30 square metres.

(7) **Neighbourhood shops** If development for the purposes of a neighbourhood shop is permitted under this Precinct Plan, the retail gross floor area must not exceed 100 square metres.

(8) **Roadside stalls** If development for the purposes of a roadside stall is permitted under this Precinct Plan, the gross floor area must not exceed 8 square metres.

(9) **Secondary dwellings** If development for the purposes of a secondary dwelling is permitted under this Precinct Plan, the total gross floor area of the dwelling (excluding any area used for parking) must not exceed whichever of the following is the greater—

(a) 110 square metres,

(b) 30% of the total gross floor area of both the self-contained dwelling and the principal dwelling.
5.6 Architectural roof features

(1) The objectives of this clause are—

(a) to ensure that architectural roof features are decorative elements only, and

(b) to ensure that the majority of the roof features are contained within the prescribed building height.

(2) Development that includes an architectural roof feature that exceeds, or causes a building to exceed, the height limits set by clause 4.3 may be carried out, but only with consent.

(3) Development consent must not be granted to any such development unless the consent authority is satisfied that—

(a) the architectural roof feature—

(i) comprises a decorative element on the uppermost portion of a building, and

(ii) is not an advertising structure, and

(iii) does not include floor space area and is not reasonably capable of modification to include floor space area, and

(iv) will cause minimal overshadowing, and

(b) any building identification signage or equipment for servicing the building (such as plant, lift motor rooms, fire stairs and the like) contained in or supported by the roof feature is fully integrated into the design of the roof feature.

5.8 Conversion of fire alarms

(1) This clause applies to a fire alarm system that can be monitored by Fire and Rescue NSW or by a private service provider.

(2) The following development may be carried out, but only with development consent—

(a) converting a fire alarm system from connection with the alarm monitoring system of Fire and Rescue NSW to connection with the alarm monitoring system of a private service provider,

(b) converting a fire alarm system from connection with the alarm monitoring system of a private service provider to connection with the alarm monitoring system of another private service provider,

(c) converting a fire alarm system from connection with the alarm monitoring system of a private service provider to connection with a different alarm monitoring system of the same private service provider.

(3), (4) (Repealed)

(5) In this clause—

*private service provider* means a person or body that has entered into an agreement that is in...
force with Fire and Rescue NSW to monitor fire alarm systems.

5.9 Preservation of trees or vegetation

(1) The objective of this clause is to preserve the amenity of the area through the preservation of trees and other vegetation.

(2) This clause applies to species or kinds of trees or other vegetation that are prescribed for the purposes of this clause by a development control plan made by the Director-General.

Note. A development control plan may prescribe the trees or other vegetation to which this clause applies by reference to species, size, location or other manner.

(3) A person must not ringbark, cut down, top, lop, remove, injure or wilfully destroy any tree or other vegetation to which any such development control plan applies without the authority conferred by—

(a) development consent, or

(b) a permit granted by the Council.

(4) The refusal by the Council to grant a permit to a person who has duly applied for the grant of the permit is taken for the purposes of the Act to be a refusal by the Council to grant consent for the carrying out of the activity for which a permit was sought.

(5) This clause does not apply to a tree or other vegetation that the Council is satisfied is dying or dead and is not required as the habitat of native fauna.

(6) This clause does not apply to a tree or other vegetation that the Council is satisfied is a risk to human life or property.

(7) This clause does not apply to or in respect of—

(a) the clearing of native vegetation that is authorised by a development consent or property vegetation plan under the Native Vegetation Act 2003 or that is otherwise permitted under Division 2 or 3 of Part 3 of that Act, or

(b) the clearing of vegetation on State protected land (within the meaning of clause 4 of Schedule 3 to the Native Vegetation Act 2003) that is authorised by a development consent under the provisions of the Native Vegetation Conservation Act 1997 as continued in force by that clause, or

(c) trees or other vegetation within a State forest, or land reserved from sale as a timber or forest reserve under the Forestry Act 1916, or

(d) action required or authorised to be done by or under the Electricity Supply Act 1995, the Roads Act 1993 or the Surveying and Spatial Information Act 2002, or

(e) plants declared to be noxious weeds under the Noxious Weeds Act 1993, or

(f) native vegetation retention areas to which clause 6.2 of this Precinct Plan applies, or

(g) existing native vegetation to which clause 6.3 of this Precinct Plan applies.
5.10 Heritage conservation

Note. Heritage items (if any) are listed and described in Schedule 5 to this Precinct Plan. Heritage conservation areas (if any) are shown on the Heritage Map as well as being described in Schedule 5.

1) Objectives The objectives of this clause are as follows—

a) to conserve environmental heritage,

b) to conserve the heritage significance of heritage items and heritage conservation areas, including associated fabric, settings and views,

c) to conserve archaeological sites,

d) to conserve Aboriginal objects and Aboriginal places of heritage significance.

2) Requirement for consent Development consent is required for any of the following—

a) demolishing or moving any of the following or altering the exterior of any of the following (including, in the case of a building, making changes to its detail, fabric, finish or appearance)—

   i) a heritage item,

   ii) an Aboriginal object,

   iii) a building, work, relic or tree within a heritage conservation area,

b) altering a heritage item that is a building by making structural changes to its interior or by making changes to anything inside the item that is specified in Schedule 5 to this Policy in relation to the item,

c) disturbing or excavating an archaeological site while knowing, or having reasonable cause to suspect, that the disturbance or excavation will or is likely to result in a relic being discovered, exposed, moved, damaged or destroyed,

d) disturbing or excavating an Aboriginal place of heritage significance,

e) erecting a building on land—

   i) on which a heritage item is located or that is within a heritage conservation area, or

   ii) on which an Aboriginal object is located or that is within an Aboriginal place of heritage significance,

f) subdividing land—

   i) on which a heritage item is located or that is within a heritage conservation area, or

   ii) on which an Aboriginal object is located or that is within an Aboriginal place of heritage significance.

3) When consent not required However, development consent under this clause is not required if—

a) the applicant has notified the consent authority of the proposed development and the consent
authority has advised the applicant in writing before any work is carried out that it is satisfied that the proposed development—

(i) is of a minor nature or is for the maintenance of the heritage item, Aboriginal object, Aboriginal place of heritage significance or archaeological site or a building, work, relic, tree or place within the heritage conservation area, and

(ii) would not adversely affect the heritage significance of the heritage item, Aboriginal object, Aboriginal place, archaeological site or heritage conservation area, or

(b) the development is in a cemetery or burial ground and the proposed development—

(i) is the creation of a new grave or monument, or excavation or disturbance of land for the purpose of conserving or repairing monuments or grave markers, and

(ii) would not cause disturbance to human remains, relics, Aboriginal objects in the form of grave goods, or to an Aboriginal place of heritage significance, or

(c) the development is limited to the removal of a tree or other vegetation that the Council is satisfied is a risk to human life or property, or

(d) the development is exempt development.

(4) **Effect of proposed development on heritage significance** The consent authority must, before granting consent under this clause in respect of a heritage item or heritage conservation area, consider the effect of the proposed development on the heritage significance of the item or area concerned. This subclause applies regardless of whether a heritage management document is prepared under subclause (5) or a heritage conservation management plan is submitted under subclause (6).

(5) **Heritage assessment** The consent authority may, before granting consent to any development—

(a) on land on which a heritage item is located, or

(b) on land that is within a heritage conservation area, or

(c) on land that is within the vicinity of land referred to in paragraph (a) or (b),

require a heritage management document to be prepared that assesses the extent to which the carrying out of the proposed development would affect the heritage significance of the heritage item or heritage conservation area concerned.

(6) **Heritage conservation management plans** The consent authority may require, after considering the heritage significance of a heritage item and the extent of change proposed to it, the submission of a heritage conservation management plan before granting consent under this clause.

(7) **Archaeological sites** The consent authority must, before granting consent under this clause to the carrying out of development on an archaeological site (other than land listed on the State Heritage Register or to which an interim heritage order under the Heritage Act 1977 applies)—

(a) notify the Heritage Council of its intention to grant consent, and
(b) take into consideration any response received from the Heritage Council within 28 days after the notice is sent.

(8) **Aboriginal places of heritage significance** The consent authority must, before granting consent under this clause to the carrying out of development in an Aboriginal place of heritage significance—

(a) consider the effect of the proposed development on the heritage significance of the place and any Aboriginal object known or reasonably likely to be located at the place by means of an adequate investigation and assessment (which may involve consideration of a heritage impact statement), and

(b) notify the local Aboriginal communities, in writing or in such other manner as may be appropriate, about the application and take into consideration any response received within 28 days after the notice is sent.

(9) **Demolition of nominated State heritage items** The consent authority must, before granting consent under this clause for the demolition of a nominated State heritage item—

(a) notify the Heritage Council about the application, and

(b) take into consideration any response received from the Heritage Council within 28 days after the notice is sent.

(10) **Conservation incentives** The consent authority may grant consent to development for any purpose of a building that is a heritage item or of the land on which such a building is erected, or for any purpose on an Aboriginal place of heritage significance, even though development for that purpose would otherwise not be allowed by this Precinct Plan, if the consent authority is satisfied that—

(a) the conservation of the heritage item or Aboriginal place of heritage significance is facilitated by the granting of consent, and

(b) the proposed development is in accordance with a heritage management document that has been approved by the consent authority, and

(c) the consent to the proposed development would require that all necessary conservation work identified in the heritage management document is carried out, and

(d) the proposed development would not adversely affect the heritage significance of the heritage item, including its setting, or the heritage significance of the Aboriginal place of heritage significance, and

(e) the proposed development would not have any significant adverse effect on the amenity of the surrounding area.

### 5.11 Bush fire hazard reduction

Bush fire hazard reduction work authorised by the *Rural Fires Act 1997* may be carried out on any land without consent.

**Note.** The *Rural Fires Act 1997* also makes provision relating to the carrying out of development on bush fire prone land.
5.12 Infrastructure development and use of existing buildings of the Crown

(1) This Precinct Plan does not restrict or prohibit, or enable the restriction or prohibition of, the carrying out of any development, by or on behalf of a public authority, that is permitted to be carried out without consent under the *State Environmental Planning Policy (Infrastructure) 2007*.

(2) This Precinct Plan does not restrict or prohibit, or enable the restriction or prohibition of, the use of existing buildings of the Crown by the Crown.

Part 6 Additional local provisions

6.1 Public utility infrastructure

(1) The consent authority must not grant development consent to development on land to which this Precinct Plan applies unless it is satisfied that any public utility infrastructure that is essential for the proposed development is available or that adequate arrangements have been made to make that infrastructure available when required.

(2) In this clause, *public utility infrastructure* includes infrastructure for any of the following—

   (a) the supply of water,

   (b) the supply of electricity,

   (c) the disposal and management of sewage.

(3) This clause does not apply to development for the purpose of providing, extending, augmenting, maintaining or repairing any public utility infrastructure referred to in this clause.

6.2 Development controls—native vegetation retention areas

(1) The objective of this clause is to prevent the clearing of certain native vegetation.

(2) This clause applies to land within a native vegetation retention area as shown on the *Native Vegetation Protection Map*.

(3) This clause does not apply to native vegetation that the Council is satisfied—

   (a) is dying or dead and is not required as the habitat of native fauna, or

   (b) is a risk to human life or property.

(4) This clause does not apply to any native vegetation—

   (a) within a State forest, or land reserved from sale as a timber or forest reserve under the *Forestry Act 1916*, or

   (b) declared to be noxious weeds under the *Noxious Weeds Act 1993*.

(5) A person must not clear native vegetation on land to which this clause applies without—

   (a) approval under Part 3A of the Act, or

   (b) development consent.
(6) Development consent under this clause is not to be granted unless the consent authority is satisfied of the following in relation to the disturbance of native vegetation—

(a) that there is no reasonable alternative available to the disturbance of the native vegetation,
(b) that as little native vegetation as possible will be disturbed,
(c) that the disturbance of the native vegetation will not increase salinity,
(d) that native vegetation disturbed for the purposes of construction will be reinstated where possible on completion of construction,
(e) that the loss of remnant native vegetation caused by the disturbance will be compensated by revegetation on or near the land to avoid any net loss of remnant native vegetation,
(f) that no more than 0.5 hectares of native vegetation will be cleared unless the clearing is essential for a previously permitted use of the land.

(7) The consent authority must, when determining a development application in respect of the clearing of native vegetation on land within a zone under this Precinct Plan, have regard to the objectives for development in that zone.

(8) This clause does not apply to or in respect of action required or authorised to be done by or under the *Electricity Supply Act 1995*, the *Roads Act 1993*, the *Surveying and Spatial Information Act 2002* or the *Sydney Water Act 1994*.

### 6.3 Development controls—existing native vegetation

(1) The objective of this clause is to manage existing native vegetation in accordance with the relevant biodiversity measures under Part 7 of Schedule 7 to the *Threatened Species Conservation Act 1995*.

(2) This clause applies to land within an existing native vegetation area as shown on the Native Vegetation Protection Map.

(3) This clause does not apply to any vegetation declared to be noxious weeds under the *Noxious Weeds Act 1993*.

(4) The consent authority must not grant development consent for development on land to which this clause applies unless it is satisfied that the proposed development will not result in the clearing of any existing native vegetation (within the meaning of the relevant biodiversity measures under Part 7 of Schedule 7 to the *Threatened Species Conservation Act 1995*).

### 6.4 Development controls—flood planning

(1) The objectives of this clause are as follows—

(a) to minimise the flood risk to life and property associated with the use of land,
(b) to allow development on land that is compatible with the land’s flood hazard, taking into account projected changes as a result of climate change,
(c) to avoid significant adverse impacts on flood behaviour and the environment.
(2) This clause applies to land identified as “Flood prone and major creeks land” on the South West Growth Centre Development Control Map.

(3) Development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that the development—

(a) is compatible with the flood hazard of the land, and

(b) is not likely to significantly adversely affect flood behaviour resulting in detrimental increases in the potential flood affectation of other development or properties, and

(c) incorporates appropriate measures to manage risk to life from flood, and

(d) is not likely to significantly adversely affect the environment or cause avoidable erosion, siltation, destruction of riparian vegetation or a reduction in the stability of river banks or watercourses, and

(e) is not likely to result in unsustainable social and economic costs to the community as a consequence of flooding.

(4) A word or expression used in this clause has the same meaning as it has in the Floodplain Development Manual (ISBN 0 7347 5476 0) published by the NSW Government in April 2005, unless it is otherwise defined in this clause.

6.5 Sex services premises

(1) The objective of this clause is to minimise land use conflicts and adverse amenity impacts by providing a reasonable level of separation between sex services premises, specified land uses and places regularly frequented by children.

(2) Development consent must not be granted to development for the purposes of sex services premises if the premises will be located on land that adjoins, is directly opposite or is separated only by a local road from land—

(a) in Zone R2 Low Density Residential, Zone R3 Medium Density Residential or Zone RE1 Public Recreation, or

(b) used for the purposes of a centre-based child care facility, a community facility, a school or a place of public worship.

(3) In deciding whether to grant consent to development for the purposes of sex services premises, the consent authority must consider the impact the proposed development would have on any place likely to be regularly frequented by children.

6.6 Restricted premises

(1) Development consent must not be granted to development for the purposes of restricted premises if the premises will be located on land that abuts, or is separated only by a road from land—

(a) in Zone R2 Low Density Residential, Zone R3 Medium Density Residential or Zone RE1 Public Recreation, or

(b) used for the purposes of a community facility, school or place of public worship.
In deciding whether to grant consent to development for the purposes of restricted premises, the consent authority must consider—

(a) the impact of the proposed development on places of high pedestrian activity, and

(b) the impact of the proposed development on land frequented by children for care, recreational or cultural purposes, and

(c) whether the appearance of the restricted premises is sufficiently discreet.

6.7 Maximum gross floor area for retail premises in Zone B2

Despite any other provision of this Precinct Plan, the gross floor area of all development for the purpose of retail premises on land in Zone B2 Local Centre must not exceed 16,500 square metres.

6.8 Attached dwellings and multi dwelling housing in Zone R2 Low Density Residential

(1) The objectives of this clause are—

(a) to permit, with development consent, attached dwellings and multi dwelling housing in Zone R2 Low Density Residential in limited circumstances, and

(b) to provide location and development criteria that must be satisfied before development consent can be granted.

(2) Development for the purposes of attached dwellings or multi dwelling housing is permissible with development consent on land in Zone R2 Low Density Residential that—

(a) adjoins land in Zone RE1 Public Recreation, or is separated from land in that zone only by a public road, or

(b) adjoins land in Zone B2 Local Centre or Zone B4 Mixed Use, or is separated from land in any of those zones only by a public road, or

(c) is within 400m of land in Zone B2 Local Centre and—

(i) adjoins land in Zone SP2 Infrastructure that is set aside for drainage or educational purposes, or

(ii) is separated from land in Zone SP2 Infrastructure that is set aside for drainage or educational purposes only by a public road.

(3) Development consent must not be granted under this clause unless the consent authority is satisfied that—

(a) the attached dwellings or multi dwelling housing will not adversely impact on the amenity of any adjoining residential properties, and

(b) the attached dwellings or multi dwelling housing will be designed and orientated to provide active frontages to and surveillance of the public recreation drainage land, and

(c) the attached dwellings or multi dwelling housing will not adversely impact on or limit solar access to adjoining residential or public open space land.
(4) This clause has effect despite anything to the contrary in the Land Use Table or any other provision of this Precinct Plan.

**Schedule 1 Additional permitted uses**

1 **Use of land in Zone B2**

   (1) This clause applies to land in Zone B2 Local Centre.

   (2) Development for the purpose of attached dwellings is permitted with development consent but only as part of a mixed use development that includes retail premises.

2 **Use of land in Zone SP2**

   (1) This clause applies to land in Zone SP2 Infrastructure and marked “Community facility”.

   (2) Development for the purpose of an information and education facility is permitted with development consent.

**Schedule 4 Classification and reclassification of public land**

1 **Part 1 Land classified, or reclassified, as operational land—no interests changed**

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<th>Locality</th>
<th>Description</th>
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2 **Part 2 Land classified, or reclassified, as operational land—interests changed**

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3 **Part 3 Land classified, or reclassified, as community land**

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Schedule 5 Environmental heritage

(Clauses 5.10)

Part 1 Heritage items

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<th>Precinct</th>
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<th>Address</th>
<th>Property description</th>
<th>Significance</th>
<th>Item no</th>
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</thead>
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<td>East Leppington</td>
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<td>Between the south eastern boundary and Denham Court Road</td>
<td>Lot 1, DP 610145</td>
<td>State</td>
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Part 3 Archaeological sites

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<th>Item name</th>
<th>Address</th>
<th>Property description</th>
<th>Significance</th>
<th>Item no</th>
</tr>
</thead>
<tbody>
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<td>Former Leppington Farm House</td>
<td>Lot 41, DP 1174145</td>
<td>Potential State A1</td>
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Appendix 11 The Hills Growth Centre Precincts Plan

Part 1 Preliminary

Note. The Standard Instrument (Local Environmental Plans) Order 2006 sets out matters to be included in standard local environmental plans. While this Precinct Plan is not a standard local environmental plan, it is generally consistent with standard plans. A number of clauses from the Standard Instrument (Local Environmental Plans) Order 2006 have been included in this Precinct Plan and the clause numbering from that Order has been retained. This means that the numbering in this Precinct Plan may contain some gaps. Additional provisions have been inserted and are numbered accordingly.

1.1 Name of Precinct Plan

This Precinct Plan is the The Hills Growth Centre Precincts Plan 2013.

1.2 Aims of Precinct Plan

The aims of this Precinct Plan are as follows—

(a) to rezone land to allow for development to occur in the manner envisaged by the growth centre structure plan for the Box Hill and Box Hill Industrial Precincts,

(b) to deliver housing choice and affordability by accommodating a wide range of residential dwelling types that cater for housing diversity,

(c) to guide the bulk and scale of future development within the Precincts,

(d) to protect and enhance riparian corridors and areas of significant native vegetation by establishing development controls that prevent the clearing of existing native vegetation within the Precincts,

(e) to protect and enhance areas of local heritage significance by establishing development controls in order to maintain and respect the relationships between heritage sites and uses of adjacent sites,
(f) to identify land within the Precincts that is proposed to be brought into public ownership for the purposes of roads, parks, drainage and schools.

1.3 Land to which Precinct Plan applies

This Precinct Plan applies to land within the Box Hill Precinct or Box Hill Industrial Precinct as shown on the Land Application Map.

1.4 Definition

In this Precinct Plan, Council means The Hills Shire Council.

Note. The Dictionary at the end of this State environmental planning policy defines words and expressions for the purposes of this Precinct Plan, including the relevant maps.

1.5 Notes

Notes in this Precinct Plan are provided for guidance and do not form part of this Precinct Plan.

1.6 Consent authority

The consent authority for the purposes of this Precinct Plan is (subject to the Act) the Council.

1.8 Repeal of other local planning instruments applying to land

(1) All local environmental plans and deemed environmental planning instruments applying only to the land to which this Precinct Plan applies are repealed.

(2) All local environmental plans and deemed environmental planning instruments applying to the land to which this Precinct Plan applies and to other land cease to apply to the land to which this Precinct Plan applies.

(3) This clause does not affect the operation of other provisions of this State environmental planning policy.

1.8A Savings provision relating to pending development applications

If a development application has been made before the commencement of this Precinct Plan in relation to land to which this Precinct Plan applies and the application has not been finally determined before that commencement, the application must be determined as if this Precinct Plan had not commenced.

1.9 Application of SEPPs

(1) This Precinct Plan is subject to the provisions of any State environmental planning policy that prevails over this Precinct Plan as provided by section 3.28 of the Act.

Note. Section 3.28 of the Act generally provides that SEPPs prevail over LEPs and other instruments. However, an environmental planning instrument may (by an additional provision included in the instrument) displace or amend a SEPP or LEP to deal specifically with the relationship between the instrument and the SEPP or LEP.

(2) State Environmental Planning Policy No 1—Development Standards does not apply to the land to which this Precinct Plan applies.

(3) Subject to section 74 (1) of the Act, in the event of an inconsistency between this Precinct Plan
and any other provision of this or any other environmental planning instrument, whether made before or after the commencement of this Precinct Plan, this Precinct Plan prevails to the extent of the inconsistency.

Note. The other provisions of this State environmental planning policy also contain provisions applying development controls to the North West Growth Centre, including the Box Hill and Box Hill Industrial Precincts.

1.9A Suspension of covenants, agreements and instruments

(1) For the purpose of enabling development on land within any zone to be carried out in accordance with this Precinct Plan or with a consent granted under the Act, any agreement, covenant or other similar instrument that restricts the carrying out of that development does not apply to the extent necessary to serve that purpose.

(2) This clause does not apply—

(a) to a covenant imposed by the Council or that the Council requires to be imposed, or

(b) to any relevant instrument within the meaning of section 13.4 of the Crown Land Management Act 2016, or

(c) to any conservation agreement within the meaning of the National Parks and Wildlife Act 1974, or

(d) to any Trust agreement within the meaning of the Nature Conservation Trust Act 2001, or

(e) to any property vegetation plan within the meaning of the Native Vegetation Act 2003, or

(f) to any biobanking agreement within the meaning of Part 7A of the Threatened Species Conservation Act 1995, or

(g) to any planning agreement within the meaning of Division 7.1 of the Act.

(3) This clause does not affect the rights or interests of any public authority under any registered instrument.

(4) Pursuant to section 28 of the Act, the Governor, before the making of this clause, approved of subclauses (1)–(3).

Part 2 Permitted or prohibited development

2.1 Land use zones

The land use zones under this Precinct Plan are as follows—

Residential Zones

R1 General Residential

R2 Low Density Residential

R3 Medium Density Residential

R4 High Density Residential
Business Zones
B2 Local Centre
   B6 Enterprise Corridor
   B7 Business Park

Industrial Zones
IN2 Light Industrial

Special Purpose Zones
SP2 Infrastructure

Recreation Zones
RE1 Public Recreation
   RE2 Private Recreation

Environment Protection Zones
E2 Environmental Conservation

2.2 Zoning of land to which Precinct Plan applies

For the purposes of this Precinct Plan, land is within the zones shown on the Land Zoning Map.

2.3 Zone objectives and Land Use Table

(1) The Land Use Table at the end of this Part specifies for each zone—
   (a) the objectives for development, and
   (b) development that may be carried out without consent, and
   (c) development that may be carried out only with consent, and
   (d) development that is prohibited.

(2) The consent authority must have regard to the objectives for development in a zone when determining a development application in respect of land within the zone.

(3) In the Land Use Table at the end of this Part—
   (a) a reference to a type of building or other thing is a reference to development for the purposes of that type of building or other thing, and
   (b) a reference to a type of building or other thing does not include (despite any definition in this Policy) a reference to a type of building or other thing referred to separately in the Table in relation to the same zone.

(4) This clause is subject to the other provisions of this Precinct Plan.

Notes.
1 Schedule 1 sets out additional permitted uses for particular land.
2.4 Unzoned land

(1) Development may be carried out on unzoned land only with development consent.

(2) Before granting development consent, the consent authority—

(a) must consider whether the development will impact on adjoining zoned land and, if so, consider the objectives for development in the zones of the adjoining land, and

(b) must be satisfied that the development is appropriate and is compatible with permissible land uses in any such adjoining land.

2.5 Additional permitted uses for particular land

(1) Development on particular land that is described or referred to in Schedule 1 to this Precinct Plan may be carried out—

(a) with development consent, or

(b) if the Schedule so provides—without development consent,

in accordance with the conditions (if any) specified in that Schedule in relation to that development.

(2) This clause has effect despite anything to the contrary in the Land Use Table at the end of this Part or other provision of this Precinct Plan.

2.6 Subdivision—consent requirements

Land to which this Precinct Plan applies may be subdivided, but only with development consent.

Note. State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 specifies certain subdivision development as exempt development.

2.7 Demolition

The demolition of a building or work may be carried out only with development consent.

Note. The demolition of certain buildings and works is identified in State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 as exempt development.

2.8 Temporary use of land

(1) The objective of this clause is to provide for the temporary use of land if the use does not compromise future development of the land, or have detrimental economic, social, amenity or environmental effects on the land.

(2) Despite any other provision of this Precinct Plan, development consent may be granted for development on land in any zone for a temporary use for a maximum period of 52 days (whether or not consecutive days) in any period of 12 months.

(3) Development consent must not be granted unless the consent authority is satisfied that—
the temporary use will not prejudice the subsequent carrying out of development on the land in accordance with this Precinct Plan and this or any other applicable environmental planning instrument, and

(b) the temporary use will not adversely impact on any adjoining land or the amenity of the neighbourhood, and

(c) the temporary use and location of any structures related to the use will not adversely impact on environmental attributes or features of the land, or increase the risk of natural hazards that may affect the land, and

(d) at the end of the temporary use period, the site will, as far as is practicable, be restored to the condition in which it was before the commencement of the use.

(4) Despite subclause (2), the temporary use of a dwelling as a sales office for a new release area or a new housing estate may exceed the maximum number of days specified in that subclause.

(5) Subclause (3) (d) does not apply to the temporary use of a dwelling as a sales office mentioned in subclause (4).

**Land Use Table**

Note. Part 6 of this Precinct Plan sets out local provisions which include additional permissible land uses and heads of consideration for assessment.

**Zone R1 General Residential**

1 **Objectives of zone**

- To provide for the housing needs of the community.
- To provide for a variety of housing types and densities.
- To enable other land uses that provide facilities or services to meet the day to day needs of residents.
- To enable other land uses that support the adjoining or nearby commercial centres and protect the amenity of the adjoining or nearby residential areas.

2 **Permitted without consent**

Home businesses; Home occupations

3 **Permitted with consent**

Attached dwellings; Bed and breakfast accommodation; Boarding houses; Building identification signs; Business identification signs; Business premises; Car parks; Centre-based child care facilities; Community facilities; Dual occupancies; Dwelling houses; Educational establishments; Emergency services facilities; Environmental protection works; Exhibition homes; Flood mitigation works; Funeral chapels; Funeral homes; Group homes; Health services facilities; Home-based child care; Hostels; Hotel or motel accommodation; Manor homes; Multi dwelling housing; Neighbourhood shops; Office premises; Places of public worship; Recreation areas; Residential flat buildings; Respite day care centres; Restaurants; Roads; Secondary dwellings; Semi-detached dwellings; Seniors housing; Sewage reticulation systems; Shop top housing; Veterinary hospitals; Waste or
resource management facilities

4 Prohibited

Any development not specified in item 2 or 3

Zone R2  Low Density Residential

1 Objectives of zone

• To provide for the housing needs of the community within a low density residential environment.

• To enable other land uses that provide facilities or services to meet the day to day needs of residents.

• To allow people to carry out a reasonable range of activities from their homes, where such activities are not likely to adversely affect the living environment of neighbours.

• To support the well-being of the community, by enabling educational, recreational, community, religious and other activities where compatible with the amenity of a low density residential environment.

2 Permitted without consent

Home businesses; Home occupations

3 Permitted with consent

Bed and breakfast accommodation; Boarding houses; Business identification signs; Centre-based child care facilities; Community facilities; Dual occupancies; Dwelling houses; Educational establishments; Environmental protection works; Exhibition homes; Exhibition villages; Group homes; Health consulting rooms; Home-based child care; Home industries; Neighbourhood shops; Places of public worship; Respite day care centres; Roads; Secondary dwellings; Semi-detached dwellings; Studio dwellings

4 Prohibited

Any development not specified in item 2 or 3

Zone R3  Medium Density Residential

1 Objectives of zone

• To provide for the housing needs of the community within a medium density residential environment.

• To provide a variety of housing types within a medium density residential environment.

• To enable other land uses that provide facilities or services to meet the day to day needs of residents.

• To support the well-being of the community by enabling educational, recreational, community, religious and other activities where compatible with the amenity of a medium density residential environment.
2 Permitted without consent

Home businesses; Home occupations

3 Permitted with consent

Attached dwellings; Boarding houses; Building identification signs; Business identification signs; Centre-based child care facilities; Community facilities; Dual occupancies; Dwelling houses; Group homes; Multi dwelling housing; Neighbourhood shops; Places of public worship; Respite day care centres; Roads; Secondary dwellings; Semi-detached dwellings; Seniors housing; Studio dwellings; Any other development not specified in item 2 or 4

4 Prohibited

Agriculture; Air transport facilities; Airstrips; Amusement centres; Boat repair facilities; Boat sheds; Business premises; Caravan parks; Cemeteries; Charter and tourism boating facilities; Correctional centres; Crematoria; Depots; Electricity generating works; Entertainment facilities; Environmental facilities; Extractive industries; Farm buildings; Freight transport facilities; Function centres; Helipads; Highway service centres; Home occupations (sex services); Industrial retail outlets; Industries; Information and education facilities; Manor homes; Marinas; Moorings; Mortuaries; Office premises; Open cut mining; Passenger transport facilities; Public administration buildings; Recreation facilities (indoor); Recreation facilities (major); Recreation facilities (outdoor); Registered clubs; Research stations; Residential flat buildings; Restricted premises; Retail premises; Rural industries; Rural supplies; Service stations; Sex services premises; Shop top housing; Signage; Storage premises; Tourist and visitor accommodation; Transport depots; Truck depots; Vehicle body repair workshops; Vehicle repair stations; Vehicle sales or hire premises; Veterinary hospitals; Warehouse or distribution centres; Waste or resource management facilities; Water recreation structures; Wholesale supplies

Zone R4 High Density Residential

1 Objectives of zone

• To provide for the housing needs of the community within a high density residential environment.

• To provide a variety of housing types within a high density residential environment.

• To enable other land uses that provide facilities or services to meet the day to day needs of residents.

2 Permitted without consent

Home businesses; Home occupations

3 Permitted with consent

Attached dwellings; Boarding houses; Building identification signs; Business identification signs; Centre-based child care facilities; Community facilities; Dual occupancies; Dwelling houses; Manor homes; Multi dwelling housing; Neighbourhood shops; Places of public worship; Residential flat buildings; Respite day care centres; Roads; Secondary dwellings; Semi-detached dwellings; Shop top housing; Studio dwellings; Any other development not specified in item 2 or 4
4 Prohibited

Agriculture; Air transport facilities; Airstrips; Amusement centres; Boat repair facilities; Boat sheds; Business premises; Caravan parks; Cemeteries; Charter and tourism boating facilities; Correctional centres; Crematoria; Depots; Electricity generating works; Entertainment facilities; Environmental facilities; Extractive industries; Forestry; Freight transport facilities; Function centres; Helipads; Highway service centres; Home occupations (sex services); Industries; Information and education facilities; Marinas; Moorings; Mortuaries; Office premises; Open cut mining; Passenger transport facilities; Public administration buildings; Recreation facilities (indoor); Recreation facilities (major); Recreation facilities (outdoor); Registered clubs; Research stations; Restricted premises; Retail premises; Rural supplies; Service stations; Sex services premises; Signage; Storage premises; Tourist and visitor accommodation; Transport depots; Truck depots; Vehicle body repair workshops; Vehicle repair stations; Vehicle sales or hire premises; Veterinary hospitals; Warehouse or distribution centres; Waste or resource management facilities; Water recreation structures; Wholesale supplies

Zone B2 Local Centre

1 Objectives of zone

• To provide a range of retail, business, entertainment and community uses that serve the needs of people who live in, work in and visit the local area.

• To encourage employment opportunities in accessible locations.

• To maximise public transport patronage and encourage walking and cycling.

• To provide for residential development that contributes to the vitality of the local centre.

• To ensure that residential development within the centre does not detract from the primary function of the centre being to provide for retail, business, entertainment and community uses.

• To facilitate active retail, commercial, entertainment and community facility uses at ground level of mixed use developments.

• To encourage development which will contribute to the economic growth of, and creation of employment opportunities within, The Hills Shire.

2 Permitted without consent

Home businesses; Home occupations

3 Permitted with consent

Boarding houses; Building identification signs; Business identification signs; Business premises; Car parks; Centre-based child care facilities; Community facilities; Educational establishments; Entertainment facilities; Function centres; Information and education facilities; Medical centres; Office premises; Passenger transport facilities; Recreation facilities (indoor); Registered clubs; Respite day care centres; Restricted premises; Retail premises; Roads; Service stations; Shop top housing; Tourist and visitor accommodation; Any other development not specified in item 2 or 4
4 Prohibited

Agriculture; Air transport facilities; Airstrips; Boat repair facilities; Boat sheds; Bulky goods premises; Caravan parks; Cemeteries; Charter and tourism boating facilities; Correctional centres; Crematoria; Depots; Electricity generating works; Environmental facilities; Exhibition homes; Exhibition villages; Extractive industries; Farm buildings; Forestry; Freight transport facilities; Home occupations (sex services); Industrial retail outlets; Industries; Marinas; Moorings; Mortuaries; Open cut mining; Recreation facilities (major); Research stations; Residential accommodation; Rural industries; Sex services premises; Signage; Storage premises; Transport depots; Truck depots; Vehicle body repair workshops; Warehouse or distribution centres; Waste or resource management facilities; Water recreation structures; Wholesale supplies

Zone B6  Enterprise Corridor

1 Objectives of zone

• To promote businesses along main roads and to encourage a mix of compatible uses.

• To provide a range of employment uses (including business, office, retail and light industrial uses).

• To maintain the economic strength of centres by limiting retailing activity.

2 Permitted without consent

Nil

3 Permitted with consent

Building identification signs; Business identification signs; Business premises; Community facilities; Food and drink premises; Home businesses; Home occupations; Hotel or motel accommodation; Light industries; Medical centres; Neighbourhood shops; Passenger transport facilities; Roads; Self-storage units; Serviced apartments; Any other development not specified in item 2 or 4

4 Prohibited

Agriculture; Air transport facilities; Airstrips; Amusement centres; Boat repair facilities; Boat sheds; Caravan parks; Cemeteries; Charter and tourism boating facilities; Correctional centres; Crematoria; Depots; Electricity generating works; Entertainment facilities; Environmental facilities; Exhibition homes; Exhibition villages; Extractive industries; Farm buildings; Forestry; Freight transport facilities; Function centres; Helipads; Highway service centres; Home-based child care; Home occupations (sex services); Industries; Marinas; Moorings; Mortuaries; Open cut mining; Recreation facilities (major); Research stations; Residential accommodation; Restricted premises; Retail premises; Rural industries; Sex services premises; Signage; Storage premises; Tourist and visitor accommodation; Transport depots; Warehouse or distribution centres; Waste or resource management facilities; Water recreation structures

Zone B7  Business Park

1 Objectives of zone

• To provide a range of office and light industrial uses.

• To encourage employment opportunities.
• To enable other land uses that provide facilities or services to meet the day to day needs of workers in the area.

2 Permitted without consent

Nil

3 Permitted with consent

Building identification signs; Business identification signs; Business premises; Centre-based child care facilities; Food and drink premises; Heliports; Highway service centres; Hotel or motel accommodation; Light industries; Neighbourhood shops; Office premises; Passenger transport facilities; Respite day care centres; Roads; Self-storage units; Serviced apartments; Warehouse or distribution centres; Any other development not specified in item 2 or 4

4 Prohibited

Agriculture; Air transport facilities; Airstrips; Amusement centres; Boat repair facilities; Boat sheds; Caravan parks; Cemeteries; Charter and tourism boating facilities; Correctional centres; Crematoria; Depots; Entertainment facilities; Environmental facilities; Exhibition homes; Exhibition villages; Extractive industries; Farm buildings; Forestry; Freight transport facilities; Helipads; Home-based child care; Home businesses; Home occupations; Home occupations (sex services); Industries; Marinas; Moorings; Open cut mining; Recreation facilities (major); Research stations; Residential accommodation; Restricted premises; Retail premises; Rural industries; Sex services premises; Signage; Storage premises; Tourist and visitor accommodation; Transport depots; Waste or resource management facilities; Water recreation structures

Zone IN2 Light Industrial

1 Objectives of zone

• To provide a wide range of light industrial, warehouse and related land uses.

• To encourage employment opportunities and to support the viability of centres.

• To minimise any adverse effect of industry on other land uses.

• To enable other land uses that provide facilities or services to meet the day to day needs of workers in the area.

• To support and protect industrial land for industrial uses.

2 Permitted without consent

Nil

3 Permitted with consent

Building identification signs; Business identification signs; Depots; Food and drink premises; Hardware and building supplies; Helipads; Heliports; Hotel or motel accommodation; Industrial training facilities; Light industries; Neighbourhood shops; Roads; Self-storage units; Serviced apartments; Warehouse or distribution centres; Waste disposal facilities; Any other development not specified in item 2 or 4
4 Prohibited

Agriculture; Air transport facilities; Amusement centres; Bulky goods premises; Business premises; Caravan parks; Cemeteries; Charter and tourism boating facilities; Correctional centres; Crematoria; Depots; Educational establishments; Entertainment facilities; Environmental facilities; Exhibition homes; Exhibition villages; Extractive industries; Farm buildings; Forestry; Freight transport facilities; Function centres; Health services facilities; Home-based child care; Home businesses; Home occupations; Home occupations (sex services); Industries; Marinas; Moorings; Office premises; Open cut mining; Public administration buildings; Recreation facilities (major); Research stations; Residential accommodation; Restricted premises; Retail premises; Rural industries; Rural supplies; Signage; Storage premises; Tourist and visitor accommodation; Waste or resource management facilities; Water recreation structures

Zone SP2 Infrastructure

1 Objectives of zone

• To provide for infrastructure and related uses.

• To prevent development that is not compatible with or that may detract from the provision of infrastructure.

2 Permitted without consent

Nil

3 Permitted with consent

Environmental protection works; Flood mitigation works; Roads; The purpose shown on the Land Zoning Map, including any development that is ordinarily incidental or ancillary to development for that purpose

4 Prohibited

Any development not specified in item 2 or 3

Zone RE1 Public Recreation

1 Objectives of zone

• To enable land to be used for public open space or recreational purposes.

• To provide a range of recreational settings and activities and compatible land uses.

• To protect and enhance the natural environment for recreational purposes.

2 Permitted without consent

Environmental protection works

3 Permitted with consent

Building identification signs; Business identification signs; Centre-based child care facilities; Community facilities; Emergency services facilities; Environmental facilities; Information and education facilities; Kiosks; Markets; Recreation areas; Recreation facilities (indoor); Recreation
facilities (major); Recreation facilities (outdoor); Respite day care centres; Restaurants or cafes; Roads; Take away food and drink premises; Water recreation structures

4 Prohibited

Any development not specified in item 2 or 3

Zone RE2 Private Recreation

1 Objectives of zone

• To enable land to be used for private open space or recreational purposes.

• To provide a range of recreational settings and activities and compatible land uses.

• To protect and enhance the natural environment for recreational purposes.

2 Permitted without consent

Nil

3 Permitted with consent

Building identification signs; Business identification signs; Community facilities; Environmental facilities; Environmental protection works; Hotel or motel accommodation; Information and education facilities; Kiosks; Recreation areas; Recreation facilities (indoor); Recreation facilities (outdoor); Registered clubs; Restaurants or cafes; Roads

4 Prohibited

Any development not specified in item 2 or 3

Zone E2 Environmental Conservation

1 Objectives of zone

• To protect, manage and restore areas of high ecological, scientific, cultural or aesthetic values.

• To prevent development that could destroy, damage or otherwise have an adverse effect on those values.

2 Permitted without consent

Nil

3 Permitted with consent

Building identification signs; Business identification signs; Community facilities; Environmental facilities; Environmental protection works; Information and education facilities; Kiosks; Recreation areas; Recreation facilities (indoor); Recreation facilities (outdoor); Roads

4 Prohibited

Any development not specified in item 2 or 3
Part 3

3.1–3.3 (Repealed)

Part 4 Principal development standards

4.1 Minimum subdivision lot size

(1) The objectives of this clause are as follows—

(a) to ensure that the minimum size for lots is sufficient for the provision of usable areas for building and open space,

(b) to facilitate and encourage a range of residential lot types, in particular, small lot housing,

(c) to encourage the efficient use of land for residential purposes.

(2) This clause applies to a subdivision of any land shown on the Lot Size Map that requires development consent and that is carried out after the commencement of this Precinct Plan.

(3) The size of any lot resulting from any such subdivision of land to which this clause applies is not to be less than the minimum size shown on the Lot Size Map in relation to that land.

(4) This clause does not apply in relation to the subdivision of individual lots in a strata plan.

4.1AA Subdivision resulting in lots between 225–300m²

(1) This clause applies to land in the following zones—

(a) Zone R2 Low Density Residential,

(b) Zone R3 Medium Density Residential,

(c) Zone R4 High Density Residential.

(2) Development consent may be granted to the subdivision of land to which this clause applies resulting in the creation of a lot that has an area of less than 300m² (but not less than 225m²), if the consent authority is satisfied that the lot will contain a sufficient building envelope to enable the erection of a dwelling house on the lot.

(3) This clause does not apply to a subdivision that is the subject of a development application under clause 4.1AC (2) (b), 4.1AD (2) (b) or 4.1AE.

(4) This clause does not apply if the dwelling density (per hectare) shown on the Residential Density Map in relation to any of the land being subdivided is 7.

4.1A Minimum lot sizes for residential development in certain residential zones

(1) The objectives of this clause are as follows—

(a) to establish minimum lot sizes for residential development in Zone R2 Low Density Residential, Zone R3 Medium Density Residential and Zone R4 High Density Residential,

(b) to ensure that residential development in the Box Hill and Box Hill Industrial Precincts results in the efficient use of land and contributes to the supply of new housing in the North
West Growth Centre,

(c) to ensure that residential development has adequate usable areas for buildings and open space,

(d) to ensure that residential development in the Box Hill and Box Hill Industrial Precincts is compatible with the character of the locality and with surrounding residential areas,

(e) to facilitate and encourage the provision of a range of residential lot types, in particular, small lot housing.

(2) This clause applies to land in the following zones—

(a) Zone R2 Low Density Residential,

(b) Zone R3 Medium Density Residential,

(c) Zone R4 High Density Residential.

(3) The minimum lot size for a dwelling house is 300m$^2$ if the dwelling density (per hectare) shown on the Residential Density Map in relation to the land is 15, 18 or 30.

(4) The minimum lot size for a dual occupancy is—

(a) 500m$^2$ if the dwelling density (per hectare) shown on the Residential Density Map in relation to the land is 15 or 18, or

(b) 300m$^2$ if the dwelling density (per hectare) shown on the Residential Density Map in relation to the land is 30, or

(c) 700m$^2$ if the dwelling density (per hectare) shown on the Residential Density Map in relation to the land is 7.

(5) The minimum lot size for a semi-detached dwelling is—

(a) 200m$^2$ if the dwelling density (per hectare) shown on the Residential Density Map in relation to the land is 15, or

(a1) 150m$^2$ if the dwelling density (per hectare) shown on the Residential Density Map in relation to the land is 18, or

(b) 125m$^2$ if the dwelling density (per hectare) shown on the Residential Density Map in relation to the land is 30, or

(c) 2,000m$^2$ if the dwelling density (per hectare) shown on the Residential Density Map in relation to the land is 7.

(6) The minimum lot size for an attached dwelling is—

(a) 1,500m$^2$ if the dwelling density (per hectare) shown on the Residential Density Map in relation to the land is 15 or 18, or

(b) 375m$^2$ if the dwelling density (per hectare) shown on the Residential Density Map in relation to the land is 30.
(7) The minimum lot size for multi dwelling housing is—
   (a) 1,500m$^2$ if the dwelling density (per hectare) shown on the Residential Density Map in relation to the land is 15 or 18, or
   (b) 375m$^2$ if the dwelling density (per hectare) shown on the Residential Density Map in relation to the land is 30.

(8) The minimum lot size for a manor home is 600m$^2$ if the dwelling density (per hectare) shown on the Residential Density Map in relation to the land is 30.

(9) The minimum lot size for a residential flat building is 1,000m$^2$ if the dwelling density (per hectare) shown on the Residential Density Map in relation to the land is 30.

4.1AB Minimum lot sizes for secondary dwellings in certain residential zones

1. This clause applies to land in the following zones—
   (a) Zone R2 Low Density Residential,
   (b) Zone R3 Medium Density Residential,
   (c) Zone R4 High Density Residential.

2. The minimum lot size for a secondary dwelling on land in Zone R2 Low Density Residential or Zone R3 Medium Density Residential is 450m$^2$.

3. The minimum lot size for a secondary dwelling on land in Zone R4 High Density Residential is the minimum lot size for the principal dwelling in conjunction with which the secondary dwelling is established, determined in accordance with clause 4.1A.

4.1AC Exceptions to minimum lot sizes for dwelling houses

1. This clause applies to the following—
   (a) a lot in Zone R2 Low Density Residential that has an area of less than 300m$^2$ (but not less than 250m$^2$),
   (b) a lot in Zone R3 Medium Density Residential or Zone R4 High Density Residential that has an area of less than 300m$^2$ (but not less than 225m$^2$).

2. Despite clause 4.1A (3), development consent may be granted to the erection of a dwelling house on a lot to which this clause applies if—
   (a) the lot results from a subdivision to which development consent has been granted in accordance with clause 4.1AA and, in determining the development application for the erection of the dwelling house, the consent authority considers any information that it considered for the purposes of that clause in determining the development application for that subdivision, or
   (b) the development application is a single development application for development consisting of both of the following—
      (i) the subdivision of land into 2 or more lots,
(ii) the erection of the dwelling house on one of the lots resulting from the subdivision.

4.1AD Exceptions to minimum lot sizes for dwelling houses on other lots in Zone R2 Low Density Residential

(1) This clause applies to a lot in Zone R2 Low Density Residential that has an area of less than 250m$^2$ (but not less than 225m$^2$) if the dwelling density (per hectare) shown on the Residential Density Map in relation to the land is of 15.

(2) Despite clause 4.1AB (3), development consent may be granted to the erection of a dwelling house on a lot to which this clause applies if the lot meets the requirements of subclause (3) and—

(a) the lot results from a subdivision to which development consent has been granted in accordance with clause 4.1AA and, in determining the development application for the erection of the dwelling house, the consent authority considers any information that it considered for the purposes of that clause in determining the development application for that subdivision, or

(b) the development application is a single development application for development consisting of both of the following—

(i) the subdivision of land into 2 or more lots,

(ii) the erection of the dwelling house on one of the lots resulting from the subdivision.

(3) A lot meets the requirements of this subclause if—

(a) the lot adjoins land in Zone RE1 Public Recreation, or is separated from land in that zone only by a public road, or

(b) the lot adjoins land in Zone B2 Local Centre or Zone B4 Mixed Use, or is separated from land in any of those zones only by a public road, or

(c) the lot is within 400m of land in Zone B2 Local Centre and—

(i) adjoins land in Zone SP2 Infrastructure that is set aside for drainage or educational purposes, or

(ii) is separated from land in Zone SP2 Infrastructure that is set aside for drainage or educational purposes only by a public road.

(4) Despite subclause (2), development consent must not be granted to the erection of a dwelling house to which this clause applies unless the consent authority is satisfied that the dwelling house—

(a) will not adversely impact on the amenity of adjoining residential properties, and

(b) will be designed and orientated to provide active frontages to and surveillance of the public recreation or drainage land, and

(c) will not adversely impact on or limit solar access to adjoining residential or public open space land.
4.1AE **Exceptions to minimum lot sizes for dwelling houses on small lots**

(1) This clause applies to a lot in Zone R4 High Density Residential that has an area of less than 225m\(^2\) (but not less than 125m\(^2\)).

(2) Despite clause 4.1A (3), development consent may be granted to the erection of a dwelling house on a lot to which this clause applies if the development application is a single development application for development that is both of the following—

(a) the subdivision of land into 2 or more lots,

(b) the erection of the dwelling house on one of the lots resulting from the subdivision.

4.1AF **Minimum lot sizes in split zones**

(1) This clause applies to each lot that contains land in Zone R2 Low Density Residential, Zone R3 Medium Density Residential or Zone R4 High Density Residential and land in any other zone.

(2) For the purposes of clauses 4.1A–4.1AE, a reference to the area of a lot—

(a) in relation to land in Zone R2 Low Density Residential, means the area of that part of the lot that is in Zone R2 Low Density Residential, and

(b) in relation to land in Zone R3 Medium Density Residential, means the area of that part of the lot that is in Zone R3 Medium Density Residential, and

(c) in relation to land in Zone R4 High Density Residential, means the area of that part of the lot that is in Zone R4 High Density Residential, and

(d) does not include any part of the lot that is in any other zone.

4.1B **Residential density**

(1) The objectives of this clause are as follows—

(a) to establish minimum density requirements for residential development within the Box Hill Precinct or Box Hill Industrial Precinct,

(b) to ensure that residential development makes efficient use of land and infrastructure, and contributes to the availability of new housing,

(c) to ensure that the scale of residential development is compatible with the character of the precincts and adjoining land.

(2) This clause applies to development for the purpose of an attached dwelling, a dual occupancy, a dwelling house, multi dwelling housing, a residential flat building, a secondary dwelling or a semi-detached dwelling that—

(a) is carried out on land to which this Precinct Plan applies that is shown on the Residential Density Map, and

(b) requires development consent, and

(c) is carried out after the commencement of this Precinct Plan.
(3) The density of any development to which this clause applies is not to be less than the density shown on the Residential Density Map in relation to that land.

(4) In this clause—

* density means the net developable area in hectares of the land on which the development is situated divided by the number of dwellings proposed to be located on that land.

* net developable area means the land occupied by the development, including internal streets plus half the width of any adjoining access roads that provide vehicular access, but excluding land that is not zoned for residential purposes.

4.3 Height of buildings

(1) The objectives of this clause are as follows—

(a) to establish the maximum height of buildings on land within the Box Hill Precinct or Box Hill Industrial Precinct,

(b) to minimise visual impact and protect the amenity of adjoining development and land in terms of solar access to buildings and open space,

(c) to facilitate higher density development in and around commercial centres and major transport routes.

(2) The height of a building on any land is not to exceed the maximum height shown for the land on the Height of Buildings Map.

4.4 Floor space ratio

(1) The objective of this clause is to control the bulk and scale of buildings within the Box Hill Precinct or Box Hill Industrial Precinct by setting maximum floor space ratios for development.

(2) The maximum floor space ratio for a building on any land is not to exceed the floor space ratio shown for the land on the Floor Space Ratio Map.

4.4A Development of certain land within Zone R1 General Residential or Zone B2 Local Centre—additional floor space ratio

(1) Despite clause 4.4 (2), the maximum floor space ratio for a building on land shown hatched red and lettered “A” on the Floor Space Ratio Map is 2:1 if the site area is 3 hectares or more.

(2), (3) (Repealed)

(4) In this clause, *site area* has the same meaning as it has in clause 4.5 (3).

4.5 Calculation of floor space ratio and site area

(1) **Objectives** The objectives of this clause are as follows—

(a) to define *floor space ratio*,

(b) to set out rules for the calculation of the site area of development for the purpose of applying permitted floor space ratios, including rules to—
(i) prevent the inclusion in the site area of an area that has no significant development being carried out on it, and

(ii) prevent the inclusion in the site area of an area that has already been included as part of a site area to maximise floor space area in another building, and

(iii) require community land and public places to be dealt with separately.

(2) **Definition of “floor space ratio”** The *floor space ratio* of buildings on a site is the ratio of the gross floor area of all buildings within the site to the site area.

(3) **Site area** In determining the site area of proposed development for the purpose of applying a floor space ratio, the *site area* is taken to be—

(a) if the proposed development is to be carried out on only one lot, the area of that lot, or

(b) if the proposed development is to be carried out on 2 or more lots, the area of any lot on which the development is proposed to be carried out that has at least one common boundary with another lot on which the development is being carried out.

In addition, subclauses (4)–(7) apply to the calculation of site area for the purposes of applying a floor space ratio to proposed development.

(4) **Exclusions from site area** The following land must be excluded from the site area—

(a) land on which the proposed development is prohibited, whether under this Precinct Plan or any other law,

(b) community land or a public place (except as provided by subclause (7)).

(5) **Strata subdivisions** The area of a lot that is wholly or partly on top of another or others in a strata subdivision is to be included in the calculation of the site area only to the extent that it does not overlap with another lot already included in the site area calculation.

(6) **Only significant development to be included** The site area for proposed development must not include a lot additional to a lot or lots on which the development is being carried out unless the proposed development includes significant development on that additional lot.

(7) **Certain public land to be separately considered** For the purpose of applying a floor space ratio to any proposed development on, above or below community land or a public place, the site area must only include an area that is on, above or below that community land or public place, and is occupied or physically affected by the proposed development, and may not include any other area on which the proposed development is to be carried out.

(8) **Existing buildings** The gross floor area of any existing or proposed buildings within the vertical projection (above or below ground) of the boundaries of a site is to be included in the calculation of the total floor space for the purposes of applying a floor space ratio, whether or not the proposed development relates to all of the buildings.

(9) **Covenants to prevent “double dipping”** When development consent is granted to development on a site comprised of 2 or more lots, a condition of the consent may require a covenant to be registered that prevents the creation of floor area on a lot (the restricted lot) if the consent authority is satisfied that an equivalent quantity of floor area will be created on another lot only
because the site included the restricted lot.

(10) **Covenants affect consolidated sites** If—

(a) a covenant of the kind referred to in subclause (9) applies to any land (*affected land*), and

(b) proposed development relates to the affected land and other land that together comprise the site of the proposed development,

the maximum amount of floor area allowed on the other land by the floor space ratio fixed for the site by this Precinct Plan is reduced by the quantity of floor space area the covenant prevents being created on the affected land.

(11) **Definition** In this clause, **public place** has the same meaning as it has in the *Local Government Act 1993*.

### 4.6 Exceptions to development standards

(1) The objectives of this clause are as follows—

(a) to provide an appropriate degree of flexibility in applying certain development standards to particular development,

(b) to achieve better outcomes for and from development by allowing flexibility in particular circumstances.

(2) Development consent may, subject to this clause, be granted for development even though the development would contravene a development standard imposed by this or any other environmental planning instrument. However, this clause does not apply to a development standard that is expressly excluded from the operation of this clause.

(3) Development consent must not be granted for development that contravenes a development standard unless the consent authority has considered a written request from the applicant that seeks to justify the contravention of the development standard by demonstrating—

(a) that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and

(b) that there are sufficient environmental planning grounds to justify contravening the development standard.

(4) Development consent must not be granted for development that contravenes a development standard unless—

(a) the consent authority is satisfied that—

   (i) the applicant’s written request has adequately addressed the matters required to be demonstrated by subclause (3), and

   (ii) the proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out, and

(b) the concurrence of the Director-General has been obtained.
(5) In deciding whether to grant concurrence, the Director-General must consider—

(a) whether contravention of the development standard raises any matter of significance for State or regional environmental planning, and

(b) the public benefit of maintaining the development standard, and

(c) any other matters required to be taken into consideration by the Director-General before granting concurrence.

(6) Development consent must not be granted under this clause for a subdivision of land in Zone E2 Environmental Conservation if—

(a) the subdivision will result in 2 or more lots of less than the minimum area specified for such lots by a development standard, or

(b) the subdivision will result in at least one lot that is less than 90% of the minimum area specified for such a lot by a development standard.

(7) After determining a development application made pursuant to this clause, the consent authority must keep a record of its assessment of the factors required to be addressed in the applicant’s written request referred to in subclause (3).

(8) This clause does not allow development consent to be granted for development that would contravene any of the following—

(a) a development standard for complying development,

(b) a development standard that arises, under the regulations under the Act, in connection with a commitment set out in a BASIX certificate for a building to which State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004 applies or for the land on which such a building is situated,

(c) clause 5.4.

Part 5 Miscellaneous provisions

5.1 Relevant acquisition authority

(1) The objective of this clause is to identify, for the purposes of section 3.15 of the Act, the authority of the State that will be the relevant authority to acquire land reserved for certain public purposes if the land is required to be acquired under Division 3 of Part 2 of the Land Acquisition (Just Terms Compensation) Act 1991 (the owner-initiated acquisition provisions).

Note. If the landholder will suffer hardship if there is any delay in the land being acquired by the relevant authority, section 23 of the Land Acquisition (Just Terms Compensation) Act 1991 requires the authority to acquire the land.

(2) The authority of the State that will be the relevant authority to acquire land, if the land is required to be acquired under the owner-initiated acquisition provisions, is the authority of the State specified below in relation to the land shown on the Land Reservation Acquisition Map (or, if an authority of the State is not specified in relation to land required to be so acquired, the authority designated or determined under those provisions).
5.2 Classification and reclassification of public land

(1) The objective of this clause is to enable the Council to classify or reclassify public land as “operational land” or “community land” in accordance with Part 2 of Chapter 6 of the Local Government Act 1993.

Note. Under the Local Government Act 1993, “public land” is generally land vested in or under the control of a council (other than roads and certain Crown land). The classification or reclassification of public land may also be made by a resolution of the Council under section 31, 32 or 33 of the Local Government Act 1993. Section 30 of that Act enables this Precinct Plan to discharge trusts on which public reserves are held if the land is reclassified under this Precinct Plan as operational land.

(2) The public land described in Part 1 or Part 2 of Schedule 4 to this Precinct Plan is classified, or reclassified, as operational land for the purposes of the Local Government Act 1993.

(3) The public land described in Part 3 of Schedule 4 to this Precinct Plan is classified, or reclassified, as community land for the purposes of the Local Government Act 1993.

(4) The public land described in Part 1 of Schedule 4 to this Precinct Plan—

(a) does not cease to be a public reserve to the extent (if any) that it is a public reserve, and

(b) continues to be affected by any trusts, estates, interests, dedications, conditions, restrictions or covenants that affected the land before its classification, or reclassification, as operational land.

(5) The public land described in Part 2 of Schedule 4 to this Precinct Plan, to the extent (if any) that it is a public reserve, ceases to be a public reserve when the description of the land is inserted into that Part and is discharged from all trusts, estates, interests, dedications, conditions, restrictions and covenants affecting the land or any part of the land, except—

(a) those (if any) specified for the land in Column 3 of Part 2 of Schedule 4 to this Precinct Plan, and
(b) any reservations that except land out of the Crown grant relating to the land, and

c) reservations of minerals (within the meaning of the crown land management act 2016).

Note. In accordance with section 30 (2) of the Local Government Act 1993, the approval of the Governor to subclause (5) applying to the public land concerned is required before the description of the land is inserted in Part 2 of Schedule 4 to this Precinct Plan.

5.3 Development near zone boundaries

(1) The objective of this clause is to provide flexibility where the investigation of a site and its surroundings reveals that a use allowed on the other side of a zone boundary would enable a more logical and appropriate development of the site and be compatible with the planning objectives and land uses for the adjoining zone.

(2) This clause applies to so much of any land that is within the relevant distance of a boundary between any 2 zones. The relevant distance is 20 metres.

(3) This clause does not apply to—

(a) land in Zone E2 Environmental Conservation, or

(b) land within the coastal zone, or

(c) land proposed to be developed for the purpose of sex services or restricted premises.

(4) Despite the provisions of this Precinct Plan relating to the purposes for which development may be carried out, development consent may be granted to development of land to which this clause applies for any purpose that may be carried out in the adjoining zone, but only if the consent authority is satisfied that—

(a) the development is not inconsistent with the objectives for development in both zones, and

(b) the carrying out of the development is desirable due to compatible land use planning, infrastructure capacity and other planning principles relating to the efficient and timely development of land.

(5) This clause does not prescribe a development standard that may be varied under this Precinct Plan.

5.4 Controls relating to miscellaneous permissible uses

(1) Bed and breakfast accommodation If development for the purposes of bed and breakfast accommodation is permitted under this Precinct Plan, the accommodation that is provided to guests must consist of no more than 3 bedrooms.

Note. Any such development that provides for a certain number of guests or rooms may involve a change in the class of building under the Building Code of Australia.

(2) Home businesses If development for the purposes of a home business is permitted under this Precinct Plan, the carrying on of the business must not involve the use of more than 30 square metres of floor area.

(3) Home industries If development for the purposes of a home industry is permitted under this Precinct Plan, the carrying on of the home industry must not involve the use of more than 30
square metres of floor area.

(4) **Industrial retail outlets** If development for the purposes of an industrial retail outlet is permitted under this Precinct Plan, the retail floor area must not exceed—

(a) 40% of the gross floor area of the industry or rural industry located on the same land as the retail outlet, or

(b) 400 square metres,

whichever is the lesser.

(5) **Farm stay accommodation** If development for the purposes of farm stay accommodation is permitted under this Precinct Plan, the accommodation that is provided to guests must consist of no more than 3 bedrooms.

(6) **Kiosks** If development for the purposes of a kiosk is permitted under this Precinct Plan, the gross floor area must not exceed 30 square metres.

(7) **Neighbourhood shops** If development for the purposes of a neighbourhood shop is permitted under this Precinct Plan, the retail floor area must not exceed 100 square metres.

(8) **Roadside stalls** If development for the purposes of a roadside stall is permitted under this Precinct Plan, the gross floor area must not exceed 8 square metres.

(9) **Secondary dwellings** If development for the purposes of a secondary dwelling is permitted under this Precinct Plan, the total floor area of the dwelling (excluding any area used for parking) must not exceed whichever of the following is the greater—

(a) 110 square metres,

(b) 30% of the total floor area of the principal dwelling.

5.6 **Architectural roof features**

(1) The objectives of this clause are as follows—

(a) to ensure that architectural roof features are decorative elements only,

(b) to ensure that the majority of the roof features are contained within the prescribed building height.

(2) Development that includes an architectural roof feature that exceeds, or causes a building to exceed, the height limits set by clause 4.3 may be carried out, but only with development consent.

(3) Development consent must not be granted to any such development unless the consent authority is satisfied that—

(a) the architectural roof feature—

(i) comprises a decorative element on the uppermost portion of a building, and

(ii) is not an advertising structure, and
(iii) does not include floor space area and is not reasonably capable of modification to include floor space area, and

(iv) will cause minimal overshadowing, and

(b) any building identification signage or equipment for servicing the building (such as plant, lift motor rooms, fire stairs and the like) contained in or supported by the roof feature is fully integrated into the design of the roof feature.

5.8 Conversion of fire alarms

(1) This clause applies to a fire alarm system that can be monitored by Fire and Rescue NSW or by a private service provider.

(2) The following development may be carried out, but only with development consent—

(a) converting a fire alarm system from connection with the alarm monitoring system of Fire and Rescue NSW to connection with the alarm monitoring system of a private service provider,

(b) converting a fire alarm system from connection with the alarm monitoring system of a private service provider to connection with the alarm monitoring system of another private service provider,

(c) converting a fire alarm system from connection with the alarm monitoring system of a private service provider to connection with a different alarm monitoring system of the same private service provider.

(3), (4) (Repealed)

(5) In this clause—

private service provider means a person or body that has entered into an agreement that is in force with Fire and Rescue NSW to monitor fire alarm systems.

5.9 Preservation of trees or vegetation

(1) The objective of this clause is to preserve the amenity of the area through the preservation of trees and other vegetation.

(2) This clause applies to species or kinds of trees or other vegetation that are prescribed for the purposes of this clause by a development control plan made by the Director-General.

Note. A development control plan may prescribe the trees or other vegetation to which this clause applies by reference to species, size, location or other manner.

(3) A person must not ringbark, cut down, top, lop, remove, injure or wilfully destroy any tree or other vegetation to which any such development control plan applies without the authority conferred by—

(a) development consent, or

(b) a permit granted by the Council.
(4) The refusal by the Council to grant a permit to a person who has duly applied for the grant of the permit is taken for the purposes of the Act to be a refusal by the Council to grant consent for the carrying out of the activity for which a permit was sought.

(5) This clause does not apply to a tree or other vegetation that the Council is satisfied is dying or dead and is not required as the habitat of native fauna.

(6) This clause does not apply to a tree or other vegetation that the Council is satisfied is a risk to human life or property.

(7) This clause does not apply to or in respect of—

(a) the clearing of native vegetation that is authorised by a development consent or property vegetation plan under the *Native Vegetation Act 2003* or that is otherwise permitted under Division 2 or 3 of Part 3 of that Act, or

(b) the clearing of vegetation on State protected land (within the meaning of clause 4 of Schedule 3 to the *Native Vegetation Act 2003*) that is authorised by a development consent under the provisions of the *Native Vegetation Conservation Act 1997* as continued in force by that clause, or

(c) trees or other vegetation within a State forest, or land reserved from sale as a timber or forest reserve under the *Forestry Act 1916*, or

(d) action required or authorised to be done by or under the *Electricity Supply Act 1995*, the *Roads Act 1993* or the *Surveying and Spatial Information Act 2002*, or

(e) plants declared to be noxious weeds under the *Noxious Weeds Act 1993*, or

(f) native vegetation retention areas to which clause 6.2 of this Precinct Plan applies, or

(g) existing native vegetation to which clause 6.3 of this Precinct Plan applies.

5.10 Heritage conservation

Note. Heritage items (if any) are listed and described in Schedule 5 to this Precinct Plan. Heritage conservation areas (if any) are shown on the Heritage Map as well as being described in Schedule 5.

(1) Objectives The objectives of this clause are as follows—

(a) to conserve the environmental heritage of the Box Hill and Box Hill Industrial Precincts,

(b) to conserve the heritage significance of heritage items and heritage conservation areas, including associated fabric, settings and views,

(c) to conserve archaeological sites,

(d) to conserve Aboriginal objects and Aboriginal places of heritage significance.

(2) Requirement for consent Development consent is required for any of the following—

(a) demolishing or moving any of the following or altering the exterior of any of the following (including, in the case of a building, making changes to its detail, fabric, finish or appearance)—

(i) a heritage item,

(ii) an Aboriginal object,

(iii) a building, work, relic or tree within a heritage conservation area,

(b) altering a heritage item that is a building by making structural changes to its interior or by making changes to anything inside the item that is specified in Schedule 5 to this Precinct Plan in relation to the item,

(c) disturbing or excavating an archaeological site while knowing, or having reasonable cause to suspect, that the disturbance or excavation will or is likely to result in a relic being discovered, exposed, moved, damaged or destroyed,

(d) disturbing or excavating an Aboriginal place of heritage significance,

(e) erecting a building on land—

(i) on which a heritage item is located or that is within a heritage conservation area, or

(ii) on which an Aboriginal object is located or that is within an Aboriginal place of heritage significance,

(f) subdividing land—

(i) on which a heritage item is located or that is within a heritage conservation area, or

(ii) on which an Aboriginal object is located or that is within an Aboriginal place of heritage significance.

(3) **When consent not required** However, development consent under this clause is not required if—

(a) the applicant has notified the consent authority of the proposed development and the consent authority has advised the applicant in writing before any work is carried out that it is satisfied that the proposed development—

(i) is of a minor nature or is for the maintenance of the heritage item, Aboriginal object, Aboriginal place of heritage significance or archaeological site or a building, work, relic, tree or place within the heritage conservation area, and

(ii) would not adversely affect the heritage significance of the heritage item, Aboriginal object, Aboriginal place, archaeological site or heritage conservation area, or

(b) the development is in a cemetery or burial ground and the proposed development—

(i) is the creation of a new grave or monument, or excavation or disturbance of land for the purpose of conserving or repairing monuments or grave markers, and

(ii) would not cause disturbance to human remains, relics, Aboriginal objects in the form of grave goods, or to an Aboriginal place of heritage significance, or

(c) the development is limited to the removal of a tree or other vegetation that the Council is satisfied is a risk to human life or property, or
(d) the development is exempt development.

(4) **Effect of proposed development on heritage significance** The consent authority must, before granting consent under this clause in respect of a heritage item or heritage conservation area, consider the effect of the proposed development on the heritage significance of the item or area concerned. This subclause applies regardless of whether a heritage management document is prepared under subclause (5) or a heritage conservation management plan is submitted under subclause (6).

(5) **Heritage assessment** The consent authority may, before granting consent to any development—

(a) on land on which a heritage item is located, or

(b) on land that is within a heritage conservation area, or

(c) on land that is within the vicinity of land referred to in paragraph (a) or (b),

require a heritage management document to be prepared that assesses the extent to which the carrying out of the proposed development would affect the heritage significance of the heritage item or heritage conservation area concerned.

(6) **Heritage conservation management plans** The consent authority may require, after considering the heritage significance of a heritage item and the extent of change proposed to it, the submission of a heritage conservation management plan before granting consent under this clause.

(7) **Archaeological sites** The consent authority must, before granting consent under this clause to the carrying out of development on an archaeological site (other than land listed on the State Heritage Register or to which an interim heritage order under the *Heritage Act 1977* applies)—

(a) notify the Heritage Council of its intention to grant consent, and

(b) take into consideration any response received from the Heritage Council within 28 days after the notice is sent.

(8) **Aboriginal places of heritage significance** The consent authority must, before granting consent under this clause to the carrying out of development in an Aboriginal place of heritage significance—

(a) consider the effect of the proposed development on the heritage significance of the place and any Aboriginal object known or reasonably likely to be located at the place by means of an adequate investigation and assessment (which may involve consideration of a heritage impact statement), and

(b) notify the local Aboriginal communities, in writing or in such other manner as may be appropriate, about the application and take into consideration any response received within 28 days after the notice is sent.

(9) **Demolition of nominated State heritage items** The consent authority must, before granting consent under this clause for the demolition of a nominated State heritage item—

(a) notify the Heritage Council about the application, and
(b) take into consideration any response received from the Heritage Council within 28 days after the notice is sent.

(10) Conservation incentives The consent authority may grant consent to development for any purpose of a building that is a heritage item or of the land on which such a building is erected, or for any purpose on an Aboriginal place of heritage significance, even though development for that purpose would otherwise not be allowed by this Precinct Plan, if the consent authority is satisfied that—

(a) the conservation of the heritage item or Aboriginal place of heritage significance is facilitated by the granting of consent, and

(b) the proposed development is in accordance with a heritage management document that has been approved by the consent authority, and

(c) the consent to the proposed development would require that all necessary conservation work identified in the heritage management document is carried out, and

(d) the proposed development would not adversely affect the heritage significance of the heritage item, including its setting, or the heritage significance of the Aboriginal place of heritage significance, and

(e) the proposed development would not have any significant adverse effect on the amenity of the surrounding area.

5.11 Bush fire hazard reduction

Bush fire hazard reduction work authorised by the Rural Fires Act 1997 may be carried out on any land without development consent.

Note. The Rural Fires Act 1997 also makes provision relating to the carrying out of development on bush fire prone land.

5.12 Infrastructure development and use of existing buildings of the Crown

(1) This Precinct Plan does not restrict or prohibit, or enable the restriction or prohibition of, the carrying out of any development, by or on behalf of a public authority, that is permitted to be carried out with or without development consent, or that is exempt development, under State Environmental Planning Policy (Infrastructure) 2007.

(2) This Precinct Plan does not restrict or prohibit, or enable the restriction or prohibition of, the use of existing buildings of the Crown by the Crown.

Part 6 Additional local provisions

6.1 Public utility infrastructure

(1) Development consent must not be granted for development on land to which this Precinct Plan applies unless the Council is satisfied that any public utility infrastructure that is essential for the proposed development is available or that adequate arrangements have been made to make that infrastructure available when required.

(2) This clause does not apply to development for the purpose of providing, extending, augmenting,
maintaining or repairing any public utility infrastructure referred to in this clause.

(3) In this clause, public utility infrastructure includes infrastructure for any of the following—

(a) the supply of water,

(b) the supply of electricity,

(c) the disposal and management of sewage.

6.2 Development controls—native vegetation retention areas and riparian protection areas

(1) The objective of this clause is to prevent the clearing of certain native vegetation.

(2) This clause applies to land—

(a) within a native vegetation retention area as shown on the Native Vegetation Protection Map,

or

(b) within a riparian protection area as shown on the Riparian Protection Area Map.

(3) This clause does not apply to native vegetation that the Council is satisfied—

(a) is dying or dead and is not required as the habitat of native fauna, or

(b) is a risk to human life or property.

(4) This clause does not apply to any native vegetation—

(a) within a State forest, or land reserved from sale as a timber or forest reserve under the Forestry Act 1916, or

(b) declared to be noxious weeds under the Noxious Weeds Act 1993.

(5) A person must not clear native vegetation on land to which this clause applies without—

(a) approval under Division 4.7 of the Act, or

(b) development consent.

(6) Development consent under this clause is not to be granted unless the consent authority is satisfied of the following in relation to the disturbance of native vegetation—

(a) that there is no reasonable alternative available to the disturbance of the native vegetation,

(b) that as little native vegetation as possible will be disturbed,

(c) that the disturbance of the native vegetation will not increase salinity,

(d) that native vegetation disturbed for the purposes of construction will be reinstated where possible on completion of construction,

(e) that the loss of remnant native vegetation caused by the disturbance will be compensated by revegetation on or near the land to avoid any net loss of remnant native vegetation,

(f) that no more than 0.5 hectares of native vegetation will be cleared unless the clearing is
6.3 Development controls—existing native vegetation

(1) The objective of this clause is to manage existing native vegetation in accordance with the relevant biodiversity measures under Part 7 of Schedule 7 to the Threatened Species Conservation Act 1995.

(2) This clause applies to land within an existing native vegetation area as shown on the Native Vegetation Protection Map.

(3) This clause does not apply to any vegetation declared to be noxious weeds under the Noxious Weeds Act 1993.

(4) The consent authority must not grant development consent for development on land to which this clause applies unless it is satisfied that the proposed development will not result in the clearing of any existing native vegetation (within the meaning of the relevant biodiversity measures under Part 7 of Schedule 7 to the Threatened Species Conservation Act 1995).

6.4 Development on lots wholly or partly within Zone E2 Environmental Conservation

(1) The objectives of this clause are as follows—

(a) to ensure the rehabilitation and revegetation of land within Zone E2 Environmental Conservation (other than any such land owned by a public authority),

(b) to ensure that land within that Zone is managed and conserved in a holistic and sensitive manner.

(2) This clause applies to land comprising a lot that is wholly or partly within Zone E2 Environmental Conservation (other than any such land owned by a public authority).

(3) Despite any other provision of this Precinct Plan, the consent authority must not grant development consent for subdivision of land to which this clause applies or any other development on that land unless the consent authority—

(a) has considered a vegetation management plan that relates to the land to which this clause applies that is within Zone E2 Environmental Conservation, and that addresses, to the satisfaction of the consent authority, the following matters—

(i) the environmental values of the land,

(ii) methods to be used to revegetate and rehabilitate the land,

(iii) weed control,
(iv) the monitoring and ongoing management of the land,

(v) other measures—

(A) to control threats to the health of any remnant riparian vegetation on the land, and

(B) to increase species diversification and riparian vegetation cover on the land, and

(C) to improve the land’s resistance to future weed colonisation, and

(b) is satisfied that—

(i) appropriate arrangements have been made for the revegetation and rehabilitation of the land to which this clause applies that is within Zone E2 Environmental Conservation, and

(ii) those arrangements—

(A) provide for the ongoing monitoring and management of that land, and

(B) will take effect before, or simultaneously with, the proposed subdivision or development concerned, and

(C) are appropriate when considered in conjunction with any vegetation management plan prepared in accordance with paragraph (a).

6.5 Location of sex services premises

(1) The objective of this clause is to minimise land use conflicts and adverse amenity impacts by providing a reasonable level of separation between sex services premises, specified land uses and places regularly frequented by children.

(2) In deciding whether to grant development consent to development for the purposes of sex services premises, the consent authority must consider the following—

(a) whether the premises will be located on land that adjoins, is directly opposite or is separated only by a local road from land—

(i) in Zone R2 Low Density Residential, Zone R3 Medium Density Residential or Zone RE1 Public Recreation, or

(ii) used for the purposes of a centre-based child care facility, a community facility, a school or a place of public worship,

(b) the impact of the proposed development and its hours of operation on any place likely to be regularly frequented by children—

(i) that adjoins the proposed development, or

(ii) that can be viewed from the proposed development, or

(iii) from which a person can view the proposed development.
6.6 **Active street frontages**

(1) The objective of this clause is to promote uses that attract pedestrian traffic along ground floor street frontages in Zone B2 Local Centre.

(2) Development consent must not be granted to the erection of a building or a change of use of a building on land in Zone B2 Local Centre unless the consent authority is satisfied that the building will have an active street frontage after its erection or change of use.

(3) Despite subclause (2), an active street frontage is not required for any part of a building that is used for any of the following—

(a) entrances and lobbies (including as part of mixed use development),

(b) access for fire services,

(c) vehicle access.

(4) In this clause, a building has an active street frontage if all premises on the ground floor of the building facing the street are used for the purposes of business premises or retail premises.

6.7 **Attached dwellings and multi dwelling housing in Zone R2 Low Density Residential**

(1) The objectives of this clause are—

(a) to permit, with development consent, attached dwellings and multi dwelling housing in Zone R2 Low Density Residential in limited circumstances, and

(b) to provide location and development criteria that must be satisfied before development consent can be granted.

(2) Development for the purposes of attached dwellings or multi dwelling housing is permissible with development consent on land in Zone R2 Low Density Residential that—

(a) adjoins land in Zone RE1 Public Recreation, or is separated from land in that zone only by a public road, or

(b) adjoins land in Zone B2 Local Centre or is separated from land in that zone land only by a public road, or

(c) is within 400m of land in Zone B2 Local Centre and—

(i) adjoins land in Zone SP2 Infrastructure that is set aside for drainage or educational purposes, or

(ii) is separated from land in Zone SP2 Infrastructure that is set aside for drainage or educational purposes only by a public road.

(3) Development consent must not be granted under this clause unless the consent authority is satisfied that—

(a) the attached dwellings or multi dwelling housing will not adversely impact on the amenity of any adjoining residential properties, and
(b) the attached dwellings or multi dwelling housing will be designed and orientated to provide active frontages to and surveillance of the public recreation drainage land, and

(c) the attached dwellings or multi dwelling housing will not adversely impact on or limit solar access to adjoining residential or public open space land.

(4) This clause has effect despite anything to the contrary in the Land Use Table or any other provision of this Precinct Plan.

6.8 Additional controls applying to certain shop top housing

(1) The objectives of this clause are as follows—

(a) to reinforce the Council’s established centres hierarchy and ensure centres are appropriate in scale and design for their location,

(b) to ensure that shop top housing is compatible with the prevailing character and amenity of surrounding land.

(2) Development consent must not be granted to development on land identified as “Area D” on the Key Sites Map for the purposes of shop top housing if—

(a) the height of the building exceeds 10 metres, or

(b) less than 50% of the total floor area of the building will be used for non-residential purposes.

(3) Development consent must not be granted to development on land identified as “Area E” on the Key Sites Map for the purposes of shop top housing if—

(a) the height of the building exceeds 20 metres, or

(b) less than 50% of the total floor area of the building will be used for non-residential purposes.

(4) Development consent must not be granted to development on land identified as “Area F” on the Key Sites Map for the purposes of shop top housing if less than 50% of the total floor area of the building will be used for non-residential purposes.

Schedule 1 Additional permitted uses

(Clause 2.5)

This Schedule is blank on the making of this Precinct Plan.

Schedule 4 Classification and reclassification of public land

(Clause 5.2)

Part 1 Land classified, or reclassified, as operational land—no interests changed

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Current version for 15 January 2020 to date (accessed 24 February 2020 at 09:34)
Locality | Description
---|---
Nil

**Part 2 Land classified, or reclassified, as operational land—interests changed**

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**Part 3 Land classified, or reclassified, as community land**

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**Schedule 5 Environmental heritage**

(Claude 5.10)

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<td>18 Nelson Road, Box Hill</td>
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**Appendix 12 Blacktown Growth Centres Precinct Plan**

**Part 1 Preliminary**

**Note.** The Standard Instrument (Local Environmental Plans) Order 2006 sets out matters to be included in standard local environmental plans. While this Precinct Plan is not a standard local environmental plan, it is generally consistent with standard plans. A number of clauses from the Standard Instrument (Local Environmental Plans) Order 2006 have been included in this Precinct Plan and the clause numbering from that Order has been retained. This means that the numbering in this Precinct Plan may contain some gaps. Additional provisions have been inserted and are numbered accordingly.

1.1 **Name of Precinct Plan**

This Precinct Plan is the Blacktown Growth Centres Precinct Plan 2013.

1.2 **Aims of Precinct Plan**

The aims of this Precinct Plan are as follows—

(a) to rezone land to allow for development to occur in the manner envisaged by the growth centre structure plan and the indicative layout for the land to which this Precinct Plan applies,
(b) to deliver housing choice and affordability by accommodating a wide range of residential
dwelling types that cater for housing diversity,

(c) to guide the bulk and scale of future development within the Precinct,

(d) to protect and enhance riparian corridors and areas of significant native vegetation by
establishing development controls that prevent the clearing of existing native vegetation within
the Marsden Park Precinct, the Riverstone East Precinct and the West Schofields (Townson
Road) Precinct,

(e) to protect and enhance areas of local heritage significance by establishing development controls
in order to maintain and respect the relationships between heritage sites and uses of adjacent
sites,

(f) to rezone land to allow for retail and commercial uses to meet the needs of future residents of the
Marsden Park Precinct and the Riverstone East Precinct and surrounding areas,

(g) to identify a transport corridor within the Marsden Park Precinct and the Riverstone East
Precinct.

1.3 Land to which Precinct Plan applies

This Precinct Plan applies to land within the Marsden Park Precinct, to land within the Riverstone
East Precinct, and to land within the West Schofields (Townson Road) Precinct, as shown on the
Land Application Map.

Note. The Land Application Map differs from the Precinct Boundary Map and, as such, this Precinct Plan does not
apply to all the land within the Marsden Park Precinct, to land within the Riverstone East Precinct, and to land
within the West Schofields (Townson Road) Precinct, (as shown on the Precinct Boundary Map).

1.4 Definition

In this Precinct Plan, Council means Blacktown City Council.

Note. The Dictionary at the end of this State environmental planning policy defines words and expressions for the
purposes of this Precinct Plan, including the relevant maps.

1.5 Notes

Notes in this Precinct Plan are provided for guidance and do not form part of this Plan.

1.6 Consent authority

The consent authority for the purposes of this Precinct Plan is (subject to the Act) the Council.

1.8 Repeal of other local planning instruments applying to land

(1) All local environmental plans and deemed environmental planning instruments applying only to
the land to which this Precinct Plan applies are repealed.

(2) All local environmental plans and deemed environmental planning instruments applying to the
land to which this Precinct Plan applies and to other land cease to apply to the land to which this
Precinct Plan applies.

(3) This clause does not affect the operation of other provisions of this State environmental planning
policy.

1.8A Savings provision relating to pending development applications

If a development application has been made before the commencement of this Precinct Plan in relation to land to which this Precinct Plan applies and the application has not been finally determined before that commencement, the application must be determined as if this Precinct Plan had not commenced.

1.9 Application of SEPPs

(1) This Precinct Plan is subject to the provisions of any State environmental planning policy that prevails over this Precinct Plan as provided by section 3.28 of the Act.

Note. Section 3.28 of the Act generally provides that SEPPs prevail over LEPs and other instruments. However, an environmental planning instrument may (by an additional provision included in the instrument) displace or amend a SEPP or LEP to deal specifically with the relationship between the instrument and the SEPP or LEP.

(2) State Environmental Planning Policy No 1—Development Standards does not apply to the land to which this Precinct Plan applies.

(3) Subject to section 74 (1) of the Act, in the event of an inconsistency between this Precinct Plan and any other provision of this or any other environmental planning instrument, whether made before or after the commencement of this Precinct Plan, this Precinct Plan prevails to the extent of the inconsistency.

Note. The other provisions of this State environmental planning policy also contain provisions applying development controls to the North West Growth Centre, including the Marsden Park Precinct and the Riverstone East Precinct.

1.9A Suspension of covenants, agreements and instruments

(1) For the purpose of enabling development on land within any zone to be carried out in accordance with this Precinct Plan or with a consent granted under the Act, any agreement, covenant or other similar instrument that restricts the carrying out of that development does not apply to the extent necessary to serve that purpose.

(2) This clause does not apply—

(a) to a covenant imposed by the Council or that the Council requires to be imposed, or

(b) to any relevant instrument within the meaning of section 13.4 of the Crown Land Management Act 2016, or

(c) to any conservation agreement within the meaning of the National Parks and Wildlife Act 1974, or

(d) to any Trust agreement within the meaning of the Nature Conservation Trust Act 2001, or

(e) to any property vegetation plan within the meaning of the Native Vegetation Act 2003, or

(f) to any biobanking agreement within the meaning of Part 7A of the Threatened Species Conservation Act 1995, or
(g) to any planning agreement within the meaning of Division 7.1 of the Act.

(3) This clause does not affect the rights or interests of any public authority under any registered instrument.

(4) Pursuant to section 28 of the Act, the Governor, before the making of this clause, approved of subclauses (1)–(3).

**Part 2 Permitted or prohibited development**

2.1 **Land use zones**

The land use zones under this Precinct Plan are as follows—

**Rural Zones**

RU6 Transition

**Residential Zones**

R2 Low Density Residential

R3 Medium Density Residential

**Business Zones**

B2 Local Centre

B4 Mixed Use

B6 Enterprise Corridor

**Industrial Zones**

IN1 General Industrial

**Special Purpose Zones**

SP2 Infrastructure

**Recreation Zones**

RE1 Public Recreation

RE2 Private Recreation

**Environment Protection Zones**

E2 Environmental Conservation

E3 Environmental Management

E4 Environmental Living

2.2 **Zoning of land to which Precinct Plan applies**

For the purposes of this Precinct Plan, land is within the zones shown on the Land Zoning Map.
2.3 Zone objectives and Land Use Table

(1) The Land Use Table at the end of this Part specifies for each zone—

(a) the objectives for development, and
(b) development that may be carried out without consent, and
(c) development that may be carried out only with consent, and
(d) development that is prohibited.

(2) The consent authority must have regard to the objectives for development in a zone when determining a development application in respect of land within the zone.

(3) In the Land Use Table at the end of this Part—

(a) a reference to a type of building or other thing is a reference to development for the purposes of that type of building or other thing, and
(b) a reference to a type of building or other thing does not include (despite any definition in this Policy) a reference to a type of building or other thing referred to separately in the Table in relation to the same zone.

(4) This clause is subject to the other provisions of this Precinct Plan.

Notes.

1 Schedule 1 sets out additional permitted uses for particular land.
2 Clause 2.6 requires consent for subdivision of land.
3 Part 5 contains other provisions that require consent for particular development.
4 Part 6 sets out additional permitted uses for particular land.

2.4 Unzoned land

(1) Development may be carried out on unzoned land only with consent.

(2) Before granting consent, the consent authority—

(a) must consider whether the development will impact on adjoining zoned land and, if so, consider the objectives for development in the zones of the adjoining land, and
(b) must be satisfied that the development is appropriate and is compatible with permissible land uses in any such adjoining land.

2.5 Additional permitted uses for particular land

(1) Development on particular land that is described or referred to in Schedule 1 to this Appendix may be carried out—

(a) with consent, or
(b) if the Schedule so provides—without consent,
in accordance with the conditions (if any) specified in that Schedule in relation to that development.

(2) This clause has effect despite anything to the contrary in the Land Use Table at the end of this Part or other provision of this Precinct Plan.

### 2.6 Subdivision—consent requirements

Land to which this Precinct Plan applies may be subdivided, but only with development consent.

**Note.** *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008* specifies certain subdivision development as exempt development.

### 2.7 Demolition

The demolition of a building or work may be carried out only with development consent.

**Note.** The demolition of certain buildings and works is identified in *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008* as exempt development.

### 2.8 Temporary use of land

(1) The objective of this clause is to provide for the temporary use of land if the use does not compromise future development of the land, or have detrimental economic, social, amenity or environmental effects on the land.

(2) Despite any other provision of this Precinct Plan, development consent may be granted for development on land in any zone for a temporary use for a maximum period of 52 days (whether or not consecutive days) in any period of 12 months.

(3) Development consent must not be granted unless the consent authority is satisfied that—

(a) the temporary use will not prejudice the subsequent carrying out of development on the land in accordance with this Precinct Plan and this or any other applicable environmental planning instrument, and

(b) the temporary use will not adversely impact on any adjoining land or the amenity of the neighbourhood, and

(c) the temporary use and location of any structures related to the use will not adversely impact on environmental attributes or features of the land, or increase the risk of natural hazards that may affect the land, and

(d) at the end of the temporary use period, the site will, as far as is practicable, be restored to the condition in which it was before the commencement of the use.

(4) Despite subclause (2), the following development may exceed the maximum number of days specified in that subclause—

(a) the temporary use of advertising structures for a new release area or a new housing estate,

(b) the temporary use of a dwelling or business premises as a sales office for a new release area or a new housing estate.

(5) Subclause (3) (d) does not apply to the temporary use of a dwelling as a sales office mentioned
in subclause (4).

Land Use Table

Note. Part 6 of this Precinct Plan sets out local provisions which include additional permissible land uses and heads of consideration for assessment.

Zone RU6 Transition

1 Objectives of zone

• To protect and maintain land that provides a transition between rural and other land uses of varying intensities or environmental sensitivities.

• To minimise conflict between land uses within this zone and land uses within adjoining zones.

2 Permitted without consent

Home occupations; Roads

3 Permitted with consent

Agricultural produce industries; Dual occupancies; Dwelling houses; Eco-tourist facilities; Extensive agriculture; Farm buildings; Farm stay accommodation; Flood mitigation works; Home businesses; Recreation areas; Recreation facilities (outdoor); Registered clubs; Water recreation structures

4 Prohibited

Any development not specified in item 2 or 3

Zone R2 Low Density Residential

1 Objectives of zone

• To provide for the housing needs of the community within a low density residential environment.

• To enable other land uses that provide facilities or services to meet the day to day needs of residents.

• To allow residents to carry out a reasonable range of activities from their homes, where such activities are not likely to adversely affect the living environment of neighbours.

• To support the well-being of the community, by enabling educational, recreational, community, religious and other activities where compatible with the amenity of a low density residential environment.

2 Permitted without consent

Home occupations

3 Permitted with consent

Bed and breakfast accommodation; Boarding houses; Business identification signs; Centre-based child care facilities; Community facilities; Drainage; Dual occupancies; Dwelling houses; Earthworks; Educational establishments; Environmental protection works; Exhibition homes;
Exhibition villages; Group homes; Health consulting rooms; Home-based child care; Home businesses; Home industries; Information and education facilities; Neighbourhood shops; Places of public worship; Roads; Secondary dwellings; Semi-detached dwellings; Seniors housing; Shop top housing; Studio dwellings; Veterinary hospitals

4 Prohibited

Any development not specified in item 2 or 3

Zone R3  Medium Density Residential

1 Objectives of zone

• To provide for the housing needs of the community within a medium density residential environment.

• To provide a variety of housing types within a medium density residential environment.

• To enable other land uses that provide facilities or services to meet the day to day needs of residents.

• To support the well-being of the community by enabling educational, recreational, community, religious and other activities where compatible with the amenity of a medium density residential environment.

2 Permitted without consent

Home occupations

3 Permitted with consent

Attached dwellings; Bed and breakfast accommodation; Boarding houses; Business identification signs; Centre-based child care facilities; Community facilities; Dual occupancies; Dwelling houses; Group homes; Manor homes; Multi dwelling housing; Neighbourhood shops; Places of public worship; Residential flat buildings; Respite day care centres; Semi-detached dwellings; Seniors housing; Shop top housing; Studio dwellings; Any other development not specified in item 2 or 4

4 Prohibited

Agriculture; Air transport facilities; Airstrips; Amusement centres; Boat repair facilities; Boat sheds; Business premises; Caravan parks; Cemeteries; Charter and tourism boating facilities; Correctional centres; Crematoria; Depots; Entertainment facilities; Extractive industries; Freight transport facilities; Function centres; Helipads; Highway service centres; Home occupations (sex services); Industrial retail outlets; Industries; Information and education facilities; Marinas; Mortuaries; Office premises; Passenger transport facilities; Public administration buildings; Recreation facilities (indoor); Recreation facilities (major); Recreation facilities (outdoor); Registered clubs; Restriction facilities; Retail premises; Rural industries; Rural supplies; Rural workers’ dwellings; Service stations; Sex services premises; Signage; Storage premises; Tourist and visitor accommodation; Transport depots; Truck depots; Vehicle body repair workshops; Vehicle repair stations; Waste or resource management facilities; Wholesale supplies
Zone B2  Local Centre

1 Objectives of zone

- To provide a range of retail, business, entertainment and community uses that serve the needs of people who live in, work in and visit the local area.
- To encourage employment opportunities in accessible locations.
- To maximise public transport patronage and encourage walking and cycling.

2 Permitted without consent

Home occupations

3 Permitted with consent

Boarding houses; Business premises; Centre-based child care facilities; Community facilities; Educational establishments; Entertainment facilities; Function centres; Information and education facilities; Medical centres; Office premises; Passenger transport facilities; Recreation facilities (indoor); Registered clubs; Respite day care centres; Retail premises; Service stations; Sewerage systems; Shop top housing; Tourist and visitor accommodation; Vehicle repair stations; Any other development not specified in item 2 or 4

4 Prohibited

Agriculture; Air transport facilities; Airstrips; Biosolids treatment facilities; Boat repair facilities; Boat sheds; Caravan parks; Cemeteries; Correctional centres; Crematoria; Depots; Electricity generating works; Exhibition villages; Extractive industries; Farm buildings; Freight transport facilities; Funeral chapels; Funeral homes; Helipads; Highway service centres; Home occupations (sex services); Industrial retail outlets; Industries; Mortuaries; Residential accommodation; Restricted premises; Roadside stalls; Rural industries; Rural supplies; Rural workers’ dwellings; Sex services premises; Storage premises; Transport depots; Vehicle body repair workshops; Warehouse or distribution centres; Waste or resource management facilities

Zone B4  Mixed Use

1 Objectives of zone

- To provide a mixture of compatible land uses.
- To integrate suitable business, office, residential, retail and other development in accessible locations so as to maximise public transport patronage and encourage walking and cycling.
- To provide for residential development that contributes to the vitality of the local centre.
- To ensure that residential development adjacent to the local centre does not detract from the primary function of the centre, being to provide for retail, business, entertainment and community uses.
- To facilitate active retail, commercial, entertainment and community facility uses at ground level of mixed use developments.
- To provide for residential development that contributes to the vitality of the local centre.
• To ensure that residential development within the local centre does not detract from the primary function of the centre, being to provide for retail, business, entertainment and community uses.

• To encourage development that will contribute to the economic growth of, and creation of employment opportunities within, the City of Blacktown.

2 Permitted without consent

Home occupations

3 Permitted with consent

Boarding houses; Business premises; Centre-based child care facilities; Community facilities; Educational establishments; Entertainment facilities; Function centres; Highway service centres; Hotel or motel accommodation; Information and education facilities; Medical centres; Office premises; Passenger transport facilities; Recreation facilities (indoor); Registered clubs; Respite day care centres; Restricted premises; Retail premises; Seniors housing; Sewerage systems; Shop top housing; Any other development not specified in item 2 or 4

4 Prohibited

Agriculture; Air transport facilities; Airstrips; Biosolids treatment facilities; Boat repair facilities; Boat sheds; Caravan parks; Cemeteries; Correctional centres; Crematoria; Depots; Electricity generating works; Exhibition homes; Exhibition villages; Extractive industries; Farm buildings; Freight transport facilities; Funeral homes; Helipads; Home occupations (sex services); Industrial retail outlets; Industries; Mortuaries; Residential accommodation; Restricted premises; Roadside stalls; Rural industries; Rural supplies; Rural workers’ dwellings; Sex services premises; Storage premises; Transport depots; Vehicle body repair workshops; Warehouse or distribution centres; Waste or resource management facilities

Zone B6 Enterprise Corridor

1 Objectives of zone

• To promote businesses along main roads and to encourage a mix of compatible uses.

• To provide a range of employment uses (including business, office, retail and light industrial uses).

• To maintain the economic strength of centres by limiting retailing activity.

2 Permitted without consent

Nil

3 Permitted with consent

Business premises; Community facilities; Food and drink premises; Garden centres; Hardware and building supplies; Hotel or motel accommodation; Landscaping material supplies; Light industries; Passenger transport facilities; Plant nurseries; Roads; Service stations; Vehicle repair stations; Vehicle sales or hire premises; Warehouse or distribution centres; Wholesale supplies

4 Prohibited

Any development not specified in item 2 or 3
Zone IN1 General Industrial

1 Objectives of zone

• To provide a wide range of industrial and warehouse land uses.

• To encourage employment opportunities.

• To minimise any adverse effect of industry on other land uses.

• To support and protect industrial land for industrial uses.

2 Permitted without consent

Nil

3 Permitted with consent

Depots; Freight transport facilities; Garden centres; General industries; Hardware and building supplies; Industrial training facilities; Light industries; Neighbourhood shops; Places of public worship; Roads; Warehouse or distribution centres

4 Prohibited

Any development not specified in item 2 or 3

Zone SP2 Infrastructure

1 Objectives of zone

• To provide for infrastructure and related uses.

• To prevent development that is not compatible with or that may detract from the provision of infrastructure.

2 Permitted without consent

Nil

3 Permitted with consent

The purpose shown on the Land Zoning Map, including any development that is ordinarily incidental or ancillary to development for that purpose; Drainage; Earthworks; Environmental protection works; Flood mitigation works; Roads; Sewerage systems; Water recycling facilities; Waterbodies (artificial)

4 Prohibited

Any development not specified in item 2 or 3

Zone RE1 Public Recreation

1 Objectives of zone

• To enable land to be used for public open space or recreational purposes.

• To provide a range of recreational settings and activities and compatible land uses.
• To protect and enhance the natural environment for recreational purposes.

2 Permitted without consent

Nil

3 Permitted with consent

Building identification signs; Business identification signs; Community facilities; Drainage; Earthworks; Environmental facilities; Environmental protection works; Flood mitigation works; Kiosks; Recreation areas; Recreation facilities (indoor); Recreation facilities (outdoor); Roads; Sewerage systems; Waterbodies (artificial)

4 Prohibited

Any development not specified in item 2 or 3

Zone RE2  Private Recreation

1 Objectives of zone

• To enable land to be used for private open space or recreational purposes.
• To provide a range of recreational settings and activities and compatible land uses.
• To protect and enhance the natural environment for recreational purposes.

2 Permitted without consent

Nil

3 Permitted with consent

Caravan parks; Charter and tourism boating facilities; Community facilities; Drainage; Electricity generating works; Environmental facilities; Environmental protection works; Extensive agriculture; Flood mitigation works; Hotel or motel accommodation; Information and education facilities; Kiosks; Recreation areas; Recreation facilities (indoor); Recreation facilities (major); Recreation facilities (outdoor); Registered clubs; Restaurants; Roads; Sewerage systems; Signage; Water supply systems; Waterbodies (artificial)

4 Prohibited

Any development not specified in item 2 or 3

Zone E2  Environmental Conservation

1 Objectives of zone

• To protect, manage and restore areas of high ecological, scientific, cultural or aesthetic values.
• To prevent development that could destroy, damage or otherwise have an adverse effect on those values.

2 Permitted without consent

Nil
3 Permitted with consent

Drainage; Earthworks; Environmental facilities; Environmental protection works; Flood mitigation works; Information and education facilities; Kiosks; Recreation areas; Roads; Signage; Waterbodies (artificial)

4 Prohibited

Any development not specified in item 2 or 3

Zone E3 Environmental Management

1 Objectives of zone

• To protect, manage and restore areas with special ecological, scientific, cultural or aesthetic values.

• To provide for a limited range of development that does not have an adverse effect on those values.

2 Permitted without consent

Nil

3 Permitted with consent

Bed and breakfast accommodation; Community facilities; Drainage; Dwelling houses; Environmental facilities; Environmental protection works; Flood mitigation works; Home businesses; Home industries; Intensive plant agriculture; Places of public worship; Recreation areas; Recreation facilities (outdoor); Roads; Sewerage systems; Waterbodies (artificial)

4 Prohibited

Industries; Multi dwelling housing; Residential flat buildings; Retail premises; Seniors housing; Service stations; Warehouse or distribution centres; Any other development not specified in item 2 or 3

Zone E4 Environmental Living

1 Objectives of zone

• To provide for low-impact residential development in areas with special ecological, scientific or aesthetic values.

• To ensure that residential development does not have an adverse effect on those values.

2 Permitted without consent

Home occupations

3 Permitted with consent

Dwelling houses; Environmental protection works; Roads

4 Prohibited

Industries; Service stations; Warehouse or distribution centres; Any other development not specified in item 2 or 3
Part 3

3.1–3.3 (Repealed)

Part 4 Principal development standards

4.1 Minimum subdivision lot size

(1) The objectives of this clause are as follows—
(a) to ensure that the minimum size for lots is sufficient for the provision of usable areas for building and open space,
(b) to facilitate and encourage a range of residential lot types, in particular, small lot housing,
(c) to encourage the efficient use of land for residential purposes.

(2) This clause applies to a subdivision of any land shown on the Lot Size Map that requires development consent and that is carried out after the commencement of this Precinct Plan.

(3) The size of any lot resulting from any such subdivision of land to which this clause applies is not to be less than the minimum size shown on the Lot Size Map in relation to that land.

(4) This clause does not apply in relation to the subdivision of individual lots in a strata plan.

4.1AA Subdivision resulting in lots between 225–300m$^2$

(1) This clause applies to land in the following zones—
(a) Zone R2 Low Density Residential,
(b) Zone R3 Medium Density Residential.

(2) Development consent may be granted to the subdivision of land to which this clause applies resulting in the creation of a lot that has an area of less than 300m$^2$ (but not less than 225m$^2$), if the consent authority is satisfied that the lot will contain a sufficient building envelope to enable the erection of a dwelling house on the lot.

(3) This clause does not apply to a subdivision that is the subject of a development application under clause 4.1AD (2) (b), 4.1AE (2) (b) or 4.1AF.

4.1A Minimum lot sizes for residential development in non-residential zones

(1) The objectives of this clause are as follows—
(a) to establish minimum lot sizes for residential development,
(b) to ensure that residential development results in the efficient use of land and contributes to the supply of new housing in the North West Growth Centre,
(c) to ensure that residential development has adequate usable areas for buildings and open space,
(d) to ensure that residential development is compatible with the character of the locality and with surrounding residential areas,
(e) to facilitate and encourage the provision of a range of dwelling types.

(2) This clause applies to development on land for which no minimum lot size is shown on the Lot Size Map.

(3) The minimum lot size for development for the purposes of dual occupancies is 500m$^2$.

(4) This clause does not apply to the residential development of land in Zone R2 Low Density Residential or Zone R3 Medium Density Residential.

**4.1AB Minimum lot sizes for residential development in Zone R2 Low Density Residential and Zone R3 Medium Density Residential**

(1) The objectives of this clause are as follows—

(a) to establish minimum lot sizes for residential development in Zone R2 Low Density Residential and Zone R3 Medium Density Residential,

(b) to ensure that residential development in the Marsden Park Precinct, the Riverstone East Precinct and the West Schofields (Townson Road) Precinct results in the efficient use of land and contributes to the supply of new housing in the North West Growth Centre,

(c) to ensure that residential development has adequate usable areas for buildings and open space,

(d) to ensure that residential development in the Marsden Park Precinct, the Riverstone East Precinct and the West Schofields (Townson Road) Precinct is compatible with the character of the locality and with surrounding residential areas,

(e) to facilitate and encourage the provision of a range of residential lot types, in particular, small lot housing.

(2) This clause applies to land in the following zones—

(a) Zone R2 Low Density Residential,

(b) Zone R3 Medium Density Residential.

(3) The minimum lot size for a dwelling house is—

(a) 360m$^2$ if the dwelling density (per hectare) shown on the Residential Density Map in relation to the land is 11, or

(b) 300m$^2$ if the dwelling density (per hectare) shown on the Residential Density Map in relation to the land is 15, 25 or 35.

(4) The minimum lot size for a dual occupancy is—

(a) 600m$^2$ if the dwelling density (per hectare) shown on the Residential Density Map in relation to the land is 11, or

(b) 500m$^2$ if the dwelling density (per hectare) shown on the Residential Density Map in relation to the land is 15, or
(c) 400m² if the dwelling density (per hectare) shown on the Residential Density Map in relation to the land is 25, or

(d) 300m² if the dwelling density (per hectare) shown on the Residential Density Map in relation to the land is 35.

(5) The minimum lot size for a semi-detached dwelling is—

(a) 300m² if the dwelling density (per hectare) shown on the Residential Density Map in relation to the land is 11, or

(b) 200m² if the dwelling density (per hectare) shown on the Residential Density Map in relation to the land is 15, or

(c) 125m² if the dwelling density (per hectare) shown on the Residential Density Map in relation to the land is 25 or 35.

(6) The minimum lot size for an attached dwelling is—

(a) 1,500m² if the dwelling density (per hectare) shown on the Residential Density Map in relation to the land is 15, or

(b) 375m² if the dwelling density (per hectare) shown on the Residential Density Map in relation to the land is 25 or 35.

(7) The minimum lot size for multi dwelling housing is—

(a) 1,500m² if the dwelling density (per hectare) shown on the Residential Density Map in relation to the land is 15, or

(b) 375m² if the dwelling density (per hectare) shown on the Residential Density Map in relation to the land is 25 or 35.

(8) The minimum lot size for a manor home is 600m² if the dwelling density (per hectare) shown on the Residential Density Map in relation to the land is 25 or 35.

(9) The minimum lot size for a residential flat building is—

(a) 2,000m² if the dwelling density (per hectare) shown on the Residential Density Map in relation to the land is 25, or

(b) 1,000m² if the dwelling density (per hectare) shown on the Residential Density Map in relation to the land is 35.

4.1AC Minimum lot sizes for secondary dwellings in Zone R2 Low Density Residential and Zone R3 Medium Density Residential

(1) This clause applies to land in the following zones—

(a) Zone R2 Low Density Residential,

(b) Zone R3 Medium Density Residential.

(2) The minimum lot size for a secondary dwelling on land in Zone R2 Low Density Residential is
(3) The minimum lot size for a secondary dwelling on land in Zone R3 Medium Density Residential is the minimum lot size for the principal dwelling in conjunction with which the secondary dwelling is established, determined in accordance with clause 4.1AB.

(4) For the purposes of this clause, a reference to the lot size—

(a) in relation to land in Zone R2 Low Density Residential, means the size of that part of the lot that is in Zone R2 Low Density Residential, and

(b) in relation to land in Zone R3 Medium Density Residential, means the size of that part of the lot that is in Zone R3 Medium Density Residential, and

(c) does not include the size of land in any other zone.

4.1AD Exceptions to minimum lot sizes for dwelling houses

(1) This clause applies to the following—

(a) a lot in Zone R2 Low Density Residential that has an area of less than 300m² (but not less than 250m²),

(b) a lot in Zone R3 Medium Density Residential that has an area of less than 300m² (but not less than 225m²).

(2) Despite clause 4.1AB, development consent may be granted to the erection of a dwelling house on a lot to which this clause applies if—

(a) the lot results from a subdivision to which development consent has been granted in accordance with clause 4.1AA and, in determining the development application for the erection of the dwelling house, the consent authority considers any information that it considered for the purposes of that clause in determining the development application for that subdivision, or

(b) the development application is a single development application for development consisting of both of the following—

(i) the subdivision of land into 2 or more lots,

(ii) the erection of the dwelling house on one of the lots resulting from the subdivision.

4.1AE Exceptions to minimum lot sizes for dwelling houses on other lots in Zone R2 Low Density Residential

(1) This clause applies to a lot in Zone R2 Low Density Residential that has an area of less than 250m² (but not less than 225m²) if the dwelling density (per hectare) shown on the Residential Density Map in relation to the land is 15.

(2) Despite clause 4.1AB (3), development consent may be granted to the erection of a dwelling house on a lot to which this clause applies if the lot meets the requirements of subclause (3) and—

(a) the lot results from a subdivision to which development consent has been granted in
accordance with clause 4.1AA and, in determining the development application for the erection of the dwelling house, the consent authority considers any information that it considered for the purposes of that clause in determining the development application for that subdivision, or

(b) the development application is a single development application for development consisting of both of the following—

(i) the subdivision of land into 2 or more lots,

(ii) the erection of the dwelling house on one of the lots resulting from the subdivision.

(3) A lot meets the requirements of this subclause if—

(a) the lot adjoins land in Zone RE1 Public Recreation, or is separated from land in that zone only by a public road, or

(b) the lot adjoins land in Zone B2 Local Centre or Zone B4 Mixed Use, or is separated from land in any of those zones only by a public road, or

(c) the lot is within 400m of land in Zone B2 Local Centre and—

(i) adjoins land in Zone SP2 Infrastructure that is set aside for drainage or educational purposes, or

(ii) is separated from land in Zone SP2 Infrastructure that is set aside for drainage or educational purposes only by a public road.

(4) Despite subclause (2), development consent must not be granted to the erection of a dwelling house to which this clause applies unless the consent authority is satisfied that the dwelling house—

(a) will not adversely impact on the amenity of adjoining residential properties, and

(b) will be designed and orientated to provide active frontages to and surveillance of the public recreation or drainage land, and

(c) will not adversely impact on or limit solar access to adjoining residential or public open space land.

4.1AF Exceptions to minimum lot sizes for dwelling houses on small lots

(1) This clause applies to lot in Zone R3 Medium Density Residential that has an area less than 225m² (but not less than 125m²).

(2) Despite clause 4.1AB (3), development consent may be granted to the erection of a dwelling house on a lot to which this clause applies if the development application is a single development application for development consisting of both of the following—

(a) the subdivision of land into 2 or more lots,

(b) the erection of the dwelling house on one of the lots resulting from the subdivision.
4.1AG Minimum lot sizes in split zones

(1) This clause applies to each lot that contains land in Zone R2 Low Density Residential or Zone R3 Medium Density Residential and land in any other zone.

(2) For the purposes of clauses 4.1AA–4.1AF, a reference to the area of a lot—
   (a) in relation to land in Zone R2 Low Density Residential, means the area of that part of the lot that is in Zone R2 Low Density Residential, and
   (b) in relation to land in Zone R3 Medium Density Residential, means the area of that part of the lot that is in Zone R3 Medium Density Residential, and
   (c) does not include any part of the lot that is in any other zone.

4.1B Residential density

(1) The objectives of this clause are—
   (a) to establish minimum density requirements for residential development, and
   (b) to ensure that residential development makes efficient use of land and infrastructure and contributes to the availability of new housing, and
   (c) to ensure that the scale of residential development is compatible with the character of the precinct and adjoining land.

(2) This clause applies to residential development of the kind referred to in clause 4.1AB (3) or 4.1AC that—
   (a) is carried out on land to which this Precinct Plan applies that is shown on the Residential Density Map, and
   (b) requires development consent, and
   (c) is carried out after the commencement of this Precinct Plan.

(3) The density of any residential development to which this clause applies is not to be less than the density shown on the Residential Density Map in relation to that land.

(4) Despite subclause (3), the residential density in the area marked “L” and coloured yellow on the Residential Density Map must not exceed 11 dwellings per hectare.

(5) In this clause—
   
   density means the net developable area in hectares of the land on which the development is situated divided by the number of dwellings proposed to be located on that land.

   net developable area means the land occupied by the development, including internal streets plus half the width of any adjoining access roads that provide vehicular access, but excluding land that is not zoned for residential purposes.

4.3 Height of buildings

(1) The objectives of this clause are as follows—
(a) to establish the maximum height of buildings,
(b) to minimise visual impact and protect the amenity of adjoining development and land in terms of solar access to buildings and open space,
(c) to facilitate higher density development in and around commercial centres and major transport routes.

(2) The height of a building on any land is not to exceed the maximum height shown for the land on the Height of Buildings Map.

4.4 Floor space ratio

(1) The objective of this clause is to control the bulk and scale of buildings by setting maximum floor space ratios for development.

(2) The floor space ratio for a building on any land is not to exceed the maximum floor space ratio shown for the land on the Floor Space Ratio Map.

4.5 Calculation of floor space ratio and site area

(1) Objectives The objectives of this clause are as follows—

(a) to define floor space ratio,
(b) to set out rules for the calculation of the site area of development for the purpose of applying permitted floor space ratios, including rules to—

(i) prevent the inclusion in the site area of an area that has no significant development being carried out on it, and
(ii) prevent the inclusion in the site area of an area that has already been included as part of a site area to maximise floor space area in another building, and
(iii) require community land and public places to be dealt with separately.

(2) Definition of “floor space ratio” The floor space ratio of buildings on a site is the ratio of the gross floor area of all buildings within the site to the site area.

(3) Site area In determining the site area of proposed development for the purpose of applying a floor space ratio, the site area is taken to be—

(a) if the proposed development is to be carried out on only one lot, the area of that lot, or
(b) if the proposed development is to be carried out on 2 or more lots, the area of any lot on which the development is proposed to be carried out that has at least one common boundary with another lot on which the development is being carried out.

In addition, subclauses (4)–(7) apply to the calculation of site area for the purposes of applying a floor space ratio to proposed development.

(4) Exclusions from site area The following land must be excluded from the site area—

(a) land on which the proposed development is prohibited, whether under this Precinct Plan or
(b) community land or a public place (except as provided by subclause (7)).

(5) **Strata subdivisions** The area of a lot that is wholly or partly on top of another or others in a strata subdivision is to be included in the calculation of the site area only to the extent that it does not overlap with another lot already included in the site area calculation.

(6) **Only significant development to be included** The site area for proposed development must not include a lot additional to a lot or lots on which the development is being carried out unless the proposed development includes significant development on that additional lot.

(7) **Certain public land to be separately considered** For the purpose of applying a floor space ratio to any proposed development on, above or below community land or a public place, the site area must only include an area that is on, above or below that community land or public place, and is occupied or physically affected by the proposed development, and may not include any other area on which the proposed development is to be carried out.

(8) **Existing buildings** The gross floor area of any existing or proposed buildings within the vertical projection (above or below ground) of the boundaries of a site is to be included in the calculation of the total floor space for the purposes of applying a floor space ratio, whether or not the proposed development relates to all of the buildings.

(9) **Covenants to prevent “double dipping”** When development consent is granted to development on a site comprised of 2 or more lots, a condition of the consent may require a covenant to be registered that prevents the creation of floor area on a lot (the restricted lot) if the consent authority is satisfied that an equivalent quantity of floor area will be created on another lot only because the site included the restricted lot.

(10) **Covenants affect consolidated sites** If—

(a) a covenant of the kind referred to in subclause (9) applies to any land (affected land), and

(b) proposed development relates to the affected land and other land that together comprise the site of the proposed development,

the maximum amount of floor area allowed on the other land by the floor space ratio fixed for the site by this Precinct Plan is reduced by the quantity of floor space area the covenant prevents being created on the affected land.

(11) **Definition** In this clause, **public place** has the same meaning as it has in the **Local Government Act 1993**.

### 4.6 Exceptions to development standards

(1) The objectives of this clause are as follows—

(a) to provide an appropriate degree of flexibility in applying certain development standards to particular development,

(b) to achieve better outcomes for and from development by allowing flexibility in particular circumstances.
(2) Development consent may, subject to this clause, be granted for development even though the
development would contravene a development standard imposed by this or any other
environmental planning instrument. However, this clause does not apply to a development
standard that is expressly excluded from the operation of this clause.

(3) Development consent must not be granted for development that contravenes a development
standard unless the consent authority has considered a written request from the applicant that
seeks to justify the contravention of the development standard by demonstrating—

(a) that compliance with the development standard is unreasonable or unnecessary in the
circumstances of the case, and

(b) that there are sufficient environmental planning grounds to justify contravening the
development standard.

(4) Development consent must not be granted for development that contravenes a development
standard unless—

(a) the consent authority is satisfied that—

(i) the applicant’s written request has adequately addressed the matters required to be
demonstrated by subclause (3), and

(ii) the proposed development will be in the public interest because it is consistent with the
objectives of the particular standard and the objectives for development within the zone
in which the development is proposed to be carried out, and

(b) the concurrence of the Director-General has been obtained.

(5) In deciding whether to grant concurrence, the Director-General must consider—

(a) whether contravention of the development standard raises any matter of significance for
State or regional environmental planning, and

(b) the public benefit of maintaining the development standard, and

(c) any other matters required to be taken into consideration by the Director-General before
granting concurrence.

(6) Development consent must not be granted under this clause for a subdivision of land in Zone E2
Environmental Conservation, Zone RU6 Transition or Zone E3 Environmental Management
if—

(a) the subdivision will result in 2 or more lots of less than the minimum area specified for such
lots by a development standard, or

(b) the subdivision will result in at least one lot that is less than 90% of the minimum area
specified for such a lot by a development standard.

(7) After determining a development application made pursuant to this clause, the consent authority
must keep a record of its assessment of the factors required to be addressed in the applicant’s
written request referred to in subclause (3).

(8) This clause does not allow development consent to be granted for development that would
contravene any of the following—

(a) a development standard for complying development,

(b) a development standard that arises, under the regulations under the Act, in connection with a commitment set out in a BASIX certificate for a building to which *State Environmental Planning Policy (Building Sustainability Index: BASIX)* 2004 applies or for the land on which such a building is situated,

(c) clause 5.4.

**Part 5 Miscellaneous provisions**

**5.1 Relevant acquisition authority**

(1) The objective of this clause is to identify, for the purposes of section 3.15 of the Act, the authority of the State that will be the relevant authority to acquire land reserved for certain public purposes if the land is required to be acquired under Division 3 of Part 2 of the *Land Acquisition (Just Terms Compensation) Act 1991* (the owner-initiated acquisition provisions).

**Note.** If the landholder will suffer hardship if there is any delay in the land being acquired by the relevant authority, section 23 of the *Land Acquisition (Just Terms Compensation) Act 1991* requires the authority to acquire the land.

(2) The authority of the State that will be the relevant authority to acquire land, if the land is required to be acquired under the owner-initiated acquisition provisions, is the authority of the State specified below in relation to the land shown on the Land Reservation Acquisition Map (or, if an authority of the State is not specified in relation to land required to be so acquired, the authority designated or determined under those provisions).

<table>
<thead>
<tr>
<th>Type of land shown on Map</th>
<th>Authority of the State</th>
</tr>
</thead>
<tbody>
<tr>
<td>Zone RE1 Public Recreation and marked “Local open space”</td>
<td>Council</td>
</tr>
<tr>
<td>Zone SP2 Infrastructure and marked “Local drainage”</td>
<td>Council</td>
</tr>
<tr>
<td>Zone SP2 Infrastructure and marked “Local road”</td>
<td>Council</td>
</tr>
<tr>
<td>Zone SP2 Infrastructure and marked “Local road widening”</td>
<td>Council</td>
</tr>
<tr>
<td>Zone SP2 Infrastructure and marked “Community Facilities”</td>
<td>Council</td>
</tr>
<tr>
<td>Zone SP2 Infrastructure and marked “Classified Roads and Maritime Services Road”</td>
<td>Roads and Maritime Services</td>
</tr>
<tr>
<td>Zone SP2 Infrastructure and marked “Classified Roads and Maritime Services Road Widening”</td>
<td>Roads and Maritime Services</td>
</tr>
<tr>
<td>Zone SP2 Infrastructure and marked “Sewage Pumping Station”</td>
<td>Sydney Water Corporation</td>
</tr>
</tbody>
</table>
(3) Development on land acquired by an authority of the State under the owner-initiated acquisition provisions may, before it is used for the purpose for which it is reserved, be carried out, with development consent, for any purpose.

Note. If land, other than land specified in the table to subclause (2), is required to be acquired under the owner-initiated acquisition provisions, the Minister for Planning and Infrastructure is required to take action to enable the designation of the acquiring authority under this Part. Pending the designation of the acquiring authority for that land, the acquiring authority is to be the authority determined by order of the Minister for Planning and Infrastructure (see section 21 of the Land Acquisition (Just Terms Compensation) Act 1991).

5.2 Classification and reclassification of public land

(1) The objective of this clause is to enable the Council to classify or reclassify public land as “operational land” or “community land” in accordance with Part 2 of Chapter 6 of the Local Government Act 1993.

Note. Under the Local Government Act 1993, “public land” is generally land vested in or under the control of a council (other than roads and certain Crown land). The classification or reclassification of public land may also be made by a resolution of the Council under section 31, 32 or 33 of the Local Government Act 1993. Section 30 of that Act enables this Precinct Plan to discharge trusts on which public reserves are held if the land is reclassified under this Precinct Plan as operational land.

(2) The public land described in Part 1 or Part 2 of Schedule 4 to this Appendix is classified, or reclassified, as operational land for the purposes of the Local Government Act 1993.

(3) The public land described in Part 3 of Schedule 4 to this Appendix is classified, or reclassified, as community land for the purposes of the Local Government Act 1993.

(4) The public land described in Part 1 of Schedule 4 to this Appendix—

(a) does not cease to be a public reserve to the extent (if any) that it is a public reserve, and

(b) continues to be affected by any trusts, estates, interests, dedications, conditions, restrictions or covenants that affected the land before its classification, or reclassification, as operational land.

(5) The public land described in Part 2 of Schedule 4 to this Appendix, to the extent (if any) that it is a public reserve, ceases to be a public reserve when the description of the land is inserted into that Part and is discharged from all trusts, estates, interests, dedications, conditions, restrictions and covenants affecting the land or any part of the land, except—

(a) those (if any) specified for the land in Column 3 of Part 2 of Schedule 4 to this Appendix, and

(b) any reservations that except land out of the Crown grant relating to the land, and

(c) reservations of minerals (within the meaning of the Crown Land Management Act 2016).

Note. In accordance with section 30 (2) of the Local Government Act 1993, the approval of the Governor to subclause (5) applying to the public land concerned is required before the description of the land is inserted in Part 2 of Schedule 4 to this Appendix.

5.3 Development near zone boundaries

(1) The objective of this clause is to provide flexibility where the investigation of a site and its surroundings reveals that a use allowed on the other side of a zone boundary would enable a
more logical and appropriate development of the site and be compatible with the planning objectives and land uses for the adjoining zone.

(2) This clause applies to so much of any land—
   
   (a) that is within 50 metres of a boundary between Zone RE1 Public Recreation and any other zone, or
   
   (b) that is within 100 metres of a boundary between any 2 other zones.

(3) This clause does not apply to—
   
   (a) land in Zone E2 Environmental Conservation, Zone E3 Environmental Management or Zone RU6 Transition, or
   
   (b) land within a coastal area, or
   
   (c) land proposed to be developed for the purpose of sex services or restricted premises.

(4) Despite the provisions of this Precinct Plan relating to the purposes for which development may be carried out, development consent may be granted to development of land to which this clause applies for any purpose that may be carried out in the adjoining zone, but only if the consent authority is satisfied that—
   
   (a) the development is not inconsistent with the objectives for development in both zones, and
   
   (b) the carrying out of the development is desirable due to compatible land use planning, infrastructure capacity and other planning principles relating to the efficient and timely development of land, and
   
   (c) the total area of Zone RE1 Public Recreation land will not be reduced.

(5) This clause does not prescribe a development standard that may be varied under this Precinct Plan.

5.4 Controls relating to miscellaneous permissible uses

(1) **Bed and breakfast accommodation** If development for the purposes of bed and breakfast accommodation is permitted under this Precinct Plan, the accommodation that is provided to guests must consist of no more than 3 bedrooms.

   **Note.** Any such development that provides for a certain number of guests or rooms may involve a change in the class of building under the [Building Code of Australia](https://www.bca.com.au/).

(2) **Home businesses** If development for the purposes of a home business is permitted under this Precinct Plan, the carrying on of the business must not involve the use of more than 30 square metres of floor area.

(3) **Home industries** If development for the purposes of a home industry is permitted under this Precinct Plan, the carrying on of the home industry must not involve the use of more than 30 square metres of floor area.

(4) **Industrial retail outlets** If development for the purposes of an industrial retail outlet is permitted under this Precinct Plan, the retail floor area must not exceed—
(a) 40% of the gross floor area of the industry or rural industry located on the same land as the retail outlet, or

(b) 400 square metres,

whichever is the lesser.

(5) **Farm stay accommodation** If development for the purposes of farm stay accommodation is permitted under this Precinct Plan, the accommodation that is provided to guests must consist of no more than 3 bedrooms.

(6) **Kiosks** If development for the purposes of a kiosk is permitted under this Precinct Plan, the gross floor area must not exceed 30 square metres.

(7) **Neighbourhood shops** If development for the purposes of a neighbourhood shop is permitted under this Precinct Plan, the retail floor area must not exceed 100 square metres.

(8) **Roadside stalls** If development for the purposes of a roadside stall is permitted under this Precinct Plan, the gross floor area must not exceed 8 square metres.

(9) **Secondary dwellings** If development for the purposes of a secondary dwelling is permitted under this Precinct Plan, the total floor area of the dwelling (excluding any area used for parking) must not exceed whichever of the following is the greater—

(a) 110 square metres,

(b) 30% of the total floor area of the principal dwelling.

### 5.6 Architectural roof features

(1) The objectives of this clause are as follows—

(a) to ensure that architectural roof features are decorative elements only, and

(b) to ensure that the majority of the roof features are contained within the prescribed building height.

(2) Development that includes an architectural roof feature that exceeds, or causes a building to exceed, the height limits set by clause 4.3 may be carried out, but only with development consent.

(3) Development consent must not be granted to any such development unless the consent authority is satisfied that—

(a) the architectural roof feature—

(i) comprises a decorative element on the uppermost portion of a building, and

(ii) is not an advertising structure, and

(iii) does not include floor space area and is not reasonably capable of modification to include floor space area, and

(iv) will cause minimal overshadowing, and
5.8 Conversion of fire alarms

(1) This clause applies to a fire alarm system that can be monitored by Fire and Rescue NSW or by a private service provider.

(2) The following development may be carried out, but only with development consent—

(a) converting a fire alarm system from connection with the alarm monitoring system of Fire and Rescue NSW to connection with the alarm monitoring system of a private service provider,

(b) converting a fire alarm system from connection with the alarm monitoring system of a private service provider to connection with the alarm monitoring system of another private service provider,

(c) converting a fire alarm system from connection with the alarm monitoring system of a private service provider to connection with a different alarm monitoring system of the same private service provider.

(3), (4) (Repealed)

(5) In this clause—

private service provider means a person or body that has entered into an agreement that is in force with Fire and Rescue NSW to monitor fire alarm systems.

5.9 Preservation of trees or vegetation

(1) The objective of this clause is to preserve the amenity of the area through the preservation of trees and other vegetation.

(2) This clause applies to species or kinds of trees or other vegetation that are prescribed for the purposes of this clause by a development control plan made by the Director-General.

Note. A development control plan may prescribe the trees or other vegetation to which this clause applies by reference to species, size, location or other manner.

(3) A person must not ringbark, cut down, top, lop, remove, injure or wilfully destroy any tree or other vegetation to which any such development control plan applies without the authority conferred by—

(a) development consent, or

(b) a permit granted by the Council.

(4) The refusal by the Council to grant a permit to a person who has duly applied for the grant of the permit is taken for the purposes of the Act to be a refusal by the Council to grant consent for the carrying out of the activity for which a permit was sought.

(5) This clause does not apply to a tree or other vegetation that the Council is satisfied is dying or...
dead and is not required as the habitat of native fauna.

(6) This clause does not apply to a tree or other vegetation that the Council is satisfied is a risk to human life or property.

(7) This clause does not apply to or in respect of—

(a) the clearing of native vegetation that is authorised by a development consent or property vegetation plan under the Native Vegetation Act 2003 or that is otherwise permitted under Division 2 or 3 of Part 3 of that Act, or

(b) the clearing of vegetation on State protected land (within the meaning of clause 4 of Schedule 3 to the Native Vegetation Act 2003) that is authorised by a development consent under the provisions of the Native Vegetation Conservation Act 1997 as continued in force by that clause, or

(c) trees or other vegetation within a State forest, or land reserved from sale as a timber or forest reserve under the Forestry Act 1916, or

(d) action required or authorised to be done by or under the Electricity Supply Act 1995, the Roads Act 1993 or the Surveying and Spatial Information Act 2002, or

(e) plants declared to be noxious weeds under the Noxious Weeds Act 1993, or

(f) native vegetation retention areas to which clause 6.3 of this Precinct Plan applies, or

(g) existing native vegetation to which clause 6.4 of this Precinct Plan applies.

5.10 Heritage conservation

Note. Heritage items (if any) are listed and described in Schedule 5 to this Precinct Plan. Heritage conservation areas (if any) are shown on the Heritage Map as well as being described in Schedule 5.

(1) Objectives The objectives of this clause are as follows—

(a) to conserve the environmental heritage of the Blacktown Growth Centres Precinct,

(b) to conserve the heritage significance of heritage items and heritage conservation areas, including associated fabric, settings and views,

(c) to conserve archaeological sites,

(d) to conserve Aboriginal objects and Aboriginal places of heritage significance.

(2) Requirement for consent Development consent is required for any of the following—

(a) demolishing or moving any of the following or altering the exterior of any of the following (including, in the case of a building, making changes to its detail, fabric, finish or appearance)—

(i) a heritage item,

(ii) an Aboriginal object,

(iii) a building, work, relic or tree within a heritage conservation area,
(b) altering a heritage item that is a building by making structural changes to its interior or by making changes to anything inside the item that is specified in Schedule 5 to this Policy in relation to the item,

(c) disturbing or excavating an archaeological site while knowing, or having reasonable cause to suspect, that the disturbance or excavation will or is likely to result in a relic being discovered, exposed, moved, damaged or destroyed,

(d) disturbing or excavating an Aboriginal place of heritage significance,

(e) erecting a building on land—
   (i) on which a heritage item is located or that is within a heritage conservation area, or
   (ii) on which an Aboriginal object is located or that is within an Aboriginal place of heritage significance,

(f) subdividing land—
   (i) on which a heritage item is located or that is within a heritage conservation area, or
   (ii) on which an Aboriginal object is located or that is within an Aboriginal place of heritage significance.

(3) **When consent not required** However, development consent under this clause is not required if—

(a) the applicant has notified the consent authority of the proposed development and the consent authority has advised the applicant in writing before any work is carried out that it is satisfied that the proposed development—
   (i) is of a minor nature or is for the maintenance of the heritage item, Aboriginal object, Aboriginal place of heritage significance or archaeological site or a building, work, relic, tree or place within the heritage conservation area, and
   (ii) would not adversely affect the heritage significance of the heritage item, Aboriginal object, Aboriginal place, archaeological site or heritage conservation area, or

(b) the development is in a cemetery or burial ground and the proposed development—
   (i) is the creation of a new grave or monument, or excavation or disturbance of land for the purpose of conserving or repairing monuments or grave markers, and
   (ii) would not cause disturbance to human remains, relics, Aboriginal objects in the form of grave goods, or to an Aboriginal place of heritage significance, or

(c) the development is limited to the removal of a tree or other vegetation that the Council is satisfied is a risk to human life or property, or

(d) the development is exempt development.

(4) **Effect of proposed development on heritage significance** The consent authority must, before granting consent under this clause in respect of a heritage item or heritage conservation area, consider the effect of the proposed development on the heritage significance of the item or area concerned. This subclause applies regardless of whether a heritage management document is
prepared under subclause (5) or a heritage conservation management plan is submitted under subclause (6).

(5) **Heritage assessment** The consent authority may, before granting consent to any development—

(a) on land on which a heritage item is located, or

(b) on land that is within a heritage conservation area, or

(c) on land that is within the vicinity of land referred to in paragraph (a) or (b),

require a heritage management document to be prepared that assesses the extent to which the carrying out of the proposed development would affect the heritage significance of the heritage item or heritage conservation area concerned.

(6) **Heritage conservation management plans** The consent authority may require, after considering the heritage significance of a heritage item and the extent of change proposed to it, the submission of a heritage conservation management plan before granting consent under this clause.

(7) **Archaeological sites** The consent authority must, before granting consent under this clause to the carrying out of development on an archaeological site (other than land listed on the State Heritage Register or to which an interim heritage order under the *Heritage Act 1977* applies)—

(a) notify the Heritage Council of its intention to grant consent, and

(b) take into consideration any response received from the Heritage Council within 28 days after the notice is sent.

(8) **Aboriginal places of heritage significance** The consent authority must, before granting consent under this clause to the carrying out of development in an Aboriginal place of heritage significance—

(a) consider the effect of the proposed development on the heritage significance of the place and any Aboriginal object known or reasonably likely to be located at the place by means of an adequate investigation and assessment (which may involve consideration of a heritage impact statement), and

(b) notify the local Aboriginal communities, in writing or in such other manner as may be appropriate, about the application and take into consideration any response received within 28 days after the notice is sent.

(9) **Demolition of nominated State heritage items** The consent authority must, before granting consent under this clause for the demolition of a nominated State heritage item—

(a) notify the Heritage Council about the application, and

(b) take into consideration any response received from the Heritage Council within 28 days after the notice is sent.

(10) **Conservation incentives** The consent authority may grant consent to development for any purpose of a building that is a heritage item or of the land on which such a building is erected, or for any purpose on an Aboriginal place of heritage significance, even though development for
that purpose would otherwise not be allowed by this Precinct Plan, if the consent authority is satisfied that—

(a) the conservation of the heritage item or Aboriginal place of heritage significance is facilitated by the granting of consent, and

(b) the proposed development is in accordance with a heritage management document that has been approved by the consent authority, and

(c) the consent to the proposed development would require that all necessary conservation work identified in the heritage management document is carried out, and

(d) the proposed development would not adversely affect the heritage significance of the heritage item, including its setting, or the heritage significance of the Aboriginal place of heritage significance, and

(e) the proposed development would not have any significant adverse effect on the amenity of the surrounding area.

5.11 Bush fire hazard reduction

Bush fire hazard reduction work authorised by the Rural Fires Act 1997 may be carried out on any land without development consent.

Note. The Rural Fires Act 1997 also makes provision relating to the carrying out of development on bush fire prone land.

5.12 Infrastructure development and use of existing buildings of the Crown

(1) This Precinct Plan does not restrict or prohibit, or enable the restriction or prohibition of, the carrying out of any development, by or on behalf of a public authority, that is permitted to be carried out with or without development consent, or that is exempt development, under State Environmental Planning Policy (Infrastructure) 2007.

(2) This Precinct Plan does not restrict or prohibit, or enable the restriction or prohibition of, the use of existing buildings of the Crown by the Crown.

5.13 Eco-tourist facilities

(1) The objectives of this clause are as follows—

(a) to maintain the environmental and cultural values of land on which development for the purposes of eco-tourist facilities is carried out,

(b) to provide for sensitively designed and managed eco-tourist facilities that have minimal impact on the environment both on and off-site.

(2) This clause applies if development for the purposes of an eco-tourist facility is permitted with development consent under this Precinct Plan.

(3) The consent authority must not grant consent under this Precinct Plan to carry out development for the purposes of an eco-tourist facility unless the consent authority is satisfied that—

(a) there is a demonstrated connection between the development and the ecological,
environmental and cultural values of the site or area, and

(b) the development will be located, constructed, managed and maintained so as to minimise any impact on, and to conserve, the natural environment, and

(c) the development will enhance an appreciation of the environmental and cultural values of the site or area, and

(d) the development will promote positive environmental outcomes and any impact on watercourses, soil quality, heritage and indigenous flora and fauna will be minimal, and

(e) the site will be maintained (or regenerated where necessary) to ensure the continued protection of natural resources and enhancement of the natural environment, and

(f) waste generation during construction and operation will be avoided and that any waste will be appropriately removed, and

(g) the development will be located to avoid visibility above ridgelines and against escarpments and from watercourses and that any visual intrusion will be minimised through the choice of design, colours materials and landscaping with local indigenous flora, and

(h) any infrastructure services to the site will be provided without significant modification to the environment, and

(i) any power and water to the site will, where possible, be provided through the use of passive heating and cooling, renewable energy sources and water efficient design, and

(j) the development will not adversely affect the agricultural productivity of adjoining land, and

(k) the following matters are addressed or provided for in a management strategy for minimising any impact on the natural environment—

   (i) measures to remove any threat of serious or irreversible environmental damage,

   (ii) the maintenance (or regeneration where necessary) of habitats,

   (iii) efficient and minimal energy and water use and waste output,

   (iv) mechanisms for monitoring and reviewing the effect of the development on the natural environment,

   (v) maintaining improvements on an on-going basis in accordance with relevant ISO 14000 standards relating to management and quality control.

**Part 6 Additional local provisions**

**6.1 Public utility infrastructure**

   (1) Development consent must not be granted for development on land to which this Precinct Plan applies unless the consent authority is satisfied that any public utility infrastructure that is essential for the proposed development is available or that adequate arrangements have been made to make that infrastructure available when it is required.
(2) This clause does not apply to development for the purpose of providing, extending, augmenting, maintaining or repairing any public utility infrastructure referred to in this clause.

(3) In this clause, public utility infrastructure includes infrastructure for any of the following—

(a) the supply of water,

(b) the supply of electricity,

(c) the disposal and management of sewage.

6.2 Information and education facilities in Zone R2 Low Density Residential

(1) The objectives of this clause are as follows—

(a) to permit, with development consent, information and education facilities within Zone R2 Low Density Residential in limited circumstances,

(b) to provide criteria for the location and development of information and education facilities within Zone R2 Low Density Residential in the Blacktown Growth Centres Precinct,

(c) to ensure that development for the purposes of information and education facilities does not detract from the character and amenity of land within Zone R2 Low Density Residential.

(2) Development for the purpose of information and education facilities is permissible with development consent only on land within Zone R2 Low Density Residential that—

(a) adjoins land within Zone E2 Environmental Conservation, or that is separated from land within Zone E2 Environmental Conservation only by a public road, or

(b) is within 90 metres of a public transport stop, or

(c) adjoins an educational establishment or a community facility or that is separated from an educational establishment or a community facility only by a public road.

(3) Development consent must not be granted for an information and education facility if it would be located within 800 metres of another information and educational facility within Zone R2 Low Density Residential.

6.3 Development controls—native vegetation retention areas

(1) The objective of this clause is to prevent the clearing of certain native vegetation.

(2) This clause applies to land—

(a) within a native vegetation retention area as shown on the Native Vegetation Protection Map, or

(b) within a riparian protection area as shown on the Riparian Protection Area Map.

(3) This clause does not apply to native vegetation that the Council is satisfied—

(a) is dying or dead and is not required as the habitat of native fauna, or

(b) is a risk to human life or property.
(4) This clause does not apply to any native vegetation—
   (a) within a State forest, or land reserved from sale as a timber or forest reserve under the
       Forestry Act 1916, or
   (b) declared to be noxious weeds under the Noxious Weeds Act 1993.

(5) A person must not clear native vegetation on land to which this clause applies without—
   (a) approval under Division 4.7 of the Act, or
   (b) development consent.

(6) Development consent under this clause is not to be granted unless the consent authority is
    satisfied of the following in relation to the disturbance of native vegetation—
    (a) that there is no reasonable alternative available to the disturbance of the native vegetation,
    (b) that as little native vegetation as possible will be disturbed,
    (c) that the disturbance of the native vegetation will not increase salinity,
    (d) that native vegetation disturbed for the purposes of construction will be reinstated where
        possible on completion of construction,
    (e) that the loss of remnant native vegetation caused by the disturbance will be compensated by
        revegetation on or near the land to avoid any net loss of remnant native vegetation,
    (f) that no more than 0.5 hectares of native vegetation will be cleared unless the clearing is
        essential for a previously permitted use of the land.

(7) The consent authority must, when determining a development application in respect of the
    clearing of native vegetation on land within a zone under this Precinct Plan, have regard to the
    objectives for development in that zone.

(8) This clause does not apply to or in respect of action required or authorised to be done by or
    under the Electricity Supply Act 1995, the Roads Act 1993, the Surveying and Spatial

6.4 Development controls—existing native vegetation

(1) The objective of this clause is to manage existing native vegetation in accordance with the
    relevant biodiversity measures under Part 7 of Schedule 7 to the Threatened Species

(2) This clause applies to land within an existing native vegetation area as shown on the Native
    Vegetation Protection Map.

(3) This clause does not apply to any vegetation declared to be noxious weeds under the Noxious

(4) The consent authority must not grant development consent for development on land to which this
    clause applies unless it is satisfied that the proposed development will not result in the clearing
    of any existing native vegetation (within the meaning of the relevant biodiversity measures
6.5 Development in Zone E2 Environmental Conservation

(1) This clause applies to land within Zone E2 Environmental Conservation (other than any such land owned by a public authority).

(2) Despite any other provision of this Precinct Plan, the consent authority must not grant development consent for development on land to which this clause applies unless it has considered a vegetation management plan that relates to all of that land.

(3) The vegetation management plan must address, to the satisfaction of the consent authority, the following matters—

(a) the environmental values of the land,

(b) methods to be used to revegetate and rehabilitate the land,

(c) weed control,

(d) the monitoring and ongoing management of the land,

(e) other measures—

   (i) to control threats to the health of any remnant riparian vegetation on the land, and

   (ii) to increase species diversification and riparian vegetation cover on the land, and

   (iii) to improve the land’s resistance to future weed colonisation.

6.6 Subdivision of land adjoining Zone E2 Environmental Conservation

(1) The objectives of this clause are as follows—

(a) to ensure the rehabilitation and revegetation of land that is within Zone E2 Environmental Conservation (other than any such land owned by a public authority),

(b) to ensure that land within that Zone is managed and conserved in a holistic and sensitive manner.

(2) This clause applies to any lot that includes land within Zone E2 Environmental Conservation and land within another zone.

(3) Despite any other provision of this Precinct Plan, the consent authority must not grant consent for subdivision of land to which this clause applies or any other development on that land unless it is satisfied that—

(a) appropriate arrangements have been made for the revegetation and rehabilitation of that land within Zone E2 Environmental Conservation, and

(b) those arrangements—

   (i) provide for the ongoing monitoring and management of that land, and

   (ii) will take effect before, or simultaneously with, the proposed subdivision or
development concerned, and

(iii) are appropriate when considered in conjunction with any vegetation management plan prepared in accordance with clause 6.5.

6.7 Sex services premises

(1) The objective of this clause is to minimise land use conflicts and adverse amenity impacts by providing a reasonable level of separation between sex services premises, specified land uses and places regularly frequented by children.

(2) Development consent must not be granted to development for the purposes of sex services premises if the premises will be located on land that adjoins, is directly opposite or is separated only by a local road from land—

(a) in Zone R2 Low Density Residential, Zone R3 Medium Density Residential or Zone RE1 Public Recreation, or

(b) used for the purposes of a centre-based child care facility, a community facility, a school or a place of public worship.

(3) In deciding whether to grant consent to development for the purposes of sex services premises, the consent authority must consider the impact the proposed development would have on any place likely to be regularly frequented by children.

6.8 Restricted premises

(1) Development consent must not be granted to development for the purposes of restricted premises if the premises will be located on land that abuts, or is separated only by a road from land—

(a) in Zone R2 Low Density Residential, Zone R3 Medium Density Residential or Zone RE1 Public Recreation, or

(b) used for the purposes of a community facility, school or place of public worship.

(2) In deciding whether to grant consent to development for the purposes of restricted premises, the consent authority must consider—

(a) the impact of the proposed development on places of high pedestrian activity, and

(b) the impact of the proposed development on land frequented by children for care, recreational or cultural purposes, and

(c) whether the appearance of the restricted premises is sufficiently discreet.

6.9 Active street frontages

(1) The objective of this clause is to promote uses that attract pedestrian traffic along ground floor street frontages in Zone B2 Local Centre.

(2) Development consent must not be granted to the erection of a building or a change of use of a building on land in Zone B2 Local Centre unless the consent authority is satisfied that the building will have an active street frontage after its erection or change of use.
Despite subclause (2), an active street frontage is not required for any part of a building that is used for any of the following—

(a) entrances and lobbies (including as part of mixed use development),

(b) access for fire services,

(c) vehicle access.

In this clause, a building has an active street frontage if all premises on the ground floor of the building facing the street are used for the purposes of business premises or retail premises.

6.10 Development of land within or adjacent to public transport corridor

(1) Consent must not be granted to development in the area marked “I” on the Land Zoning Map without the concurrence of Transport for NSW.

(2) In determining whether to provide concurrence, Transport for NSW is to take into account the likely effect of the development on—

(a) the practicability and cost of carrying out public transport projects on the land in the future,

and

(b) without limiting paragraph (a), the structural integrity or safety of, or ability to operate, public transport projects on the land in the future,

and

(c) without limiting paragraph (a), the land acquisition costs and the costs of construction, operation or maintenance of public transport projects on the land in the future.

6.11 Attached dwellings and multi dwelling housing in Zone R2 Low Density Residential

(1) The objectives of this clause are—

(a) to permit, with development consent, attached dwellings and multi dwelling housing in Zone R2 Low Density Residential in limited circumstances, and

(b) to provide location and development criteria that must be satisfied before development consent can be granted.

(2) Development for the purposes of attached dwellings or multi dwelling housing is permissible with development consent on land in Zone R2 Low Density Residential if the dwelling density (per hectare) shown on the Residential Density Map in relation to the land is 15 and the land—

(a) adjoins land in Zone RE1 Public Recreation, or is separated from land in that zone only by a public road, or

(b) adjoins land in Zone B2 Local Centre or Zone B4 Mixed Use, or is separated from land in any of those zones only by a public road, or

(c) is within 400m of land in Zone B2 Local Centre and—

(i) adjoins land in Zone SP2 Infrastructure that is set aside for drainage or educational purposes, or
(ii) is separated from land in Zone SP2 Infrastructure that is set aside for drainage or educational purposes only by a public road.

(3) Development must not be granted under this clause unless the consent authority is satisfied that—

(a) the attached dwellings or multi dwelling housing will not adversely impact on the amenity of any adjoining residential properties, and

(b) the attached dwellings or multi dwelling housing will be designed and orientated to provide active frontages to and surveillance of the public recreation drainage land, and

(c) the attached dwellings or multi dwelling housing will not adversely impact on or limit solar access to adjoining residential or public open space land.

(4) This clause has effect despite anything to the contrary in the Land Use Table or any other provision of this Precinct Plan.

Schedule 1 Additional permitted uses

(Clause 2.5)

1 Food and drink premises within Clydesdale Estate

On land within Zone RE2 Private Recreation that is within the Clydesdale Estate State Heritage Curtilage (SHR 674)—development for the purposes of food and drink premises.

2 Landfill works

On land being Lot 32, DP 1090993 within Zone RE1 Public Recreation—development for the purposes of landfill rehabilitation works, landfill post closure management and monitoring works, including any works required to comply with Licence 5273 issued under the *Protection of the Environment Operations Act 1997* or works in accordance with the surrender of that licence.

3 Gas processing system and associated plant and equipment

On land being Lot 31, DP 1090993 within Zone RE1 Public Recreation—development for the purposes of the operation of a gas processing system and associated plant and equipment for either landfill gas extraction, processing and flaring or generation of electricity from landfill gas, under development consent 03-5430 issued by Blacktown City Council on 29 July 2004.

Schedule 4 Classification and reclassification of public land

(Clause 5.2)

Part 1 Land classified, or reclassified, as operational land—no interests changed

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Schedule 5 Environmental heritage

Part 1 Heritage items

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<th>Address</th>
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<td>95 Fermoy Road</td>
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<td>Marsden Park</td>
<td>St Andrews Presbyterian Church</td>
<td>Corner of Grange Avenue and Richmond Road</td>
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<td>Marsden Park</td>
<td>Clydesdale House—farmers cottages and barn</td>
<td>Richmond Road</td>
<td>Lot 2, DP 260476</td>
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<td>Nu Welwyn</td>
<td>4 Clarke Street</td>
<td>Lot 5, DP 229296</td>
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Appendix 13 Hawkesbury Growth Centres Precinct Plan

Part 1 Preliminary

**Note.** The *Standard Instrument (Local Environmental Plans) Order 2006* sets out matters to be included in standard local environmental plans. While this Precinct Plan is not a standard local environmental plan, it is generally consistent with standard plans. A number of clauses from the *Standard Instrument (Local Environmental Plans) Order 2006* have been included in this Precinct Plan and the clause numbering from that Order has been retained. This means that the numbering in this Precinct Plan may contain some gaps. Additional provisions have been inserted and are numbered accordingly.

1.1 Name of Precinct Plan

This Precinct Plan is the *Hawkesbury Growth Centres Precinct Plan 2017*.

1.2 Aims of Precinct Plan

The aims of this Precinct Plan are as follows—

(a) to rezone land to allow for development to occur in the manner envisaged by the North West
Priority Growth Area Land Use and Infrastructure Implementation Plan and the indicative layout for the land to which this Precinct Plan applies,

(b) to deliver housing choice and affordability by accommodating a wide range of residential dwelling types that cater for housing diversity,

(c) to guide the bulk and scale of future development within the Vineyard Precinct,

(d) to protect and enhance riparian corridors and areas of significant native vegetation by establishing development controls that prevent the clearing of existing native vegetation within the Vineyard Precinct,

(e) to protect and enhance areas of local heritage significance by establishing development controls in order to maintain and respect the relationships between heritage sites and uses of adjacent sites,

(f) to rezone land to allow for retail and commercial uses to meet the needs of future residents of the Vineyard Precinct and surrounding areas.

1.3 Land to which Precinct Plan applies

This Precinct Plan applies to land within the Vineyard Precinct as shown on the Land Application Map.

Note. The Land Application Map differs from the Vineyard Precinct Boundary Map and, as such, this Precinct Plan does not apply to all the land within the Vineyard Precinct (as shown on the Vineyard Precinct Boundary Map).

1.4 Definition

In this Precinct Plan, Council means Hawkesbury City Council.

Note. The Dictionary at the end of this State environmental planning policy defines words and expressions for the purposes of this Precinct Plan, including the relevant maps.

1.5 Notes

Notes in this Precinct Plan are provided for guidance and do not form part of this Plan.

1.6 Consent authority

The consent authority for the purposes of this Precinct Plan is (subject to the Act) the Council.

1.8 Repeal of other local planning instruments applying to land

(1) All local environmental plans and deemed environmental planning instruments applying only to the land to which this Precinct Plan applies are repealed.

(2) All local environmental plans and deemed environmental planning instruments applying to the land to which this Precinct Plan applies and to other land cease to apply to the land to which this Precinct Plan applies.

(3) This clause does not affect the operation of other provisions of this State environmental planning policy.
1.8A Savings provision relating to pending development applications

If a development application has been made before the commencement of this Precinct Plan in relation to land to which this Precinct Plan applies and the application has not been finally determined before that commencement, the application must be determined as if this Precinct Plan had not commenced.

1.9 Application of SEPPs

(1) This Precinct Plan is subject to the provisions of any State environmental planning policy that prevails over this Precinct Plan as provided by section 3.28 of the Act.

Note. Section 3.28 of the Act generally provides that SEPPs prevail over LEPs and other instruments. However, an environmental planning instrument may (by an additional provision included in the instrument) displace or amend a SEPP or LEP to deal specifically with the relationship between the instrument and the SEPP or LEP.

(2) *State Environmental Planning Policy No 1—Development Standards* does not apply to the land to which this Precinct Plan applies.

(3) Subject to section 74 (1) of the Act, in the event of an inconsistency between this Precinct Plan and any other provision of this or any other environmental planning instrument, whether made before or after the commencement of this Precinct Plan, this Precinct Plan prevails to the extent of the inconsistency.

Note. The other provisions of this State environmental planning policy also contain provisions applying development controls to the North West Growth Centre, including the Vineyard Precinct.

1.9A Suspension of covenants, agreements and instruments

(1) For the purpose of enabling development on land in any zone to be carried out in accordance with this Precinct Plan or with a consent granted under the Act, any agreement, covenant or other similar instrument that restricts the carrying out of that development does not apply to the extent necessary to serve that purpose.

(2) This clause does not apply—

(a) to a covenant imposed by the Council or that the Council requires to be imposed, or

(b) to any biodiversity certification conferred under Part 8 of the *Biodiversity Conservation Act 2016*, or

(c) to any private land conservation agreement within the meaning of the *Biodiversity Conservation Act 2016*, or

(d) to any relevant instrument within the meaning of section 13.4 of the *Crown Land Management Act 2016*, or

(e) to the relevant provisions of a land management (native vegetation) code (and the necessary mandatory code compliant certificate) with respect to a set aside area under Part 5A of the *Local Land Services Act 2013*, or

(f) to any conservation agreement within the meaning of the *National Parks and Wildlife Act 1974*, or
(g) to any Trust agreement within the meaning of the *Nature Conservation Trust Act 2001* that is continued in force by the *Biodiversity Conservation (Savings and Transitional) Regulation 2017*, or

(h) to any property vegetation plan within the meaning of the *Native Vegetation Act 2003* that is continued in force by the *Biodiversity Conservation (Savings and Transitional) Regulation 2017*, or

(i) to any planning agreement within the meaning of Division 7.1 of the Act.

(3) This clause does not affect the rights or interests of any public authority under any registered instrument.

(4) Under section 28 of the Act, the Governor, before the making of this clause, approved of subclauses (1)–(3).

**Part 2 Permitted or prohibited development**

2.1 **Land use zones**

   The land use zones under this Precinct Plan are as follows—

   **Residential Zones**

   R2 Low Density Residential
   
   R3 Medium Density Residential

   **Business Zones**

   B2 Local Centre
   
   B4 Mixed Use

   **Special Purpose Zones**

   SP2 Infrastructure

   **Recreation Zones**

   RE1 Public Recreation

   **Environment Protection Zones**

   E2 Environmental Conservation
   
   E4 Environmental Living

2.2 **Zoning of land to which Precinct Plan applies**

   For the purposes of this Precinct Plan, land is within the zones shown on the Land Zoning Map.

2.3 **Zone objectives and Land Use Table**

   (1) The Land Use Table at the end of this Part specifies for each zone—

   (a) the objectives for development, and
(b) development that may be carried out without consent, and
(c) development that may be carried out only with consent, and
(d) development that is prohibited.

(2) The consent authority must have regard to the objectives for development in a zone when determining a development application in respect of land within the zone.

(3) In the Land Use Table at the end of this Part—

(a) a reference to a type of building or other thing is a reference to development for the purposes of that type of building or other thing, and

(b) a reference to a type of building or other thing does not include (despite any definition in this Policy) a reference to a type of building or other thing referred to separately in the Table in relation to the same zone.

(4) This clause is subject to the other provisions of this Precinct Plan.

Notes.
1 Schedule 1 to this Precinct Plan sets out additional permitted uses for particular land.
2 Schedule 1 to this Policy sets out exempt development (which is generally exempt from both Parts 4 and 5 of the Act). Development in the Land Use Table that may be carried out without consent is nevertheless subject to the environmental assessment and approval requirements of Part 5 of the Act.
3 Schedule 2 to this Policy sets out complying development (for which a complying development certificate may be issued as an alternative to obtaining development consent).
4 Clause 2.6 requires consent for subdivision of land.
5 Part 5 of this Precinct Plan contains other provisions which require consent for particular development.

2.5 Additional permitted uses for particular land

(1) Development on particular land that is described or referred to in Schedule 1 to this Appendix may be carried out—

(a) with development consent, or

(b) if the Schedule so provides—without development consent,

in accordance with the conditions (if any) specified in that Schedule in relation to that development.

(2) This clause has effect despite anything to the contrary in the Land Use Table at the end of this Part or other provision of this Precinct Plan.

2.6 Subdivision—consent requirements

Land to which this Precinct Plan applies may be subdivided, but only with development consent.

2.7 Demolition

The demolition of a building or work may be carried out only with development consent.

Note. The demolition of certain buildings and works is identified in State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 as exempt development.
2.8 Temporary use of land

(1) The objective of this clause is to provide for the temporary use of land if the use does not compromise future development of the land, or have detrimental economic, social, amenity or environmental effects on the land.

(2) Despite any other provision of this Precinct Plan, development consent may be granted for development on land in any zone for a temporary use for a maximum period of 52 days (whether or not consecutive days) in any period of 12 months.

(3) Development consent must not be granted unless the consent authority is satisfied that—

(a) the temporary use will not prejudice the subsequent carrying out of development on the land in accordance with this Precinct Plan and this or any other applicable environmental planning instrument, and

(b) the temporary use will not adversely impact on any adjoining land or the amenity of the neighbourhood, and

(c) the temporary use and location of any structures related to the use will not adversely impact on environmental attributes or features of the land, or increase the risk of natural hazards that may affect the land, and

(d) at the end of the temporary use period, the site will, as far as is practicable, be restored to the condition in which it was before the commencement of the use.

(4) Despite subclause (2), the following development may exceed the maximum number of days specified in that subclause—

(a) the temporary use of advertising structures for a new release area or a new housing estate,

(b) the temporary use of a dwelling or business premises as a sales office for a new release area or a new housing estate.

(5) Subclause (3) (d) does not apply to the temporary use of a dwelling as a sales office mentioned in subclause (4).

Land Use Table

Note. Part 6 of this Precinct Plan sets out local provisions which include additional permissible land uses and heads of consideration for assessment.

Zone R2 Low Density Residential

1 Objectives of zone

• To provide for the housing needs of the community within a low density residential environment.

• To enable other land uses that provide facilities or services to meet the day to day needs of residents.

• To allow residents to carry out a reasonable range of activities from their homes, where such activities are not likely to adversely affect the living environment of neighbours.
• To support the well-being of the community, by enabling educational, recreational, community, religious and other activities where compatible with the amenity of a low density residential environment.

2 Permitted without consent

Home occupations

3 Permitted with consent

Bed and breakfast accommodation; Boarding houses; Business identification signs; Centre-based child care facilities; Community facilities; Drainage; Dual occupancies; Dwelling houses; Earthworks; Educational establishments; Environmental protection works; Exhibition homes; Exhibition villages; Flood mitigation works; Group homes; Health consulting rooms; Home-based child care; Home businesses; Home industries; Information and education facilities; Neighbourhood shops; Places of public worship; Recreation areas; Respite day care centres; Roads; Secondary dwellings; Semi-detached dwellings; Seniors housing; Sewerage systems; Shop top housing; Studio dwellings; Veterinary hospitals; Waterbodies (artificial)

4 Prohibited

Any development not specified in item 2 or 3

Zone R3 Medium Density Residential

1 Objectives of zone

• To provide for the housing needs of the community within a medium density residential environment.

• To provide a variety of housing types within a medium density residential environment.

• To enable other land uses that provide facilities or services to meet the day to day needs of residents.

• To support the well-being of the community by enabling educational, recreational, community, religious and other activities where compatible with the amenity of a medium density residential environment.

2 Permitted without consent

Home occupations

3 Permitted with consent

Attached dwellings; Bed and breakfast accommodation; Boarding houses; Business identification signs; Centre-based child care facilities; Community facilities; Drainage; Dual occupancies; Dwelling houses; Earthworks; Educational establishments; Environmental protection works; Exhibition homes; Exhibition villages; Flood mitigation works; Group homes; Health consulting rooms; Home-based child care; Home businesses; Home industries; Hostels; Information and education facilities; Manor homes; Multi dwelling housing; Neighbourhood shops; Places of public worship; Recreation areas; Residential flat buildings; Respite day care centres; Roads; Secondary dwellings; Semi-detached dwellings; Seniors housing; Sewerage systems; Shop top housing; Studio
dwellings; Veterinary hospitals; Waterbodies (artificial)

4 Prohibited

Any development not specified in item 2 or 3

Zone B2 Local Centre

1 Objectives of zone

- To provide a range of retail, business, entertainment and community uses that serve the needs of people who live in, work in and visit the local area.
- To encourage employment opportunities.
- To maximise public transport patronage and encourage walking and cycling.

2 Permitted without consent

Home occupations

3 Permitted with consent

Boarding houses; Business premises; Centre-based child care facilities; Community facilities; Educational establishments; Entertainment facilities; Function centres; Information and education facilities; Medical centres; Office premises; Passenger transport facilities; Recreation facilities (indoor); Registered clubs; Respite day care centres; Retail premises; Service stations; Sewerage systems; Shop top housing; Tourist and visitor accommodation; Vehicle repair stations; Any other development not specified in item 2 or 4

4 Prohibited

Agriculture; Air transport facilities; Airstrips; Biosolids treatment facilities; Boat repair facilities; Boat sheds; Caravan parks; Cemeteries; Correctional centres; Crematoria; Depots; Electricity generating works; Exhibition homes; Exhibition villages; Extractive industries; Farm buildings; Freight transport facilities; Funeral chapels; Funeral homes; Helipads; Highway service centres; Home occupations (sex services); Industrial retail outlets; Industries; Mortuaries; Residential accommodation; Restricted premises; Roadside stalls; Rural industries; Rural supplies; Rural workers’ dwellings; Sex services premises; Storage premises; Transport depots; Vehicle body repair workshops; Warehouse or distribution centres; Waste management facilities; Waste or resource management facilities

Zone B4 Mixed Use

1 Objectives of zone

- To provide a mixture of compatible land uses.
- To integrate suitable business, office, residential, retail and other development in accessible locations so as to maximise public transport patronage and encourage walking and cycling.
- To provide for residential development that contributes to the vitality of the local centre.
- To ensure that residential development adjacent to the local centre does not detract from the
primary function of the centre, being to provide for retail, business, entertainment and community uses.

- To facilitate active retail, commercial, entertainment and community facility uses at ground level of mixed use developments.

2 Permitted without consent

Home occupations

3 Permitted with consent

Boarding houses; Business premises; Car parks; Centre-based child care facilities; Community facilities; Educational establishments; Entertainment facilities; Function centres; Hotel or motel accommodation; Information and education facilities; Medical centres; Office premises; Passenger transport facilities; Recreation facilities (indoor); Registered clubs; Residential flat buildings; Respite day care centres; Retail premises; Roads; Seniors housing; Shop top housing; Any other development not specified in item 2 or 4

4 Prohibited

Agriculture; Air transport facilities; Airstrips; Biosolids treatment facilities; Boat repair facilities; Boat sheds; Bulky goods premises; Caravan parks; Cemeteries; Correctional centres; Crematoria; Depots; Electricity generating works; Exhibition villages; Extractive industries; Farm buildings; Freight transport facilities; Funeral chapels; Funeral homes; Helipads; Highway service centres; Home occupations (sex services); Industrial retail outlets; Industries; Mortuaries; Port facilities; Public administration buildings; Recreation facilities (major); Residential accommodation; Restricted premises; Roadside stalls; Rural industries; Rural supplies; Rural workers’ dwellings; Sex services premises; Storage premises; Transport depots; Truck depots; Vehicle body repair workshops; Vehicle repair stations; Warehouse or distribution centres; Waste management facilities; Waste or resource management facilities; Wholesale supplies

Zone SP2 Infrastructure

1 Objectives of zone

- To provide for infrastructure and related uses.
- To prevent development that is not compatible with or that may detract from the provision of infrastructure.

2 Permitted without consent

Nil

3 Permitted with consent

Drainage; Earthworks; Environmental protection works; Flood mitigation works; Roads; Sewerage systems; Waterbodies (artificial); The purpose shown on the Land Zoning Map, including any development that is ordinarily incidental or ancillary to development for that purpose

4 Prohibited

Any development not specified in item 2 or 3
Zone RE1  Public Recreation

1  Objectives of zone

• To enable land to be used for public open space or recreational purposes.

• To provide a range of recreational settings and activities and compatible land uses.

• To protect and enhance the natural environment for recreational purposes.

2  Permitted without consent

Nil

3  Permitted with consent

Community facilities; Drainage; Earthworks; Environmental facilities; Environmental protection works; Flood mitigation works; Food and drink premises; Kiosks; Markets; Public administration buildings; Recreation areas; Recreation facilities (indoor); Recreation facilities (outdoor); Roads; Sewerage systems; Signage; Waterbodies (artificial)

4  Prohibited

Any development not specified in item 2 or 3

Zone E2  Environmental Conservation

1  Objectives of zone

• To protect, manage and restore areas of high ecological, scientific, cultural or aesthetic values.

• To prevent development that could destroy, damage or otherwise have an adverse effect on those values.

2  Permitted without consent

Nil

3  Permitted with consent

Drainage; Earthworks; Environmental protection works; Flood mitigation works; Roads; Waterbodies (artificial)

4  Prohibited

Any development not specified in item 2 or 3

Zone E4  Environmental Living

1  Objectives of zone

• To provide for low-impact residential development in areas with special ecological, scientific or aesthetic values.

• To ensure that residential development does not have an adverse effect on those values.
2 Permitted without consent

Home occupations

3 Permitted with consent

Bed and breakfast accommodation; Community facilities; Drainage; Dwelling houses; Environmental facilities; Environmental protection works; Extensive agriculture; Flood mitigation works; Home businesses; Home industries; Places of public worship; Recreation areas; Recreation facilities (outdoor); Sewerage systems; Waterbodies (artificial)

4 Prohibited

Any development not specified in item 2 or 3

Part 4 Principal development standards

4.1 Minimum subdivision lot size

(1) The objectives of this clause are as follows—

(a) to ensure that the minimum size for lots is sufficient for the provision of usable areas for building and open space,

(b) to encourage the efficient use of land for residential purposes.

(2) This clause applies to a subdivision of any land shown on the Lot Size Map that requires development consent and that is carried out after the commencement of this Precinct Plan.

(3) The size of any lot resulting from any such subdivision of land to which this clause applies is not to be less than the minimum size shown on the Lot Size Map in relation to that land.

(4) This clause does not apply in relation to the subdivision of individual lots in a strata plan.

4.1AB Subdivision resulting in lots between 225–300m$^2$

(1) This clause applies to land in the following zones—

(a) Zone R2 Low Density Residential,

(b) Zone R3 Medium Density Residential.

(2) Development consent may be granted to the subdivision of land to which this clause applies resulting in the creation of a lot that has an area of less than 300m$^2$ (but not less than 225m$^2$), if the consent authority is satisfied that the lot will contain a sufficient building envelope to enable the erection of a dwelling house on the lot.

(3) This clause does not apply to a subdivision that is the subject of a development application under clause 4.1AE (2) (b), 4.1AF (2) (b) or 4.1AG.

4.1AC Minimum lot sizes for residential development in Zone R2 Low Density Residential and Zone R3 Medium Density Residential

(1) The objectives of this clause are as follows—
(a) to establish minimum lot sizes for residential development in Zone R2 Low Density Residential and Zone R3 Medium Density Residential,

(b) to ensure that residential development in the Vineyard Precinct results in the efficient use of land and contributes to the supply of new housing in the North West Growth Centre,

(c) to ensure that residential development has adequate usable areas for buildings and open space,

(d) to ensure that residential development in the Vineyard Precinct is compatible with the character of the locality and with surrounding residential areas,

(e) to facilitate and encourage the provision of a range of residential lot types, in particular, small lot housing.

(2) This clause applies to land in the following zones for which a dwelling density range is shown on the Residential Density Map—

(a) Zone R2 Low Density Residential,

(b) Zone R3 Medium Density Residential.

(3) If the dwelling density range is shown on the Residential Density Map as O2, the minimum lot size is as follows—

(a) for a dwelling house—300m$^2$,

(b) for a dual occupancy—500m$^2$,

(c) for a semi-detached dwelling—200m$^2$,

(d) for an attached dwelling—1,500m$^2$,

(e) for multi dwelling housing—1,500m$^2$.

Note. The dwelling density range for O2 is 15 minimum—18 maximum per hectare.

(3) If the dwelling density range is shown on the Residential Density Map as T2, the minimum lot size is as follows—

(a) for a dwelling house—300m$^2$,

(b) for a dual occupancy—400m$^2$,

(c) for a semi-detached dwelling—125m$^2$,

(d) for an attached dwelling—375m$^2$,

(e) for multi dwelling housing—375m$^2$,

(f) for a manor home—600m$^2$,

(g) for a residential flat building—2,000m$^2$.

Note. The dwelling density range for T2 is 20 minimum—30 maximum per hectare.
4.1AD  Minimum lot sizes for secondary dwellings in Zone R2 Low Density Residential and Zone R3 Medium Density Residential

(1) This clause applies to land in the following zones—
   (a) Zone R2 Low Density Residential,
   (b) Zone R3 Medium Density Residential.

(2) The minimum lot size for a secondary dwelling on land in Zone R2 Low Density Residential is 450m$^2$.

(3) The minimum lot size for a secondary dwelling on land in Zone R3 Medium Density Residential is the minimum lot size for the principal dwelling in conjunction with which the secondary dwelling is established, determined in accordance with clause 4.1AC.

(4) For the purposes of this clause, a reference to the lot size—
   (a) in relation to land in Zone R2 Low Density Residential, means the size of that part of the lot that is in that zone, and
   (b) in relation to land in Zone R3 Medium Density Residential, means the size of that part of the lot that is in that zone, and
   (c) does not include the size of land in any other zone.

4.1AE  Exceptions to minimum lot sizes for dwelling houses

(1) This clause applies to the following—
   (a) a lot in Zone R2 Low Density Residential that has an area of less than 300m$^2$ (but not less than 250m$^2$),
   (b) a lot in Zone R3 Medium Density Residential that has an area of less than 300m$^2$ (but not less than 225m$^2$).

(2) Despite clause 4.1AC, development consent may be granted to the erection of a dwelling house on a lot to which this clause applies if—
   (a) the lot results from a subdivision to which development consent has been granted in accordance with clause 4.1AB and, in determining the development application for the erection of the dwelling house, the consent authority considers any information that it considered for the purposes of that clause in determining the development application for that subdivision, or
   (b) the development application is a single development application for development consisting of both of the following—
      (i) the subdivision of land into 2 or more lots,
      (ii) the erection of the dwelling house on one of the lots resulting from the subdivision.
4.1AF  Exceptions to minimum lot sizes for dwelling houses on other lots in Zone R2 Low Density Residential

(1) This clause applies to a lot in Zone R2 Low Density Residential that has an area of less than 250m² (but not less than 225m²).

(2) Despite clause 4.1AC (3), development consent may be granted to the erection of a dwelling house on a lot to which this clause applies if the lot meets the requirements of subclause (3) and—

(a) the lot results from a subdivision to which development consent has been granted in accordance with clause 4.1AB and, in determining the development application for the erection of the dwelling house, the consent authority considers any information that it considered for the purposes of that clause in determining the development application for that subdivision, or

(b) the development application is a single development application for development consisting of both of the following—

(i) the subdivision of land into 2 or more lots,

(ii) the erection of the dwelling house on one of the lots resulting from the subdivision.

(3) A lot meets the requirements of this subclause if—

(a) the lot adjoins land in Zone RE1 Public Recreation, or is separated from land in that zone only by a public road, or

(b) the lot adjoins land in Zone B2 Local Centre or Zone B4 Mixed Use, or is separated from land in any of those zones only by a public road, or

(c) the land is within 400m of land in Zone B2 Local Centre and adjoins (or is separated only by a public road from) land in Zone SP2 Infrastructure that is set aside for drainage or educational purpose.

(4) Despite subclause (2), development consent must not be granted to the erection of a dwelling house to which this clause applies unless the consent authority is satisfied that the dwelling house—

(a) will not adversely impact on the amenity of adjoining residential properties, and

(b) will be designed and orientated to provide active frontages to and surveillance of the public recreation or drainage land, and

(c) will not adversely impact on or limit solar access to adjoining residential or public open space land.

4.1AG  Exceptions to minimum lot sizes for dwelling houses on small lots

(1) This clause applies to a lot in Zone R3 Medium Density Residential that has an area less than 225m² (but not less than 125m²).

(2) Despite clause 4.1AC (3), development consent may be granted to the erection of a dwelling house on a lot to which this clause applies if the development application is a single
development application for development consisting of both of the following—

(a) the subdivision of land into 2 or more lots,

(b) the erection of the dwelling house on one of the lots resulting from the subdivision.

4.1AH Minimum lot sizes in split zones

(1) This clause applies to each lot that contains land in Zone R2 Low Density Residential or Zone R3 Medium Density Residential and land in any other zone.

(2) For the purposes of clauses 4.1AB–4.1AG, a reference to the area of a lot—

(a) in relation to land in Zone R2 Low Density Residential, means the area of that part of the lot that is in Zone R2 Low Density Residential, and

(b) in relation to land in Zone R3 Medium Density Residential, means the area of that part of the lot that is in Zone R3 Medium Density Residential, and

(c) does not include any part of the lot that is in any other zone.

4.1I Residential density

(1) The objectives of this clause are—

(a) to establish density requirements for residential development, and

(b) to ensure that residential development makes efficient use of land and infrastructure and contributes to the availability of new housing, and

(c) to ensure that the scale of residential development is compatible with the character of the precinct and adjoining land.

(2) The consent authority must not grant development consent to residential development on land for which a dwelling density range is shown on the Residential Density Map if the development will result in the density of dwellings on the land being less than the minimum density or more than the maximum density specified by that dwelling density range.

(3) The consent authority must not grant consent for the subdivision of land for which a dwelling density range is shown on the Residential Density Map if that subdivision would result in the dwelling density on any resultant lot being greater than the maximum dwelling density specified for the land by that dwelling density range.

(4) Subclause (3) does not prevent a subdivision that provides for individual dwellings to be on separate lots if the consent authority is satisfied that the subdivision does not also involve the creation of additional dwelling entitlements.

(5) This clause has effect despite anything to the contrary in any other provision of this Precinct Plan.

(6) In this clause—

density means the ratio of the number of dwellings to the area of the land to be occupied by the residential development, including internal streets and half the width of any roads adjoining the
development that provide vehicular access to the development but excluding land that is not zoned for residential purposes.

4.3 Height of buildings

(1) The objectives of this clause are as follows—

(a) to establish the maximum height of buildings,

(b) to minimise visual impact and protect the amenity of adjoining development and land in terms of solar access to buildings and open space,

(c) to facilitate higher density development in and around commercial centres and major transport routes.

(2) The height of a building on any land is not to exceed the maximum height shown for the land on the Height of Buildings Map.

4.4 Floor space ratio

(1) The objective of this clause is to control the bulk and scale of buildings by setting maximum floor space ratios for development.

(2) The floor space ratio for a building on any land is not to exceed the maximum floor space ratio shown for the land on the Floor Space Ratio Map.

4.5 Calculation of floor space ratio and site area

(1) Objectives The objectives of this clause are as follows—

(a) to define floor space ratio,

(b) to set out rules for the calculation of the site area of development for the purpose of applying permitted floor space ratios, including rules to—

   (i) prevent the inclusion in the site area of an area that has no significant development being carried out on it, and

   (ii) prevent the inclusion in the site area of an area that has already been included as part of a site area to maximise floor space area in another building, and

   (iii) require community land and public places to be dealt with separately.

(2) Definition of “floor space ratio” The floor space ratio of buildings on a site is the ratio of the gross floor area of all buildings within the site to the site area.

(3) Site area In determining the site area of proposed development for the purpose of applying a floor space ratio, the site area is taken to be—

(a) if the proposed development is to be carried out on only one lot, the area of that lot, or

(b) if the proposed development is to be carried out on 2 or more lots, the area of any lot on which the development is proposed to be carried out that has at least one common boundary with another lot on which the development is being carried out.
In addition, subclauses (4)–(7) apply to the calculation of site area for the purposes of applying a floor space ratio to proposed development.

(4) **Exclusions from site area** The following land must be excluded from the site area—

(a) land on which the proposed development is prohibited, whether under this Precinct Plan or any other law,

(b) community land or a public place (except as provided by subclause (7)).

(5) **Strata subdivisions** The area of a lot that is wholly or partly on top of another or others in a strata subdivision is to be included in the calculation of the site area only to the extent that it does not overlap with another lot already included in the site area calculation.

(6) **Only significant development to be included** The site area for proposed development must not include a lot additional to a lot or lots on which the development is being carried out unless the proposed development includes significant development on that additional lot.

(7) **Certain public land to be separately considered** For the purpose of applying a floor space ratio to any proposed development on, above or below community land or a public place, the site area must only include an area that is on, above or below that community land or public place, and is occupied or physically affected by the proposed development, and may not include any other area on which the proposed development is to be carried out.

(8) **Existing buildings** The gross floor area of any existing or proposed buildings within the vertical projection (above or below ground) of the boundaries of a site is to be included in the calculation of the total floor space for the purposes of applying a floor space ratio, whether or not the proposed development relates to all of the buildings.

(9) **Covenants to prevent “double dipping”** When development consent is granted to development on a site comprised of 2 or more lots, a condition of the consent may require a covenant to be registered that prevents the creation of floor area on a lot (the restricted lot) if the consent authority is satisfied that an equivalent quantity of floor area will be created on another lot only because the site included the restricted lot.

(10) **Covenants affect consolidated sites** If—

(a) a covenant of the kind referred to in subclause (9) applies to any land (affected land), and

(b) proposed development relates to the affected land and other land that together comprise the site of the proposed development,

the maximum amount of floor area allowed on the other land by the floor space ratio fixed for the site by this Precinct Plan is reduced by the quantity of floor space area the covenant prevents being created on the affected land.

(11) **Definition** In this clause, **public place** has the same meaning as it has in the *Local Government Act 1993*.

### 4.6 Exceptions to development standards

(1) The objectives of this clause are as follows—
(a) to provide an appropriate degree of flexibility in applying certain development standards to particular development,

(b) to achieve better outcomes for and from development by allowing flexibility in particular circumstances.

(2) Development consent may, subject to this clause, be granted for development even though the development would contravene a development standard imposed by this or any other environmental planning instrument. However, this clause does not apply to a development standard that is expressly excluded from the operation of this clause.

(3) Development consent must not be granted for development that contravenes a development standard unless the consent authority has considered a written request from the applicant that seeks to justify the contravention of the development standard by demonstrating—

(a) that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and

(b) that there are sufficient environmental planning grounds to justify contravening the development standard.

(4) Development consent must not be granted for development that contravenes a development standard unless—

(a) the consent authority is satisfied that—

(i) the applicant’s written request has adequately addressed the matters required to be demonstrated by subclause (3), and

(ii) the proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out, and

(b) the concurrence of the Secretary has been obtained.

(5) In deciding whether to grant concurrence, the Secretary must consider—

(a) whether contravention of the development standard raises any matter of significance for State or regional environmental planning, and

(b) the public benefit of maintaining the development standard, and

(c) any other matters required to be taken into consideration by the Secretary before granting concurrence.

(6) Development consent must not be granted under this clause for a subdivision of land in Zone E2 Environmental Conservation or Zone E4 Environmental Living if—

(a) the subdivision will result in 2 or more lots of less than the minimum area specified for such lots by a development standard, or

(b) the subdivision will result in at least one lot that is less than 90% of the minimum area specified for such a lot by a development standard.
(7) After determining a development application made pursuant to this clause, the consent authority must keep a record of its assessment of the factors required to be addressed in the applicant’s written request referred to in subclause (3).

(8) This clause does not allow development consent to be granted for development that would contravene any of the following—

(a) a development standard for complying development,

(b) a development standard that arises, under the regulations under the Act, in connection with a commitment set out in a BASIX certificate for a building to which State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004 applies or for the land on which such a building is situated,

(c) clause 5.4,

(d) clause 4.11.

Part 5 Miscellaneous provisions

5.1 Relevant acquisition authority

(1) The objective of this clause is to identify, for the purposes of section 3.15 of the Act, the authority of the State that will be the relevant authority to acquire land reserved for certain public purposes if the land is required to be acquired under Division 3 of Part 2 of the Land Acquisition (Just Terms Compensation) Act 1991 (the owner-initiated acquisition provisions).

Note. If the landholder will suffer hardship if there is any delay in the land being acquired by the relevant authority, section 23 of the Land Acquisition (Just Terms Compensation) Act 1991 requires the authority to acquire the land.

(2) The authority of the State that will be the relevant authority to acquire land, if the land is required to be acquired under the owner-initiated acquisition provisions, is the authority of the State specified below in relation to the land shown on the Land Reservation Acquisition Map (or, if an authority of the State is not specified in relation to land required to be so acquired, the authority designated or determined under those provisions).

<table>
<thead>
<tr>
<th>Type of land shown on Map</th>
<th>Authority of the State</th>
</tr>
</thead>
<tbody>
<tr>
<td>Zone RE1 Public Recreation and marked “Local open space”</td>
<td>Council</td>
</tr>
<tr>
<td>Zone SP2 Infrastructure and marked “Local drainage”</td>
<td>Council</td>
</tr>
<tr>
<td>Zone SP2 Infrastructure and marked “Local road”</td>
<td>Council</td>
</tr>
<tr>
<td>Zone B4 Mixed Use and marked “Mixed Use”</td>
<td>Council</td>
</tr>
<tr>
<td>Zone SP2 Infrastructure and marked “Classified Roads and Maritime Services Road”</td>
<td>Council</td>
</tr>
</tbody>
</table>

(3) Development on land acquired by an authority of the State under the owner-initiated acquisition
provisions may, before it is used for the purpose for which it is reserved, be carried out, with
development consent, for any purpose.

Note. If land, other than land specified in the table to subclause (2), is required to be acquired under the owner-
initiated acquisition provisions, the Minister for Planning is required to take action to enable the designation of the
acquiring authority under this Part. Pending the designation of the acquiring authority for that land, the acquiring
authority is to be the authority determined by order of the Minister for Planning (see section 21 of the Land

5.2 Classification and reclassification of public land

(1) The objective of this clause is to enable the Council to classify or reclassify public land as
“operational land” or “community land” in accordance with Part 2 of Chapter 6 of the Local

Note. Under the Local Government Act 1993, “public land” is generally land vested in or under the control of
a council (other than roads and certain Crown land). The classification or reclassification of public land may
also be made by a resolution of the Council under section 31, 32 or 33 of the Local Government Act 1993.
Section 30 of that Act enables this Precinct Plan to discharge trusts on which public reserves are held if the
land is reclassified under this Precinct Plan as operational land.

(2) The public land described in Part 1 or Part 2 of Schedule 4 to this Appendix is classified, or
reclassified, as operational land for the purposes of the Local Government Act 1993.

(3) The public land described in Part 3 of Schedule 4 to this Appendix is classified, or reclassified,
as community land for the purposes of the Local Government Act 1993.

(4) The public land described in Part 1 of Schedule 4 to this Appendix—

(a) does not cease to be a public reserve to the extent (if any) that it is a public reserve, and

(b) continues to be affected by any trusts, estates, interests, dedications, conditions, restrictions
or covenants that affected the land before its classification, or reclassification, as
operational land.

(5) The public land described in Part 2 of Schedule 4 to this Appendix, to the extent (if any) that it is
a public reserve, ceases to be a public reserve when the description of the land is inserted into
that Part and is discharged from all trusts, estates, interests, dedications, conditions, restrictions
and covenants affecting the land or any part of the land, except—

(a) those (if any) specified for the land in Column 3 of Part 2 of Schedule 4 to this Appendix, and

(b) any reservations that except land out of the Crown grant relating to the land, and

(c) reservations of minerals (within the meaning of the Crown Land Management Act 2016).

Note. In accordance with section 30 (2) of the Local Government Act 1993, the approval of the Governor to
subclause (5) applying to the public land concerned is required before the description of the land is inserted in
Part 2 of Schedule 4 to this Appendix.

5.3 Development near zone boundaries

(1) The objective of this clause is to provide flexibility where the investigation of a site and its
surroundings reveals that a use allowed on the other side of a zone boundary would enable a
more logical and appropriate development of the site and be compatible with the planning
objectives and land uses for the adjoining zone.

(2) This clause applies to so much of any land that is within 50 metres of a boundary between any 2 other zones.

(3) This clause does not apply to—

(a) land in Zone E2 Environmental Conservation, Zone E4 Environmental Living or Zone RE1 Public Recreation, or

(b) land within a coastal area, or

(c) land proposed to be developed for the purpose of sex services or restricted premises.

(4) Despite the provisions of this Precinct Plan relating to the purposes for which development may be carried out, development consent may be granted to development of land to which this clause applies for any purpose that may be carried out in the adjoining zone, but only if the consent authority is satisfied that—

(a) the development is not inconsistent with the objectives for development in both zones, and

(b) the carrying out of the development is desirable due to compatible land use planning, infrastructure capacity and other planning principles relating to the efficient and timely development of land, and

(c) the total area of Zone RE1 Public Recreation land will not be reduced.

(5) This clause does not prescribe a development standard that may be varied under this Precinct Plan.

5.4 Controls relating to miscellaneous permissible uses

(1) Bed and breakfast accommodation If development for the purposes of bed and breakfast accommodation is permitted under this Precinct Plan, the accommodation that is provided to guests must consist of no more than 4 bedrooms.

Note. Any such development that provides for a certain number of guests or rooms may involve a change in the class of building under the Building Code of Australia.

(2) Home businesses If development for the purposes of a home business is permitted under this Precinct Plan, the carrying on of the business must not involve the use of more than 50 square metres of floor area.

(3) Home industries If development for the purposes of a home industry is permitted under this Precinct Plan, the carrying on of the home industry must not involve the use of more than 50 square metres of floor area.

(4) Kiosks If development for the purposes of a kiosk is permitted under this Precinct Plan, the gross floor area must not exceed 25 square metres.

(5) Neighbourhood shops If development for the purposes of a neighbourhood shop is permitted under this Precinct Plan, the retail floor area must not exceed 200 square metres.

(6) Secondary dwellings If development for the purposes of a secondary dwelling is permitted under
this Precinct Plan, the total floor area of the dwelling (excluding any area used for parking) must not exceed whichever of the following is the greater—

(a) 60 square metres,

(b) 10% of the total floor area of the principal dwelling.

5.6 Architectural roof features

(1) The objectives of this clause are as follows—

(a) to ensure that architectural roof features are decorative elements only, and

(b) to ensure that the majority of the roof features are contained within the prescribed building height.

(2) Development that includes an architectural roof feature that exceeds, or causes a building to exceed, the height limits set by clause 4.3 may be carried out, but only with development consent.

(3) Development consent must not be granted to any such development unless the consent authority is satisfied that—

(a) the architectural roof feature—

(i) comprises a decorative element on the uppermost portion of a building, and

(ii) is not an advertising structure, and

(iii) does not include floor space area and is not reasonably capable of modification to include floor space area, and

(iv) will cause minimal overshadowing, and

(b) any building identification signage or equipment for servicing the building (such as plant, lift motor rooms, fire stairs and the like) contained in or supported by the roof feature is fully integrated into the design of the roof feature.

5.8 Conversion of fire alarms

(1) This clause applies to a fire alarm system that can be monitored by Fire and Rescue NSW or by a private service provider.

(2) The following development may be carried out, but only with development consent—

(a) converting a fire alarm system from connection with the alarm monitoring system of Fire and Rescue NSW to connection with the alarm monitoring system of a private service provider,

(b) converting a fire alarm system from connection with the alarm monitoring system of a private service provider to connection with the alarm monitoring system of another private service provider,

(c) converting a fire alarm system from connection with the alarm monitoring system of a
private service provider to connection with a different alarm monitoring system of the same private service provider.

(3) Development to which subclause (2) applies is complying development if it consists only of—

(a) internal alterations to a building, or

(b) internal alterations to a building together with the mounting of an antenna, and any support structure, on an external wall or roof of a building so as to occupy a space of not more than 450 mm × 100mm × 100mm.

(4) A complying development certificate for any such complying development is subject to a condition that any building work may only be carried out between 7.00 am and 6.00 pm on Monday to Friday and between 7.00 am and 5.00 pm on Saturday, and must not be carried out on a Sunday or a public holiday.

(5) In this clause—

private service provider means a person or body that has entered into an agreement that is in force with Fire and Rescue NSW to monitor fire alarm systems.

5.10 Heritage conservation

Note. Heritage items (if any) are listed and described in Schedule 5 to this Precinct Plan. Heritage conservation areas (if any) are shown on the Heritage Map as well as being described in Schedule 5.

(1) Objectives The objectives of this clause are as follows—

(a) to conserve the environmental heritage of the Vineyard Precinct,

(b) to conserve the heritage significance of heritage items and heritage conservation areas, including associated fabric, settings and views,

(c) to conserve archaeological sites,

(d) to conserve Aboriginal objects and Aboriginal places of heritage significance.

(2) Requirement for consent Development consent is required for any of the following—

(a) demolishing or moving any of the following or altering the exterior of any of the following (including, in the case of a building, making changes to its detail, fabric, finish or appearance)—

(i) a heritage item,

(ii) an Aboriginal object,

(iii) a building, work, relic or tree within a heritage conservation area,

(b) altering a heritage item that is a building by making structural changes to its interior or by making changes to anything inside the item that is specified in Schedule 5 to this Precinct Plan in relation to the item,

(c) disturbing or excavating an archaeological site while knowing, or having reasonable cause to suspect, that the disturbance or excavation will or is likely to result in a relic being
discovered, exposed, moved, damaged or destroyed,

(d) disturbing or excavating an Aboriginal place of heritage significance,

(e) erecting a building on land—
   (i) on which a heritage item is located or that is within a heritage conservation area, or
   (ii) on which an Aboriginal object is located or that is within an Aboriginal place of heritage significance,

(f) subdividing land—
   (i) on which a heritage item is located or that is within a heritage conservation area, or
   (ii) on which an Aboriginal object is located or that is within an Aboriginal place of heritage significance.

(3) **When consent not required** However, development consent under this clause is not required if—

(a) the applicant has notified the consent authority of the proposed development and the consent authority has advised the applicant in writing before any work is carried out that it is satisfied that the proposed development—
   (i) is of a minor nature or is for the maintenance of the heritage item, Aboriginal object, Aboriginal place of heritage significance or archaeological site or a building, work, relic, tree or place within the heritage conservation area, and
   (ii) would not adversely affect the heritage significance of the heritage item, Aboriginal object, Aboriginal place, archaeological site or heritage conservation area, or

(b) the development is in a cemetery or burial ground and the proposed development—
   (i) is the creation of a new grave or monument, or excavation or disturbance of land for the purpose of conserving or repairing monuments or grave markers, and
   (ii) would not cause disturbance to human remains, relics, Aboriginal objects in the form of grave goods, or to an Aboriginal place of heritage significance, or

(c) the development is limited to the removal of a tree or other vegetation that the Council is satisfied is a risk to human life or property, or

(d) the development is exempt development.

(4) **Effect of proposed development on heritage significance** The consent authority must, before granting consent under this clause in respect of a heritage item or heritage conservation area, consider the effect of the proposed development on the heritage significance of the item or area concerned. This subclause applies regardless of whether a heritage management document is prepared under subclause (5) or a heritage conservation management plan is submitted under subclause (6).

(5) **Heritage assessment** The consent authority may, before granting consent to any development—

(a) on land on which a heritage item is located, or
(b) on land that is within a heritage conservation area, or

(c) on land that is within the vicinity of land referred to in paragraph (a) or (b),

require a heritage management document to be prepared that assesses the extent to which the carrying out of the proposed development would affect the heritage significance of the heritage item or heritage conservation area concerned.

(6) **Heritage conservation management plans** The consent authority may require, after considering the heritage significance of a heritage item and the extent of change proposed to it, the submission of a heritage conservation management plan before granting consent under this clause.

(7) **Archaeological sites** The consent authority must, before granting consent under this clause to the carrying out of development on an archaeological site (other than land listed on the State Heritage Register or to which an interim heritage order under the *Heritage Act 1977* applies)—

(a) notify the Heritage Council of its intention to grant consent, and

(b) take into consideration any response received from the Heritage Council within 28 days after the notice is sent.

(8) **Aboriginal places of heritage significance** The consent authority must, before granting consent under this clause to the carrying out of development in an Aboriginal place of heritage significance—

(a) consider the effect of the proposed development on the heritage significance of the place and any Aboriginal object known or reasonably likely to be located at the place by means of an adequate investigation and assessment (which may involve consideration of a heritage impact statement), and

(b) notify the local Aboriginal communities, in writing or in such other manner as may be appropriate, about the application and take into consideration any response received within 28 days after the notice is sent.

(9) **Demolition of nominated State heritage items** The consent authority must, before granting consent under this clause for the demolition of a nominated State heritage item—

(a) notify the Heritage Council about the application, and

(b) take into consideration any response received from the Heritage Council within 28 days after the notice is sent.

(10) **Conservation incentives** The consent authority may grant consent to development for any purpose of a building that is a heritage item or of the land on which such a building is erected, or for any purpose on an Aboriginal place of heritage significance, even though development for that purpose would otherwise not be allowed by this Precinct Plan, if the consent authority is satisfied that—

(a) the conservation of the heritage item or Aboriginal place of heritage significance is facilitated by the granting of consent, and

(b) the proposed development is in accordance with a heritage management document that has
been approved by the consent authority, and

(c) the consent to the proposed development would require that all necessary conservation work identified in the heritage management document is carried out, and

(d) the proposed development would not adversely affect the heritage significance of the heritage item, including its setting, or the heritage significance of the Aboriginal place of heritage significance, and

(e) the proposed development would not have any significant adverse effect on the amenity of the surrounding area.

5.11 Bush fire hazard reduction

Bush fire hazard reduction work authorised by the Rural Fires Act 1997 may be carried out on any land without development consent.

Note. The Rural Fires Act 1997 also makes provision relating to the carrying out of development on bush fire prone land.

5.12 Infrastructure development and use of existing buildings of the Crown

(1) This Precinct Plan does not restrict or prohibit, or enable the restriction or prohibition of, the carrying out of any development, by or on behalf of a public authority, that is permitted to be carried out with or without development consent, or that is exempt development, under State Environmental Planning Policy (Infrastructure) 2007.

(2) This Precinct Plan does not restrict or prohibit, or enable the restriction or prohibition of, the use of existing buildings of the Crown by the Crown.

Part 6 Additional local provisions

6.1 Public utility infrastructure

(1) Development consent must not be granted for development on land to which this Precinct Plan applies unless the consent authority is satisfied that any public utility infrastructure that is essential for the proposed development is available or that adequate arrangements have been made to make that infrastructure available when it is required.

(2) This clause does not apply to development for the purpose of providing, extending, augmenting, maintaining or repairing any public utility infrastructure referred to in this clause.

(3) In this clause, public utility infrastructure includes infrastructure for any of the following—

(a) the supply of water,

(b) the supply of electricity,

(c) the disposal and management of sewage.

6.2 Information and education facilities in Zone R2 Low Density Residential

(1) The objectives of this clause are as follows—

(a) to permit, with development consent, information and education facilities within Zone R2
Low Density Residential in limited circumstances,

(b) to provide criteria for the location and development of information and education facilities within Zone R2 Low Density Residential in the Vineyard Precinct,

(c) to ensure that development for the purposes of information and education facilities does not detract from the character and amenity of land within Zone R2 Low Density Residential.

(2) Development for the purpose of information and education facilities is permissible with development consent only on land within Zone R2 Low Density Residential that—

(a) adjoins land within Zone E2 Environmental Conservation, or that is separated from land within Zone E2 Environmental Conservation only by a public road, or

(b) is within 90 metres of a public transport stop, or

(c) adjoins an educational establishment or a community facility or that is separated from an educational establishment or a community facility only by a public road.

(3) Development consent must not be granted for an information and education facility if it would be located within 800 metres of another information and educational facility within Zone R2 Low Density Residential.

6.3 Development controls—existing native vegetation

(1) The objective of this clause is to manage existing native vegetation in accordance with the relevant biodiversity measures under Part 8 of the Biodiversity Conservation Act 2016.

(2) This clause applies to land within an existing native vegetation area as shown on the Native Vegetation Protection Map.

(3) This clause does not apply to a weed within the meaning of the Biosecurity Act 2015 that is identified as a priority weed on the land to which this Precinct Plan applies by a local strategic plan approved under Division 2 of Part 4 of the Local Land Services Act 2013.

(4) The consent authority must not grant development consent for development on land to which this clause applies unless it is satisfied that the proposed development will not result in the clearing of any existing native vegetation.

6.4 Development in Zone E2 Environmental Conservation

(1) This clause applies to land within Zone E2 Environmental Conservation (other than any such land owned by a public authority).

(2) Despite any other provision of this Precinct Plan, the consent authority must not grant development consent for development on land to which this clause applies unless it has considered a vegetation management plan that relates to all of that land.

(3) The vegetation management plan must address, to the satisfaction of the consent authority, the following matters—

(a) the environmental values of the land,

(b) methods to be used to revegetate and rehabilitate the land,
(c) weed control,
(d) the monitoring and ongoing management of the land,
(e) other measures—
   (i) to control threats to the health of any remnant riparian vegetation on the land, and
   (ii) to increase species diversification and riparian vegetation cover on the land, and
   (iii) to improve the land’s resistance to future weed colonisation.

6.5 Subdivision of land adjoining Zone E2 Environmental Conservation

(1) The objectives of this clause are as follows—
   (a) to ensure the rehabilitation and revegetation of land that is within Zone E2 Environmental Conservation (other than any such land owned by a public authority),
   (b) to ensure that land within that Zone is managed and conserved in a holistic and sensitive manner.

(2) This clause applies to any lot that includes land within Zone E2 Environmental Conservation and land within another zone.

(3) Despite any other provision of this Precinct Plan, the consent authority must not grant development consent for subdivision of land to which this clause applies or any other development on that land unless it is satisfied that—
   (a) appropriate arrangements have been made for the revegetation and rehabilitation of that land within Zone E2 Environmental Conservation, and
   (b) those arrangements—
       (i) provide for the ongoing monitoring and management of that land, and
       (ii) will take effect before, or simultaneously with, the proposed subdivision or development concerned, and
       (iii) are appropriate when considered in conjunction with any vegetation management plan prepared in accordance with clause 6.5.

6.6 Subdivision of land on flood prone and major creeks land wholly or partially in Zone E4 Environmental Living

(1) This clause applies to land that is flood prone and major creeks land and that is—
   (a) wholly within Zone E4 Environmental Living, or
   (b) partially within Zone E4 Environmental Living and partially within one or both of the following zones—
       (i) Zone R2 Low Density Residential,
       (ii) Zone R3 Medium Density Residential.
(2) Despite any other provision of this Precinct Plan, the consent authority must not grant consent for the subdivision of land to which this clause applies unless the consent authority is satisfied that there is an area of land on the lot that is above the flood planning level and is sufficient for the erection of a dwelling house.

(3) In this clause—

flood planning level means the level of a 1:100 ARI (average recurrent interval) flood event plus 0.5 metre freeboard.

6.7 Attached dwellings and multi dwelling housing in Zone R2 Low Density Residential

(1) The objectives of this clause are—

(a) to permit, with development consent, attached dwellings and multi dwelling housing in Zone R2 Low Density Residential in limited circumstances, and

(b) to provide location and development criteria that must be satisfied before development consent can be granted.

(2) Development for the purposes of attached dwellings or multi dwelling housing is permissible with development consent on land in Zone R2 Low Density Residential if a dwelling density range is shown on the Residential Density Map for the land as O2 and if the land—

(a) adjoins land in Zone RE1 Public Recreation, or is separated from land in that zone only by a public road, or

(b) adjoins land in Zone B2 Local Centre or Zone B4 Mixed Use, or is separated from land in any of those zones only by a public road, or

(c) the land is within 400m of land in Zone B2 Local Centre and adjoins (or is separated only by a public road from) land in Zone SP2 Infrastructure that is set aside for drainage or educational purpose.

Note. The dwelling density range for O2 is 15 minimum—18 maximum per hectare.

(3) Development must not be granted under this clause unless the consent authority is satisfied that—

(a) the attached dwellings or multi dwelling housing will not adversely impact on the amenity of any adjoining residential properties, and

(b) the attached dwellings or multi dwelling housing will be designed and orientated to provide active frontages to and surveillance of the public recreation drainage land, and

(c) the attached dwellings or multi dwelling housing will not adversely impact on or limit solar access to adjoining residential or public open space land.

(4) This clause has effect despite anything to the contrary in the Land Use Table.

6.8 Acid sulfate soils

(1) The objective of this clause is to ensure that development does not disturb, expose or drain acid sulfate soils and cause environmental damage.
(2) Development consent is required for the carrying out of works described in the Table to this subclause on land shown on the Acid Sulfate Soils Map as being of the class specified for those works.

<table>
<thead>
<tr>
<th>Class of land</th>
<th>Works</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Any works.</td>
</tr>
<tr>
<td>2</td>
<td>Works below the natural ground surface. Works by which the watertable is likely to be lowered.</td>
</tr>
<tr>
<td>3</td>
<td>Works more than 1 metre below the natural ground surface. Works by which the watertable is likely to be lowered more than 1 metre below the natural ground surface.</td>
</tr>
<tr>
<td>4</td>
<td>Works more than 2 metres below the natural ground surface. Works by which the watertable is likely to be lowered more than 2 metres below the natural ground surface.</td>
</tr>
<tr>
<td>5</td>
<td>Works within 500 metres of adjacent Class 1, 2, 3 or 4 land that is below 5 metres Australian Height Datum and by which the watertable is likely to be lowered below 1 metre Australian Height Datum on adjacent Class 1, 2, 3 or 4 land.</td>
</tr>
</tbody>
</table>

(3) Development consent must not be granted under this clause for the carrying out of works unless an acid sulfate soils management plan has been prepared for the proposed works in accordance with the Acid Sulfate Soils Manual and has been provided to the consent authority.

(4) Despite subclause (2), development consent is not required under this clause for the carrying out of works if—

(a) a preliminary assessment of the proposed works prepared in accordance with the Acid Sulfate Soils Manual indicates that an acid sulfate soils management plan is not required for the works, and

(b) the preliminary assessment has been provided to the consent authority and the consent authority has confirmed the assessment by notice in writing to the person proposing to carry out the works.

(5) Despite subclause (2), development consent is not required under this clause for the carrying out of any of the following works by a public authority (including ancillary work such as excavation, construction of access ways or the supply of power)—

(a) emergency work, being the repair or replacement of the works of the public authority required to be carried out urgently because the works have been damaged, have ceased to function or pose a risk to the environment or to public health and safety,

(b) routine maintenance work, being the periodic inspection, cleaning, repair or replacement of the works of the public authority (other than work that involves the disturbance of more than 1 tonne of soil),

(c) minor work, being work that costs less than $20,000 (other than drainage work).

(6) Despite subclause (2), development consent is not required under this clause to carry out any
works if—

(a) the works involve the disturbance of less than 1 tonne of soil, such as occurs in carrying out agriculture, the construction or maintenance of drains, extractive industries, dredging, the construction of artificial water bodies (including canals, dams and detention basins), foundations or flood mitigation works, or

(b) the works are not likely to lower the watertable.

6.9 Earthworks

(1) The objectives of this clause are as follows—

(a) to ensure that earthworks for which development consent is required will not have a detrimental impact on environmental functions and processes, neighbouring uses, cultural or heritage items or features of the surrounding land,

(b) to allow earthworks of a minor nature without requiring separate development consent.

(2) Development consent is required for earthworks unless—

(a) the earthworks are exempt development under this Precinct Plan or another applicable environmental planning instrument, or

(b) the earthworks are ancillary to other development for which development consent has been given.

(3) Before granting development consent for earthworks, the consent authority must consider the following matters—

(a) the likely disruption of, or any detrimental effect on, existing drainage patterns and soil stability in the locality,

(b) the effect of the development on the likely future use or redevelopment of the land,

(c) the quality of the fill or the soil to be excavated, or both,

(d) the effect of the development on the existing and likely amenity of adjoining properties,

(e) the source of any fill material and the destination of any excavated material,

(f) the likelihood of disturbing Aboriginal objects,

(g) the proximity to and potential for adverse impacts on any watercourse, drinking water catchment or environmentally sensitive area,

(h) any appropriate measures proposed to avoid, minimise or mitigate the impacts of the development.

Note. The National Parks and Wildlife Act 1974, particularly section 86, deals with disturbing or excavating land and Aboriginal objects.
**Schedule 1 Additional permitted uses**

*(Clause 2.5)*

**Motel accommodation and pub**

On land being Lot 2 in Deposited Plan 559566 and Lot 31 in Deposited Plan 1089253—development for the purposes of motel accommodation and a pub.

**Schedule 4 Classification and reclassification of public land**

*(Clause 5.2)*

**Part 1 Land classified, or reclassified, as operational land—no interests changed**

<table>
<thead>
<tr>
<th>Column 1</th>
<th>Column 2</th>
</tr>
</thead>
<tbody>
<tr>
<td>Locality</td>
<td>Description</td>
</tr>
<tr>
<td>Nil</td>
<td></td>
</tr>
</tbody>
</table>

**Part 2 Land classified, or reclassified, as operational land—interests changed**

<table>
<thead>
<tr>
<th>Column 1</th>
<th>Column 2</th>
<th>Column 3</th>
</tr>
</thead>
<tbody>
<tr>
<td>Locality</td>
<td>Description</td>
<td>Any trusts etc not discharged</td>
</tr>
<tr>
<td>Nil</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**Part 3 Land classified, or reclassified, as community land**

<table>
<thead>
<tr>
<th>Column 1</th>
<th>Column 2</th>
</tr>
</thead>
<tbody>
<tr>
<td>Locality</td>
<td>Description</td>
</tr>
<tr>
<td>Nil</td>
<td></td>
</tr>
</tbody>
</table>

**Schedule 5 Environmental heritage**

*(Clause 5.10)*

**Part 1 Heritage items**

<table>
<thead>
<tr>
<th>Precinct</th>
<th>Item name</th>
<th>Address</th>
<th>Property description</th>
<th>Significance</th>
</tr>
</thead>
<tbody>
<tr>
<td>Vineyard</td>
<td>Pitt Town Common House</td>
<td>52 Chapman Road</td>
<td>Lot 47, DP 752050</td>
<td>Local</td>
</tr>
</tbody>
</table>

**Appendix 14 South East Wilton Precinct Plan**

**Part 1 Preliminary**

*Note.* The *Standard Instrument (Local Environmental Plans) Order 2006* sets out matters to be included in standard local environmental plans. While this Precinct Plan is not a standard local environmental plan, a number of clauses from the *Standard*
1.1 Name of Precinct Plan

This Precinct Plan is the South East Wilton Precinct Plan 2018.

1.2 Aims of Precinct Plan

The aims of this Precinct Plan are as follows—

(a) to rezone land to allow for development to occur in the manner envisaged by the South East Wilton structure plans,

(b) to deliver housing choice and affordability by accommodating a wide range of residential dwelling types that cater for housing diversity,

(c) to guide the bulk and scale of future development within the South East Wilton Precinct consistent with the South East Wilton structure plans,

(d) to protect and enhance conservation areas and areas of significant native vegetation and habitat, as well as to establish development controls that require the impact of development on native flora and fauna (including koalas) to be assessed,

(e) to rezone land to allow for retail and commercial uses to meet the needs of future residents of the South East Wilton Precinct.

1.3 Land to which Precinct Plan applies

This Precinct Plan applies to land within the South East Wilton Precinct as shown on the Land Application Map.

1.4 Definitions

In this Precinct Plan—

Council means Wollondilly Shire Council.

South East Wilton structure plans means the following—

(a) Wilton 2040: A Plan for the Wilton Growth Area dated 28 September 2018 and published on the Department’s website,

(b) the South East Wilton Precinct Structure Plan dated 13 December 2017 and published on the Department’s website.

Note. The Dictionary at the end of this State environmental planning policy defines words and expressions for the purposes of this Precinct Plan, including the relevant maps.

1.5 Notes

Notes in this Precinct Plan are provided for guidance and do not form part of this Plan.
1.6 Consent authority

The consent authority for the purposes of this Precinct Plan is (subject to the Act) the Council.

1.8 Repeal of other local planning instruments applying to land

(1) All local environmental plans and deemed environmental planning instruments applying only to the land to which this Precinct Plan applies are repealed.

(2) All local environmental plans and deemed environmental planning instruments applying to the land to which this Precinct Plan applies and to other land cease to apply to the land to which this Precinct Plan applies.

Note. Wollondilly Local Environmental Plan 2011 ceases to apply to the land to which this Precinct Plan applies.

(3) This clause does not affect the operation of other provisions of this State environmental planning policy.

1.8A Savings provision relating to pending development applications

(1) If a development application has been made before the commencement of this Precinct Plan in relation to land to which this Precinct Plan applies and the application has not been finally determined before that commencement, the application must be determined as if this Precinct Plan had not commenced.

(2) If a development application has been made before the commencement of State Environmental Planning Policy (Sydney Region Growth Centres) Amendment (North Wilton Precinct) 2018 in relation to land to which this Precinct Plan applies and the application has not been finally determined before that commencement, the application must be determined as if that Policy had not commenced.

(3) Despite subclause (2), clause 4.3A, as amended by State Environmental Planning Policy (Sydney Region Growth Centres) Amendment (North Wilton Precinct) 2018, extends to a development application that is made (but not finally determined) before the commencement of that Policy.

1.9 Application of SEPPs

(1) This Precinct Plan is subject to the provisions of any State environmental planning policy that prevails over this Precinct Plan as provided by section 3.28 of the Act.

Note. Section 3.28 of the Act generally provides that SEPPs prevail over LEPs and other instruments. However, an environmental planning instrument may (by an additional provision included in the instrument) displace or amend a SEPP or LEP to deal specifically with the relationship between the instrument and the SEPP or LEP.

(2) State Environmental Planning Policy No 1—Development Standards does not apply to the land to which this Precinct Plan applies.

(3) In the event of an inconsistency between this Precinct Plan and any other provision of this or any other environmental planning instrument, whether made before or after the commencement of this Precinct Plan, this Precinct Plan prevails to the extent of the inconsistency.

Note. The other provisions of this State environmental planning policy also contain provisions applying development controls to the Wilton Growth Area Precinct.
1.9A Suspension of covenants, agreements and instruments

(1) For the purpose of enabling development on land in any zone to be carried out in accordance with this Precinct Plan or with a consent granted under the Act, any agreement, covenant or other similar instrument that restricts the carrying out of that development does not apply to the extent necessary to serve that purpose.

(2) This clause does not apply—

(a) to a covenant imposed by the Council or that the Council requires to be imposed, or

(b) to any biodiversity certification conferred under Part 8 of the *Biodiversity Conservation Act 2016*, or

(c) to any private land conservation agreement within the meaning of the *Biodiversity Conservation Act 2016*, or

(d) to any relevant instrument within the meaning of section 13.4 of the *Crown Land Management Act 2016*, or

(e) to the relevant provisions of a land management (native vegetation) code (and the necessary mandatory code compliant certificate) with respect to a set aside area under Part 5A of the *Local Land Services Act 2013*, or

(f) to any conservation agreement within the meaning of the *National Parks and Wildlife Act 1974*, or

(g) to any Trust agreement within the meaning of the *Nature Conservation Trust Act 2001* that is continued in force by the *Biodiversity Conservation (Savings and Transitional) Regulation 2017*, or

(h) to any property vegetation plan within the meaning of the *Native Vegetation Act 2003* that is continued in force by the *Biodiversity Conservation (Savings and Transitional) Regulation 2017*, or

(i) to any planning agreement within the meaning of Division 7.1 of the Act.

(3) This clause does not affect the rights or interests of any public authority under any registered instrument.

(4) Under section 3.16 of the Act, the Governor, before the making of this clause, approved of subclauses (1)–(3).

Part 2 Permitted or prohibited development

2.1 Land use zones

The land use zones under this Precinct Plan are as follows—

Urban Development Zone

1 Urban Development
Special Purposes Zones
SP2 Infrastructure

Environment Protection Zones
E2 Environmental Conservation

2.2 Zoning of land to which Precinct Plan applies

For the purposes of this Precinct Plan, land is within the zones shown on the Land Zoning Map.

2.3 Zone objectives and Land Use Table

(1) The Land Use Table at the end of this Part specifies for each zone—

(a) the objectives for development, and

(b) development that may be carried out without consent, and

(c) development that may be carried out only with consent, and

(d) development that is prohibited.

(2) The consent authority must have regard to the objectives for development in a zone when determining a development application in respect of land within the zone.

(3) In the Land Use Table at the end of this Part—

(a) a reference to a type of building or other thing is a reference to development for the purposes of that type of building or other thing, and

(b) a reference to a type of building or other thing does not include (despite any definition in this Policy) a reference to a type of building or other thing referred to separately in the Table in relation to the same zone.

(4) This clause is subject to the other provisions of this Precinct Plan.

Notes.
1 Schedule 1 to this Precinct Plan sets out additional permitted uses for particular land.
2 Clause 2.6 requires consent for subdivision of land.
3 Part 5 of this Precinct Plan contains other provisions which require consent for particular development.

2.5 Additional permitted uses for particular land

(1) Development on particular land that is described or referred to in Schedule 1 to this Appendix may be carried out—

(a) with development consent, or

(b) if the Schedule so provides—without development consent,

in accordance with the conditions (if any) specified in that Schedule in relation to that development.

(2) This clause has effect despite anything to the contrary in the Land Use Table at the end of this
2.6 Subdivision—consent requirements

(1) Land to which this Precinct Plan applies may be subdivided, but only with development consent.

Notes.
1. If a subdivision is specified as exempt development in an applicable environmental planning instrument, such as this Precinct Plan or State Environmental Planning Policy (Exempt and Complying Development Codes) 2008, the Act enables it to be carried out without development consent.
2. Part 6 of State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 provides that the strata subdivision of a building in certain circumstances is complying development.

(2) Development consent must not be granted for the subdivision of land on which a secondary dwelling is situated if the subdivision would result in the principal dwelling and the secondary dwelling being situated on separate lots, unless the resulting lots are not less than the minimum size shown on the Lot Size Map in relation to that land.

Note. The definition of secondary dwelling in the Dictionary requires the dwelling to be on the same lot of land as the principal dwelling.

2.7 Demolition

The demolition of a building or work may be carried out only with development consent.

Note. The demolition of certain buildings and works is identified in State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 as exempt development.

Land Use Table

Note. Parts 6 and 7 of this Precinct Plan set out local provisions which include additional permissible land uses and heads of consideration for assessment.

Zone 1 Urban Development

1 Objectives of zone

• To manage the transition of land from non-urban uses to urban uses.

• To encourage the development of well-planned and well-serviced new urban communities in accordance with the South East Wilton structure plans.

• To ensure a range of uses, and uses located in a way, that are consistent with the strategic planning for the South East Wilton Precinct.

• To safeguard land used for non-urban purposes from development that could prejudice the use of the land for future urban purposes.

• To ensure that land adjacent to environmental conservation areas is developed in a way that enhances biodiversity outcomes for the Precinct.

2 Permitted without consent

Home occupations
3 Permitted with consent

Any development not specified in item 2 or 4

4 Prohibited

Air transport facilities; Animal boarding or training establishments; Boat building and repair facilities; Camping grounds; Caravan parks; Cemeteries; Charter and tourism boating facilities; Correctional centres; Crematoria; Depots; Electricity generating works; Extractive industries; Farm buildings; Forestry; Freight transport facilities; Heavy industrial storage establishments; Heavy industries; Home occupations (sex services); Mooring pens; Moorings; Open cut mining; Port facilities; Resource recovery facilities; Rural industries

Zone SP2 Infrastructure

1 Objectives of zone

- To provide for infrastructure and related uses.
- To prevent development that is not compatible with or that may detract from the provision of infrastructure.

2 Permitted without consent

Nil

3 Permitted with consent

The purpose shown on the Land Zoning Map, including any development that is ordinarily incidental or ancillary to development for that purpose

4 Prohibited

Any development not specified in item 2 or 3

Zone E2 Environmental Conservation

1 Objectives of zone

- To protect, manage and restore areas of high ecological, scientific, cultural or aesthetic values.
- To prevent development that could destroy, damage or otherwise have an adverse effect on those values.

2 Permitted without consent

Nil

3 Permitted with consent

Environmental facilities: Environmental protection works; Information and education facilities; Kiosks; Recreation areas; Roads

4 Prohibited

Business premises; Hotel or motel accommodation; Industries; Multi dwelling housing; Recreation
facilities (major); Residential flat buildings; Restricted premises; Retail premises; Seniors housing; Service stations; Warehouse or distribution centres; Any other development not specified in item 2 or 3

**Part 4 Principal development standards**

### 4.1 Minimum subdivision lot size

(1) The objectives of this clause are as follows—

(a) to ensure that the minimum size for lots is sufficient for the provision of usable areas for building and open space,

(b) to encourage the efficient use of land for residential purposes.

(2) This clause applies to a subdivision of any land shown on the Lot Size Map that requires development consent and that is carried out after the commencement of this Precinct Plan.

(3) The size of any lot resulting from any such subdivision of land to which this clause applies is not to be less than the minimum size shown on the Lot Size Map in relation to that land.

(4) This clause does not apply in relation to the subdivision of individual lots in a strata plan.

### 4.3 Height of buildings

(1) The objectives of this clause are as follows—

(a) to establish the maximum height of buildings,

(b) to minimise visual impact and protect the amenity of adjoining development and land in terms of solar access to buildings and open space,

(c) to facilitate higher density development in and around commercial centres and major transport routes.

(2) The height of a building on any land is not to exceed the maximum height shown for the land on the Height of Buildings Map.

### 4.3A Residential density

(1) The consent authority must not grant development consent to development that results in more than 3,600 dwellings on the land to which this Precinct Plan applies.

(2) The consent authority must not grant development consent to development on land if the development will result in the density of—

(a) dwelling houses and dual occupancies being 15 or fewer dwellings per hectare of land or exceeding 25 dwellings per hectare of the land, or

(b) residential flat buildings, multi dwelling housing, mixed use development and shop top housing being 25 or fewer dwellings per hectare of the land or exceeding 45 dwellings per hectare of the land, or

(c) attached dwellings being 15 or fewer dwellings per hectare of the land or exceeding 45
dwellings per hectare of the land.

(3) Subclause (2) does not prevent a subdivision that provides for individual dwellings to be on separate lots if the consent authority is satisfied that the subdivision does not also involve the creation of additional dwelling entitlements.

(4) This clause has effect despite anything to the contrary in any other provision of this Precinct Plan.

(5) In this clause—

density means the ratio of the number of dwellings to the area of the land to be occupied by the development, including internal streets and half the width of any roads adjoining the development that provide vehicular access to the development but excluding land used for non-residential purposes.

4.3B Retail floor areas

Despite any other provision of this Precinct Plan, the total gross floor area used for the purposes of retail premises on the land to which this Precinct Plan applies must not exceed 5,000 square metres.

4.6 Exceptions to development standards

(1) The objectives of this clause are as follows—

(a) to provide an appropriate degree of flexibility in applying certain development standards to particular development,

(b) to achieve better outcomes for and from development by allowing flexibility in particular circumstances.

(2) Development consent may, subject to this clause, be granted for development even though the development would contravene a development standard imposed by this or any other environmental planning instrument. However, this clause does not apply to a development standard that is expressly excluded from the operation of this clause.

(3) Development consent must not be granted for development that contravenes a development standard unless the consent authority has considered a written request from the applicant that seeks to justify the contravention of the development standard by demonstrating—

(a) that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and

(b) that there are sufficient environmental planning grounds to justify contravening the development standard.

(4) Development consent must not be granted for development that contravenes a development standard unless—

(a) the consent authority is satisfied that—

(i) the applicant’s written request has adequately addressed the matters required to be demonstrated by subclause (3), and
(ii) the proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out, and

(b) the concurrence of the Planning Secretary has been obtained.

(5) In deciding whether to grant concurrence, the Planning Secretary must consider—

(a) whether contravention of the development standard raises any matter of significance for State or regional environmental planning, and

(b) the public benefit of maintaining the development standard, and

(c) any other matters required to be taken into consideration by the Planning Secretary before granting concurrence.

(6) Development consent must not be granted under this clause for a subdivision of land in Zone E2 Environmental Conservation if—

(a) the subdivision will result in 2 or more lots of less than the minimum area specified for such lots by a development standard, or

(b) the subdivision will result in at least one lot that is less than 90% of the minimum area specified for such a lot by a development standard.

(7) After determining a development application made pursuant to this clause, the consent authority must keep a record of its assessment of the factors required to be addressed in the applicant’s written request referred to in subclause (3).

(8) This clause does not allow development consent to be granted for development that would contravene any of the following—

(a) a development standard for complying development,

(b) a development standard that arises, under the regulations under the Act, in connection with a commitment set out in a BASIX certificate for a building to which State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004 applies or for the land on which such a building is situated,

(c) clause 5.4,

(d) clause 6.2 or 7.1.

Part 5 Miscellaneous provisions

5.1A Consideration of development applications

(1) Development consent must not be granted to the carrying out of development on land within Zone 1 Urban Development unless the consent authority—

(a) has notified the Planning Secretary about the proposed development, and

(b) has considered any submission made by the Planning Secretary to the consent authority about the proposed development, and
(c) is satisfied that the development is consistent with the South East Wilton structure plans.

(2) If the Planning Secretary fails to make a submission to the consent authority within 14 days of being notified of the proposed development, the consent authority may determine the development application without complying with subclause (1) (b).

Note. Under clause 85 of State Environmental Planning Policy (Infrastructure) 2007, the consent authority must notify the rail authority for the Maldon–Dombarton Rail Corridor before considering a development application relating to land that is in or adjacent to that corridor.

5.1 Relevant acquisition authority

(1) The objective of this clause is to identify, for the purposes of section 3.15 of the Act, the authority of the State that will be the relevant authority to acquire land reserved for certain public purposes if the land is required to be acquired under Division 3 of Part 2 of the Land Acquisition (Just Terms Compensation) Act 1991 (the owner-initiated acquisition provisions).

Note. If the landholder will suffer hardship if there is any delay in the land being acquired by the relevant authority, section 23 of the Land Acquisition (Just Terms Compensation) Act 1991 requires the authority to acquire the land.

(2) The authority of the State that will be the relevant authority to acquire land, if the land is required to be acquired under the owner-initiated acquisition provisions, is the authority of the State specified below in relation to the land shown on the Land Reservation Acquisition Map (or, if an authority of the State is not specified in relation to land required to be so acquired, the authority designated or determined under those provisions).

<table>
<thead>
<tr>
<th>Type of land shown on Map or on Map for underlying zone for land</th>
<th>Authority of the State</th>
</tr>
</thead>
<tbody>
<tr>
<td>Zone SP2 Infrastructure and marked “Local drainage”</td>
<td>Council</td>
</tr>
<tr>
<td>Zone SP2 Infrastructure and marked “Local road”</td>
<td>Council</td>
</tr>
<tr>
<td>Zone SP2 Infrastructure and marked “Classified Roads and Maritime Services Road”</td>
<td>Roads and Maritime Services</td>
</tr>
</tbody>
</table>

(3) Development on land acquired by an authority of the State under the owner-initiated acquisition provisions may, before it is used for the purpose for which it is reserved, be carried out, with development consent, for any purpose.

Note. If land, other than land specified in the table to subclause (2), is required to be acquired under the owner-initiated acquisition provisions, the Minister for Planning is required to take action to enable the designation of the acquiring authority under this Part. Pending the designation of the acquiring authority for that land, the acquiring authority is to be the authority determined by order of the Minister for Planning (see section 21 of the Land Acquisition (Just Terms Compensation) Act 1991).

5.2 Classification and reclassification of public land

(1) The objective of this clause is to enable the Council to classify or reclassify public land as “operational land” or “community land” in accordance with Part 2 of Chapter 6 of the Local Government Act 1993.

Note. Under the Local Government Act 1993, public land is generally land vested in or under the control of a
council (other than roads and certain Crown land). The classification or reclassification of public land may also be made by a resolution of the Council under section 31, 32 or 33 of the *Local Government Act 1993*. Section 30 of that Act enables this Precinct Plan to discharge trusts on which public reserves are held if the land is reclassified under this Precinct Plan as operational land.

(2) The public land described in Part 1 or Part 2 of Schedule 4 to this Precinct Plan is classified, or reclassified, as operational land for the purposes of the *Local Government Act 1993*.

(3) The public land described in Part 3 of Schedule 4 to this Precinct Plan is classified, or reclassified, as community land for the purposes of the *Local Government Act 1993*.

(4) The public land described in Part 1 of Schedule 4 to this Precinct Plan—

(a) does not cease to be a public reserve to the extent (if any) that it is a public reserve, and

(b) continues to be affected by any trusts, estates, interests, dedications, conditions, restrictions or covenants that affected the land before its classification, or reclassification, as operational land.

(5) The public land described in Part 2 of Schedule 4 to this Precinct Plan, to the extent (if any) that it is a public reserve, ceases to be a public reserve when the description of the land is inserted into that Part and is discharged from all trusts, estates, interests, dedications, conditions, restrictions and covenants affecting the land or any part of the land, except—

(a) those (if any) specified for the land in Column 3 of Part 2 of Schedule 4 to this Precinct Plan, and

(b) any reservations that except land out of the Crown grant relating to the land, and

(c) reservations of minerals (within the meaning of the *Crown Land Management Act 2016*).

*Note.* In accordance with section 30 (2) of the *Local Government Act 1993*, the approval of the Governor to subclause (5) applying to the public land concerned is required before the description of the land is inserted in Part 2 of Schedule 4 to this Precinct Plan.

### 5.4 Controls relating to miscellaneous permissible uses

(1) **Bed and breakfast accommodation** If development for the purposes of bed and breakfast accommodation is permitted under this Precinct Plan, the accommodation that is provided to guests must consist of no more than 3 bedrooms.

*Note.* Any such development that provides for a certain number of guests or rooms may involve a change in the class of building under the *Building Code of Australia*.

(2) **Home businesses** If development for the purposes of a home business is permitted under this Precinct Plan, the carrying on of the business must not involve the use of more than 50 square metres of floor area.

(3) **Home industries** If development for the purposes of a home industry is permitted under this Precinct Plan, the carrying on of the home industry must not involve the use of more than 50 square metres of floor area.

(4) **Industrial retail outlets** If development for the purposes of an industrial retail outlet is permitted under this Precinct Plan, the retail floor area must not exceed—
(a) 43% of the gross floor area of the industry or rural industry located on the same land as the retail outlet, or

(b) 400 square metres,

whichever is the lesser.

(5) **Farm stay accommodation** If development for the purposes of farm stay accommodation is permitted under this Precinct Plan, the accommodation that is provided to guests must consist of no more than 5 bedrooms.

(6) **Kiosks** If development for the purposes of a kiosk is permitted under this Precinct Plan, the gross floor area must not exceed 20 square metres.

(7) **Neighbourhood shops** If development for the purposes of a neighbourhood shop is permitted under this Precinct Plan, the retail floor area must not exceed 400 square metres.

(8) **Roadside stalls** If development for the purposes of a roadside stall is permitted under this Precinct Plan, the gross floor area must not exceed 75 square metres.

(9) **Secondary dwellings** If development for the purposes of a secondary dwelling is permitted under this Precinct Plan, the total floor area of the dwelling (excluding any area used for parking) must not exceed whichever of the following is the greater—

(a) 60 square metres,

(b) 25% of the total floor area of the principal dwelling.

### 5.6 Architectural roof features

(1) The objectives of this clause are as follows—

(a) to ensure that architectural roof features are decorative elements only, and

(b) to ensure that the majority of the roof features are contained within the prescribed building height.

(2) Development that includes an architectural roof feature that exceeds, or causes a building to exceed, the height limits set by clause 4.3 may be carried out, but only with development consent.

(3) Development consent must not be granted to any such development unless the consent authority is satisfied that—

(a) the architectural roof feature—

   (i) comprises a decorative element on the uppermost portion of a building, and

   (ii) is not an advertising structure, and

   (iii) does not include floor space area and is not reasonably capable of modification to include floor space area, and

   (iv) will cause minimal overshadowing, and
(b) any building identification signage or equipment for servicing the building (such as plant, lift motor rooms, fire stairs and the like) contained in or supported by the roof feature is fully integrated into the design of the roof feature.

5.8 Conversion of fire alarms

(1) This clause applies to a fire alarm system that can be monitored by Fire and Rescue NSW or by a private service provider.

(2) The following development may be carried out, but only with development consent—

(a) converting a fire alarm system from connection with the alarm monitoring system of Fire and Rescue NSW to connection with the alarm monitoring system of a private service provider,

(b) converting a fire alarm system from connection with the alarm monitoring system of a private service provider to connection with the alarm monitoring system of another private service provider,

(c) converting a fire alarm system from connection with the alarm monitoring system of a private service provider to connection with a different alarm monitoring system of the same private service provider.

(3) Development to which subclause (2) applies is complying development if it consists only of—

(a) internal alterations to a building, or

(b) internal alterations to a building together with the mounting of an antenna, and any support structure, on an external wall or roof of a building so as to occupy a space of not more than 450 mm × 100mm × 100mm.

(4) A complying development certificate for any such complying development is subject to a condition that any building work may only be carried out between 7.00 am and 6.00 pm on Monday to Friday and between 7.00 am and 5.00 pm on Saturday, and must not be carried out on a Sunday or a public holiday.

(5) In this clause—

private service provider means a person or body that has entered into an agreement that is in force with Fire and Rescue NSW to monitor fire alarm systems.

5.10 Heritage conservation

Note. Heritage items (if any) are listed and described in Schedule 5 to this Precinct Plan. Heritage conservation areas (if any) are shown on the Heritage Map as well as being described in Schedule 5.

(1) Objectives The objectives of this clause are as follows—

(a) to conserve the environmental heritage of the South East Wilton Precinct,

(b) to conserve the heritage significance of heritage items and heritage conservation areas, including associated fabric, settings and views,

(c) to conserve archaeological sites,
(d) to conserve Aboriginal objects and Aboriginal places of heritage significance.

(2) Requirement for consent Development consent is required for any of the following—

(a) demolishing or moving any of the following or altering the exterior of any of the following (including, in the case of a building, making changes to its detail, fabric, finish or appearance)—

(i) a heritage item,

(ii) an Aboriginal object,

(iii) a building, work, relic or tree within a heritage conservation area,

(b) altering a heritage item that is a building by making structural changes to its interior or by making changes to anything inside the item that is specified in Schedule 5 to this Precinct Plan in relation to the item,

(c) disturbing or excavating an archaeological site while knowing, or having reasonable cause to suspect, that the disturbance or excavation will or is likely to result in a relic being discovered, exposed, moved, damaged or destroyed,

(d) disturbing or excavating an Aboriginal place of heritage significance,

(e) erecting a building on land—

(i) on which a heritage item is located or that is within a heritage conservation area, or

(ii) on which an Aboriginal object is located or that is within an Aboriginal place of heritage significance,

(f) subdividing land—

(i) on which a heritage item is located or that is within a heritage conservation area, or

(ii) on which an Aboriginal object is located or that is within an Aboriginal place of heritage significance.

(3) When consent not required However, development consent under this clause is not required if—

(a) the applicant has notified the consent authority of the proposed development and the consent authority has advised the applicant in writing before any work is carried out that it is satisfied that the proposed development—

(i) is of a minor nature or is for the maintenance of the heritage item, Aboriginal object, Aboriginal place of heritage significance or archaeological site or a building, work, relic, tree or place within the heritage conservation area, and

(ii) would not adversely affect the heritage significance of the heritage item, Aboriginal object, Aboriginal place, archaeological site or heritage conservation area, or

(b) the development is in a cemetery or burial ground and the proposed development—

(i) is the creation of a new grave or monument, or excavation or disturbance of land for the purpose of conserving or repairing monuments or grave markers, and
would not cause disturbance to human remains, relics, Aboriginal objects in the form of grave goods, or to an Aboriginal place of heritage significance, or

c the development is limited to the removal of a tree or other vegetation that the Council is satisfied is a risk to human life or property, or

d the development is exempt development.

(4) Effect of proposed development on heritage significance The consent authority must, before granting consent under this clause in respect of a heritage item or heritage conservation area, consider the effect of the proposed development on the heritage significance of the item or area concerned. This subclause applies regardless of whether a heritage management document is prepared under subclause (5) or a heritage conservation management plan is submitted under subclause (6).

(5) Heritage assessment The consent authority may, before granting consent to any development—

(a) on land on which a heritage item is located, or

(b) on land that is within a heritage conservation area, or

(c) on land that is within the vicinity of land referred to in paragraph (a) or (b),

require a heritage management document to be prepared that assesses the extent to which the carrying out of the proposed development would affect the heritage significance of the heritage item or heritage conservation area concerned.

(6) Heritage conservation management plans The consent authority may require, after considering the heritage significance of a heritage item and the extent of change proposed to it, the submission of a heritage conservation management plan before granting consent under this clause.

(7) Archaeological sites The consent authority must, before granting consent under this clause to the carrying out of development on an archaeological site (other than land listed on the State Heritage Register or to which an interim heritage order under the Heritage Act 1977 applies)—

(a) notify the Heritage Council of its intention to grant consent, and

(b) take into consideration any response received from the Heritage Council within 28 days after the notice is sent.

(8) Aboriginal places of heritage significance The consent authority must, before granting consent under this clause to the carrying out of development in an Aboriginal place of heritage significance—

(a) consider the effect of the proposed development on the heritage significance of the place and any Aboriginal object known or reasonably likely to be located at the place by means of an adequate investigation and assessment (which may involve consideration of a heritage impact statement), and

(b) notify the local Aboriginal communities, in writing or in such other manner as may be appropriate, about the application and take into consideration any response received within 28 days after the notice is sent.
(9) **Demolition of nominated State heritage items** The consent authority must, before granting consent under this clause for the demolition of a nominated State heritage item—

(a) notify the Heritage Council about the application, and

(b) take into consideration any response received from the Heritage Council within 28 days after the notice is sent.

(10) **Conservation incentives** The consent authority may grant consent to development for any purpose of a building that is a heritage item or of the land on which such a building is erected, or for any purpose on an Aboriginal place of heritage significance, even though development for that purpose would otherwise not be allowed by this Precinct Plan, if the consent authority is satisfied that—

(a) the conservation of the heritage item or Aboriginal place of heritage significance is facilitated by the granting of consent, and

(b) the proposed development is in accordance with a heritage management document that has been approved by the consent authority, and

(c) the consent to the proposed development would require that all necessary conservation work identified in the heritage management document is carried out, and

(d) the proposed development would not adversely affect the heritage significance of the heritage item, including its setting, or the heritage significance of the Aboriginal place of heritage significance, and

(e) the proposed development would not have any significant adverse effect on the amenity of the surrounding area.

5.11 **Bush fire hazard reduction**

Bush fire hazard reduction work authorised by the *Rural Fires Act 1997* may be carried out on any land without development consent.

*Note.* The *Rural Fires Act 1997* also makes provision relating to the carrying out of development on bush fire prone land.

5.12 **Infrastructure development and use of existing buildings of the Crown**

(1) This Precinct Plan does not restrict or prohibit, or enable the restriction or prohibition of, the carrying out of any development, by or on behalf of a public authority, that is permitted to be carried out with or without development consent, or that is exempt development, under *State Environmental Planning Policy (Infrastructure) 2007*.

(2) This Precinct Plan does not restrict or prohibit, or enable the restriction or prohibition of, the use of existing buildings of the Crown by the Crown.

**Part 6 Urban release areas**

6.1 **Definitions**

In this Part—
designated State public infrastructure means public facilities or services that are provided or financed by the State (or if provided or financed by the private sector, to the extent of any financial or in-kind contribution by the State) of the following kinds—

(a) State and regional roads,

(b) bus interchanges and bus lanes,

(c) land required for regional open space,

(d) land required for social infrastructure and facilities (such as land for schools, hospitals, emergency services and justice purposes).

urban release area means an area of land to which this Precinct Plan applies that is shown hatched and marked “Urban Release Area” on the Urban Release Area Map.

6.2 Arrangements for designated State public infrastructure

(1) The objective of this clause is to require satisfactory arrangements to be made for the provision of designated State public infrastructure before the subdivision of land in an urban release area to satisfy needs that arise from development on the land, but only if the land is developed intensively for urban purposes.

(2) Development consent must not be granted for the subdivision of land in an urban release area if the subdivision would create a lot smaller than the minimum lot size permitted on the land immediately before the land became, or became part of, an urban release area, unless the Planning Secretary has certified in writing to the consent authority that satisfactory arrangements have been made to contribute to the provision of designated State public infrastructure in relation to that lot.

(3) Subclause (2) does not apply to—

(a) any lot identified in the certificate as a residue lot, or

(b) any lot to be created by a subdivision of land that was the subject of a previous development consent granted in accordance with this clause, or

(c) any lot that is proposed in the development application to be reserved or dedicated for public open space, public roads, public utility undertakings, educational facilities or any other public purpose, or

(d) a subdivision for the purpose only of rectifying an encroachment on any existing lot.

(4) This clause does not apply to a development application to carry out development on land in an urban release area if all or any part of the land to which the application applies is in a special contributions area (as defined by section 7.1 of the Act).

6.3 Relationship between Part and remainder of Precinct Plan

A provision of this Part prevails over any other provision of this Precinct Plan to the extent of any inconsistency.
Part 7 Additional local provisions

7.1 Public utility infrastructure

(1) Development consent must not be granted for development on land to which this Precinct Plan applies unless the council is satisfied that any public utility infrastructure that is essential for the proposed development is available or that adequate arrangements have been made to make that infrastructure available when it is required.

(2) This clause does not apply to development for the purpose of providing, extending, augmenting, maintaining or repairing any public utility infrastructure referred to in this clause.

(3) In this clause, _public utility infrastructure_ includes infrastructure for any of the following—
   (a) the supply of water,
   (b) the supply of electricity,
   (c) the disposal and management of sewage.

7.2 Development in Zone E2 Environmental Conservation

(1) This clause applies to land within Zone E2 Environmental Conservation (other than any such land owned by a public authority).

(2) Despite any other provision of this Precinct Plan, the consent authority must not grant development consent for development on land to which this clause applies unless it has considered a vegetation management plan that relates to all of that land.

(3) The vegetation management plan must address, to the satisfaction of the consent authority, the following matters—
   (a) the environmental values of the land,
   (b) methods to be used to revegetate and rehabilitate the land,
   (c) weed control,
   (d) the monitoring and ongoing management of the land,
   (e) other measures—
      (i) to control threats to the health of any remnant riparian vegetation on the land, and
      (ii) to increase species diversification and riparian vegetation cover on the land, and
      (iii) to improve the land’s resistance to future weed colonisation.

7.3 Subdivision of land adjoining Zone E2 Environmental Conservation

(1) The objectives of this clause are as follows—
   (a) to ensure the rehabilitation and revegetation of land that is within Zone E2 Environmental Conservation (other than any such land owned by a public authority),
(b) to ensure that land within that Zone is managed and conserved in a holistic and sensitive manner.

(2) This clause applies to any lot that includes land within Zone E2 Environmental Conservation and land within another zone.

(3) Despite any other provision of this Precinct Plan, the consent authority must not grant development consent for subdivision of land to which this clause applies or any other development on that land unless it is satisfied that—

(a) appropriate arrangements have been made for the revegetation and rehabilitation of that land within Zone E2 Environmental Conservation, and

(b) those arrangements—

(i) provide for the ongoing monitoring and management of that land, and

(ii) will take effect before, or simultaneously with, the proposed subdivision or development concerned, and

(iii) are appropriate when considered in conjunction with any vegetation management plan prepared in accordance with clause 7.2.

7.4 Earthworks

(1) The objectives of this clause are as follows—

(a) to ensure that earthworks for which development consent is required will not have a detrimental impact on environmental functions and processes, neighbouring uses, cultural or heritage items or features of the surrounding land,

(b) to allow earthworks of a minor nature without requiring separate development consent.

(2) Development consent is required for earthworks unless—

(a) the earthworks are exempt development under this Precinct Plan or another applicable environmental planning instrument, or

(b) the earthworks are ancillary to other development for which development consent has been given.

(3) Before granting development consent for earthworks, the consent authority must consider the following matters—

(a) the likely disruption of, or any detrimental effect on, existing drainage patterns and soil stability in the locality,

(b) the effect of the development on the likely future use or redevelopment of the land,

(c) the quality of the fill or the soil to be excavated, or both,

(d) the effect of the development on the existing and likely amenity of adjoining properties,

(e) the source of any fill material and the destination of any excavated material,
(f) the likelihood of disturbing Aboriginal objects,

(g) the proximity to and potential for adverse impacts on any watercourse, drinking water catchment or environmentally sensitive area,

(h) any appropriate measures proposed to avoid, minimise or mitigate the impacts of the development.

Note. The National Parks and Wildlife Act 1974, particularly section 86, deals with disturbing or excavating land and Aboriginal objects.

7.5 Location of sex services premises

(1) The objective of this clause is to minimise land use conflicts and adverse amenity impacts by providing a reasonable level of separation between sex services premises, specified land uses and places regularly frequented by children.

(2) In deciding whether to grant development consent to development for the purposes of sex services premises, the consent authority must consider whether the premises will be located on land that adjoins, is directly opposite or is separated only by a local road from land used for the purposes of a centre-based child care facility, a community facility, a school or a place of public worship.

7.6 Restricted premises

(1) Development consent must not be granted to development for the purposes of restricted premises if the premises will be located on land that abuts or is separated only by a road from land used for the purposes of a community facility, school or place of public worship.

(2) In deciding whether to grant consent to development for the purposes of restricted premises, the consent authority must consider—

(a) the impact of the proposed development on places of high pedestrian activity, and

(b) the impact of the proposed development on land frequented by children for care, recreational or cultural purposes, and

(c) whether the appearance of the restricted premises is sufficiently discreet.

Schedule 1 Additional permitted uses

Schedule 4 Classification and reclassification of public land

Part 1 Land classified, or reclassified, as operational land—no interests changed

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Schedule 5 Environmental heritage

Part 1 Heritage items

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Appendix 15 North Wilton Precinct Plan

Part 1 Preliminary

Note. The Standard Instrument (Local Environmental Plans) Order 2006 sets out matters to be included in standard local environmental plans. While this Precinct Plan is not a standard local environmental plan, a number of clauses from the Standard Instrument (Local Environmental Plans) Order 2006 have been included in this Precinct Plan and the clause numbering from that Order has been retained. This means that the numbering in this Precinct Plan may contain some gaps. Additional provisions have been inserted and are numbered accordingly.

1.1 Name of Precinct Plan

This Precinct Plan is the North Wilton Precinct Plan 2018.

1.2 Aims of Precinct Plan

The aims of this Precinct Plan are as follows—

(a) to rezone land to allow for development to occur in the manner envisaged by the North Wilton structure plans,

(b) to deliver housing choice and affordability by accommodating a wide range of residential dwelling types that cater for housing diversity,

(c) to guide the bulk and scale of future development within the North Wilton Precinct consistent with the North Wilton structure plans,
(d) to protect and enhance conservation areas and areas of significant native vegetation and habitat, as well as to establish development controls that require the impact of development on native flora and fauna (including koalas) to be assessed,

(e) to rezone land to allow for retail and commercial uses to meet the needs of future residents of the North Wilton Precinct.

1.3 Land to which Precinct Plan applies

This Precinct Plan applies to land within the North Wilton Precinct as shown on the Land Application Map.

1.4 Definitions

In this Precinct Plan—

Council means Wollondilly Shire Council.

North Wilton structure plans means the following—

(a) Wilton 2040: A Plan for the Wilton Growth Area dated 28 September 2018 and published on the Department’s website,

(b) the North Wilton Precinct Structure Plan dated 11 October 2018 and published on the Department’s website.

Note. The Dictionary at the end of this State environmental planning policy defines words and expressions for the purposes of this Precinct Plan, including the relevant maps.

1.5 Notes

Notes in this Precinct Plan are provided for guidance and do not form part of this Plan.

1.6 Consent authority

The consent authority for the purposes of this Precinct Plan is (subject to the Act) the Council.

1.8 Repeal of other local planning instruments applying to land

(1) All local environmental plans and deemed environmental planning instruments applying only to the land to which this Precinct Plan applies are repealed.

(2) All local environmental plans and deemed environmental planning instruments applying to the land to which this Precinct Plan applies and to other land cease to apply to the land to which this Precinct Plan applies.

Note. Wollondilly Local Environmental Plan 2011 ceases to apply to the land to which this Precinct Plan applies.

(3) This clause does not affect the operation of other provisions of this State environmental planning policy.

1.8A Savings provision relating to pending development applications

If a development application has been made before the commencement of this Precinct Plan in relation to land to which this Precinct Plan applies and the application has not been finally
determined before that commencement, the application must be determined as if this Precinct Plan had not commenced.

1.9 Application of SEPPs

(1) This Precinct Plan is subject to the provisions of any State environmental planning policy that prevails over this Precinct Plan as provided by section 3.28 of the Act.

Note. Section 3.28 of the Act generally provides that SEPPs prevail over LEPs and other instruments. However, an environmental planning instrument may (by an additional provision included in the instrument) displace or amend a SEPP or LEP to deal specifically with the relationship between the instrument and the SEPP or LEP.

(2) State Environmental Planning Policy No 1—Development Standards does not apply to the land to which this Precinct Plan applies.

(3) In the event of an inconsistency between this Precinct Plan and any other provision of this or any other environmental planning instrument, whether made before or after the commencement of this Precinct Plan, this Precinct Plan prevails to the extent of the inconsistency.

Note. The other provisions of this State environmental planning policy also contain provisions applying development controls to the Wilton Growth Area Precinct.

1.9A Suspension of covenants, agreements and instruments

(1) For the purpose of enabling development on land in any zone to be carried out in accordance with this Precinct Plan or with a consent granted under the Act, any agreement, covenant or other similar instrument that restricts the carrying out of that development does not apply to the extent necessary to serve that purpose.

(2) This clause does not apply—

(a) to a covenant imposed by the Council or that the Council requires to be imposed, or

(b) to any biodiversity certification conferred under Part 8 of the Biodiversity Conservation Act 2016, or

(c) to any private land conservation agreement within the meaning of the Biodiversity Conservation Act 2016, or

(d) to any relevant instrument within the meaning of section 13.4 of the Crown Land Management Act 2016, or

(e) to the relevant provisions of a land management (native vegetation) code (and the necessary mandatory code compliant certificate) with respect to a set aside area under Part 5A of the Local Land Services Act 2013, or

(f) to any conservation agreement within the meaning of the National Parks and Wildlife Act 1974, or

(g) to any Trust agreement within the meaning of the Nature Conservation Trust Act 2001 that is continued in force by the Biodiversity Conservation (Savings and Transitional) Regulation 2017, or

(h) to any property vegetation plan within the meaning of the Native Vegetation Act 2003 that is
continued in force by the Biodiversity Conservation (Savings and Transitional) Regulation 2017, or

(i) to any planning agreement within the meaning of Division 7.1 of the Act.

(3) This clause does not affect the rights or interests of any public authority under any registered instrument.

(4) Under section 3.16 of the Act, the Governor, before the making of this clause, approved of subclauses (1)–(3).

Part 2 Permitted or prohibited development

2.1 Land use zones

The land use zones under this Precinct Plan are as follows—

Urban Development Zone

1 Urban Development

Special Purposes Zones

SP2 Infrastructure

Environment Protection Zones

E2 Environmental Conservation

2.2 Zoning of land to which Precinct Plan applies

For the purposes of this Precinct Plan, land is within the zones shown on the Land Zoning Map.

2.3 Zone objectives and Land Use Table

(1) The Land Use Table at the end of this Part specifies for each zone—

(a) the objectives for development, and

(b) development that may be carried out without consent, and

(c) development that may be carried out only with consent, and

(d) development that is prohibited.

(2) The consent authority must have regard to the objectives for development in a zone when determining a development application in respect of land within the zone.

(3) In the Land Use Table at the end of this Part—

(a) a reference to a type of building or other thing is a reference to development for the purposes of that type of building or other thing, and

(b) a reference to a type of building or other thing does not include (despite any definition in this Policy) a reference to a type of building or other thing referred to separately in the Table in relation to the same zone.
(4) This clause is subject to the other provisions of this Precinct Plan.

Notes.
1 Schedule 1 to this Precinct Plan sets out additional permitted uses for particular land.
2 Clause 2.6 of this Precinct Plan requires consent for the subdivision of land.
3 Part 5 of this Precinct Plan contains other provisions which require consent for particular development.

2.5 Additional permitted uses for particular land

(1) Development on particular land that is described or referred to in Schedule 1 to this Appendix may be carried out—
   (a) with development consent, or
   (b) if the Schedule so provides—without development consent,
      in accordance with the conditions (if any) specified in that Schedule in relation to that development.

(2) This clause has effect despite anything to the contrary in the Land Use Table at the end of this Part or any other provision of this Precinct Plan.

2.6 Subdivision—consent requirements

(1) Land to which this Precinct Plan applies may be subdivided, but only with development consent.

Notes.
1 If a subdivision is specified as exempt development in an applicable environmental planning instrument, such as this Precinct Plan or State Environmental Planning Policy (Exempt and Complying Development Codes) 2008, the Act enables it to be carried out without development consent.
2 Part 6 of State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 provides that the strata subdivision of a building in certain circumstances is complying development.

(2) Development consent must not be granted for the subdivision of land on which a secondary dwelling is situated if the subdivision would result in the principal dwelling and the secondary dwelling being situated on separate lots, unless the resulting lots are not less than the minimum size shown on the Lot Size Map in relation to that land.

Note. The definition of secondary dwelling in the Dictionary requires the dwelling to be on the same lot of land as the principal dwelling.

2.7 Demolition

The demolition of a building or work may be carried out only with development consent.

Note. The demolition of certain buildings and works is identified in State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 as exempt development.

Land Use Table

Note. Parts 6 and 7 of this Precinct Plan set out local provisions which include additional permissible land uses and heads of consideration for assessment.

Zone 1 Urban Development

1 Objectives of zone

• To manage the transition of land from non-urban uses to urban uses.
- To encourage the development of well-planned and well-serviced new urban communities in accordance with the North Wilton structure plans.

- To ensure a range of uses, and uses located in a way, that are consistent with the strategic planning for the North Wilton Precinct.

- To safeguard land used for non-urban purposes from development that could prejudice the use of the land for future urban purposes.

- To ensure that land adjacent to environmental conservation areas is developed in a way that enhances biodiversity outcomes for the Precinct.

### 2 Permitted without consent

Home occupations

### 3 Permitted with consent

Any development not specified in item 2 or 4

### 4 Prohibited

Air transport facilities; Animal boarding or training establishments; Boat building and repair facilities; Camping grounds; Caravan parks; Cemeteries; Charter and tourism boating facilities; Correctional centres; Crematoria; Depots; Electricity generating works; Extractive industries; Farm buildings; Forestry; Freight transport facilities; Heavy industrial storage establishments; Heavy industries; Home occupations (sex services); Mooring pens; Moorings; Open cut mining; Port facilities; Resource recovery facilities; Rural industries

### Zone SP2 Infrastructure

#### 1 Objectives of zone

- To provide for infrastructure and related uses.

- To prevent development that is not compatible with or that may detract from the provision of infrastructure.

#### 2 Permitted without consent

Nil

#### 3 Permitted with consent

The purpose shown on the Land Zoning Map, including any development that is ordinarily incidental or ancillary to development for that purpose

#### 4 Prohibited

Any development not specified in item 2 or 3
Zone E2  Environmental Conservation

1 Objectives of zone

- To protect, manage and restore areas of high ecological, scientific, cultural or aesthetic values.
- To prevent development that could destroy, damage or otherwise have an adverse effect on those values.

2 Permitted without consent

Nil

3 Permitted with consent

Environmental facilities: Environmental protection works; Information and education facilities; Kiosks; Recreation areas; Roads

4 Prohibited

Business premises; Hotel or motel accommodation; Industries; Multi dwelling housing; Recreation facilities (major); Residential flat buildings; Restricted premises; Retail premises; Seniors housing; Service stations; Warehouse or distribution centres; Any other development not specified in item 2 or 3

Part 4 Principal development standards

4.1 Minimum subdivision lot size

(1) The objectives of this clause are as follows—

(a) to ensure that the minimum size for lots is sufficient for the provision of usable areas for building and open space,

(b) to encourage the efficient use of land for residential purposes.

(2) This clause applies to a subdivision of any land shown on the Lot Size Map that requires development consent and that is carried out after the commencement of this Precinct Plan.

(3) The size of any lot resulting from any such subdivision of land to which this clause applies is not to be less than the minimum size shown on the Lot Size Map in relation to that land.

(4) This clause does not apply in relation to the subdivision of individual lots in a strata plan.

4.3A Residential density

(1) The consent authority must not grant development consent to development that results in more than 5,600 dwellings on the land to which this Precinct Plan applies.

(2) The consent authority must not grant development consent to development on land if the development will result in the density of—

(a) dwelling houses and dual occupancies being 15 or fewer dwellings per hectare of the land or exceeding 25 dwellings per hectare of the land, or

State Environmental Planning Policy (Sydney Region Growth Centres) 2006 [NSW]
(b) residential flat buildings, multi dwelling housing, mixed use development and shop top
housing being 25 or fewer dwellings per hectare of the land or exceeding 45 dwellings per
hectare of the land, or

(c) attached dwellings being 15 or fewer dwellings per hectare of the land or exceeding 45
dwellings per hectare of the land.

(3) Subclause (2) does not prevent a subdivision that provides for individual dwellings to be on
separate lots if the consent authority is satisfied that the subdivision does not also involve the
creation of additional dwelling entitlements.

(4) This clause has effect despite anything to the contrary in any other provision of this Precinct
Plan.

(5) In this clause—

density means the ratio of the number of dwellings to the area of the land to be occupied by the
development, including internal streets and half the width of any roads adjoining the
development that provide vehicular access to the development but excluding land used for non-
residential purposes.

4.6 Exceptions to development standards

(1) The objectives of this clause are as follows—

(a) to provide an appropriate degree of flexibility in applying certain development standards to
particular development,

(b) to achieve better outcomes for and from development by allowing flexibility in particular
circumstances.

(2) Development consent may, subject to this clause, be granted for development even though the
development would contravene a development standard imposed by this or any other
environmental planning instrument. However, this clause does not apply to a development
standard that is expressly excluded from the operation of this clause.

(3) Development consent must not be granted for development that contravenes a development
standard unless the consent authority has considered a written request from the applicant that
seeks to justify the contravention of the development standard by demonstrating—

(a) that compliance with the development standard is unreasonable or unnecessary in the
circumstances of the case, and

(b) that there are sufficient environmental planning grounds to justify contravening the
development standard.

(4) Development consent must not be granted for development that contravenes a development
standard unless—

(a) the consent authority is satisfied that—

(i) the applicant’s written request has adequately addressed the matters required to be
demonstrated by subclause (3), and
(ii) the proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out, and

(b) the concurrence of the Planning Secretary has been obtained.

(5) In deciding whether to grant concurrence, the Planning Secretary must consider—

(a) whether contravention of the development standard raises any matter of significance for State or regional environmental planning, and

(b) the public benefit of maintaining the development standard, and

(c) any other matters required to be taken into consideration by the Planning Secretary before granting concurrence.

(6) Development consent must not be granted under this clause for a subdivision of land in Zone E2 Environmental Conservation if—

(a) the subdivision will result in 2 or more lots of less than the minimum area specified for such lots by a development standard, or

(b) the subdivision will result in at least one lot that is less than 90% of the minimum area specified for such a lot by a development standard.

(7) After determining a development application made pursuant to this clause, the consent authority must keep a record of its assessment of the factors required to be addressed in the applicant’s written request referred to in subclause (3).

(8) This clause does not allow development consent to be granted for development that would contravene any of the following—

(a) a development standard for complying development,

(b) a development standard that arises, under the regulations under the Act, in connection with a commitment set out in a BASIX certificate for a building to which State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004 applies or for the land on which such a building is situated,

(c) clause 5.4,

(d) clause 6.2 or 7.1.

Part 5 Miscellaneous provisions

5.1A Consideration of development applications

(1) Development consent must not be granted to the carrying out of development on land within Zone 1 Urban Development unless the consent authority—

(a) has notified the Planning Secretary about the proposed development, and

(b) has considered any submission made by the Planning Secretary to the consent authority about the proposed development, and
(c) is satisfied that the development is consistent with the North Wilton structure plans, and

(d) is satisfied that there is no mining lease (within the meaning of the Mining Act 1992) over the land.

(2) If the Planning Secretary fails to make a submission to the consent authority within 14 days of being notified of the proposed development, the consent authority may determine the development application without complying with subclause (1) (b).

Note. Under clause 85 of State Environmental Planning Policy (Infrastructure) 2007, the consent authority must notify the rail authority for the Maldon–Dombarton Rail Corridor before considering a development application relating to land that is in or adjacent to that corridor.

5.1 Relevant acquisition authority

(1) The objective of this clause is to identify, for the purposes of section 3.15 of the Act, the authority of the State that will be the relevant authority to acquire land reserved for certain public purposes if the land is required to be acquired under Division 3 of Part 2 of the Land Acquisition (Just Terms Compensation) Act 1991 (the owner-initiated acquisition provisions).

Note. If the landholder will suffer hardship if there is any delay in the land being acquired by the relevant authority, section 23 of the Land Acquisition (Just Terms Compensation) Act 1991 requires the authority to acquire the land.

(2) The authority of the State that will be the relevant authority to acquire land, if the land is required to be acquired under the owner-initiated acquisition provisions, is the authority of the State specified below in relation to the land shown on the Land Reservation Acquisition Map (or, if an authority of the State is not specified in relation to land required to be so acquired, the authority designated or determined under those provisions).

<table>
<thead>
<tr>
<th>Type of land shown on Map or on Map for underlying zone for land</th>
<th>Authority of the State</th>
</tr>
</thead>
<tbody>
<tr>
<td>Zone SP2 Infrastructure and marked “Local drainage”</td>
<td>Council</td>
</tr>
<tr>
<td>Zone SP2 Infrastructure and marked “Local road”</td>
<td>Council</td>
</tr>
<tr>
<td>Zone SP2 Infrastructure and marked “Classified Roads and Maritime Services Road”</td>
<td></td>
</tr>
</tbody>
</table>

(3) Development on land acquired by an authority of the State under the owner-initiated acquisition provisions may, before it is used for the purpose for which it is reserved, be carried out, with development consent, for any purpose.

Note. If land, other than land specified in the table to subclause (2), is required to be acquired under the owner-initiated acquisition provisions, the Minister for Planning is required to take action to enable the designation of the acquiring authority under this Part. Pending the designation of the acquiring authority for that land, the acquiring authority is to be the authority determined by order of the Minister for Planning (see section 21 of the Land Acquisition (Just Terms Compensation) Act 1991).

5.2 Classification and reclassification of public land

(1) The objective of this clause is to enable the Council to classify or reclassify public land as “operational land” or “community land” in accordance with Part 2 of Chapter 6 of the Local

(2) The public land described in Part 1 or Part 2 of Schedule 4 to this Precinct Plan is classified, or reclassified, as operational land for the purposes of the Local Government Act 1993.

(3) The public land described in Part 3 of Schedule 4 to this Precinct Plan is classified, or reclassified, as community land for the purposes of the Local Government Act 1993.

(4) The public land described in Part 1 of Schedule 4 to this Precinct Plan—

(a) does not cease to be a public reserve to the extent (if any) that it is a public reserve, and

(b) continues to be affected by any trusts, estates, interests, dedications, conditions, restrictions or covenants that affected the land before its classification, or reclassification, as operational land.

(5) The public land described in Part 2 of Schedule 4 to this Precinct Plan, to the extent (if any) that it is a public reserve, ceases to be a public reserve when the description of the land is inserted into that Part and is discharged from all trusts, estates, interests, dedications, conditions, restrictions and covenants affecting the land or any part of the land, except—

(a) those (if any) specified for the land in Column 3 of Part 2 of Schedule 4 to this Precinct Plan, and

(b) any reservations that except land out of the Crown grant relating to the land, and

(c) reservations of minerals (within the meaning of the Crown Land Management Act 2016).

Note. In accordance with section 30 (2) of the Local Government Act 1993, the approval of the Governor to subclause (5) applying to the public land concerned is required before the description of the land is inserted in Part 2 of Schedule 4 to this Precinct Plan.

5.4 Controls relating to miscellaneous permissible uses

(1) Bed and breakfast accommodation If development for the purposes of bed and breakfast accommodation is permitted under this Precinct Plan, the accommodation that is provided to guests must consist of no more than 3 bedrooms.

Note. Any such development that provides for a certain number of guests or rooms may involve a change in the class of building under the Building Code of Australia.

(2) Home businesses If development for the purposes of a home business is permitted under this Precinct Plan, the carrying on of the business must not involve the use of more than 50 square metres of floor area.

(3) Home industries If development for the purposes of a home industry is permitted under this Precinct Plan, the carrying on of the home industry must not involve the use of more than 50 square metres of floor area.

(4) Industrial retail outlets If development for the purposes of an industrial retail outlet is permitted under this Precinct Plan, the retail floor area must not exceed—

(a) 43% of the gross floor area of the industry or rural industry located on the same land as the retail outlet, or
(b) 400 square metres,

whichever is the lesser.

(5) **Farm stay accommodation** If development for the purposes of farm stay accommodation is permitted under this Precinct Plan, the accommodation that is provided to guests must consist of no more than 5 bedrooms.

(6) **Kiosks** If development for the purposes of a kiosk is permitted under this Precinct Plan, the gross floor area must not exceed 20 square metres.

(7) **Neighbourhood shops** If development for the purposes of a neighbourhood shop is permitted under this Precinct Plan, the retail floor area must not exceed 400 square metres.

(8) **Roadside stalls** If development for the purposes of a roadside stall is permitted under this Precinct Plan, the gross floor area must not exceed 75 square metres.

(9) **Secondary dwellings** If development for the purposes of a secondary dwelling is permitted under this Precinct Plan, the total floor area of the dwelling (excluding any area used for parking) must not exceed whichever of the following is the greater—

(a) 60 square metres,

(b) 25% of the total floor area of the principal dwelling.

### 5.6 Architectural roof features

(1) The objective of this clause is to ensure that architectural roof features are decorative elements only.

(2) Development consent must not be granted to any such development unless the consent authority is satisfied that—

(a) the architectural roof feature—

(i) comprises a decorative element on the uppermost portion of a building, and

(ii) is not an advertising structure, and

(iii) does not include floor space area and is not reasonably capable of modification to include floor space area, and

(iv) will cause minimal overshadowing, and

(b) any building identification signage or equipment for servicing the building (such as plant, lift motor rooms, fire stairs and the like) contained in or supported by the roof feature is fully integrated into the design of the roof feature.

### 5.8 Conversion of fire alarms

(1) This clause applies to a fire alarm system that can be monitored by Fire and Rescue NSW or by a private service provider.

(2) The following development may be carried out, but only with development consent—
(a) converting a fire alarm system from connection with the alarm monitoring system of Fire and Rescue NSW to connection with the alarm monitoring system of a private service provider,

(b) converting a fire alarm system from connection with the alarm monitoring system of a private service provider to connection with the alarm monitoring system of another private service provider,

(c) converting a fire alarm system from connection with the alarm monitoring system of a private service provider to connection with a different alarm monitoring system of the same private service provider.

(3) Development to which subclause (2) applies is complying development if it consists only of—

(a) internal alterations to a building, or

(b) internal alterations to a building together with the mounting of an antenna, and any support structure, on an external wall or roof of a building so as to occupy a space of not more than \(450 \text{ mm} \times 100\text{mm} \times 100\text{mm}\).

(4) A complying development certificate for any such complying development is subject to a condition that any building work may only be carried out between 7.00 am and 6.00 pm on Monday to Friday and between 7.00 am and 5.00 pm on Saturday, and must not be carried out on a Sunday or a public holiday.

(5) In this clause—

\textit{private service provider} means a person or body that has entered into an agreement that is in force with Fire and Rescue NSW to monitor fire alarm systems.

5.10 Heritage conservation

\textbf{Note.} Heritage items (if any) are listed and described in Schedule 5 to this Precinct Plan. Heritage conservation areas (if any) are shown on the \textit{Heritage Map} as well as being described in Schedule 5.

(1) \textbf{Objectives} The objectives of this clause are as follows—

(a) to conserve the environmental heritage of the North Wilton Precinct,

(b) to conserve the heritage significance of heritage items and heritage conservation areas, including associated fabric, settings and views,

(c) to conserve archaeological sites,

(d) to conserve Aboriginal objects and Aboriginal places of heritage significance.

(2) \textbf{Requirement for consent} Development consent is required for any of the following—

(a) demolishing or moving any of the following or altering the exterior of any of the following (including, in the case of a building, making changes to its detail, fabric, finish or appearance)—

(i) a heritage item,

(ii) an Aboriginal object,
(iii) a building, work, relic or tree within a heritage conservation area,

(b) altering a heritage item that is a building by making structural changes to its interior or by making changes to anything inside the item that is specified in Schedule 5 to this Precinct Plan in relation to the item,

(c) disturbing or excavating an archaeological site while knowing, or having reasonable cause to suspect, that the disturbance or excavation will or is likely to result in a relic being discovered, exposed, moved, damaged or destroyed,

(d) disturbing or excavating an Aboriginal place of heritage significance,

(e) erecting a building on land—

(i) on which a heritage item is located or that is within a heritage conservation area, or

(ii) on which an Aboriginal object is located or that is within an Aboriginal place of heritage significance,

(f) subdividing land—

(i) on which a heritage item is located or that is within a heritage conservation area, or

(ii) on which an Aboriginal object is located or that is within an Aboriginal place of heritage significance.

(3) **When consent not required** However, development consent under this clause is not required if—

(a) the applicant has notified the consent authority of the proposed development and the consent authority has advised the applicant in writing before any work is carried out that it is satisfied that the proposed development—

(i) is of a minor nature or is for the maintenance of the heritage item, Aboriginal object, Aboriginal place of heritage significance or archaeological site or a building, work, relic, tree or place within the heritage conservation area, and

(ii) would not adversely affect the heritage significance of the heritage item, Aboriginal object, Aboriginal place, archaeological site or heritage conservation area, or

(b) the development is in a cemetery or burial ground and the proposed development—

(i) is the creation of a new grave or monument, or excavation or disturbance of land for the purpose of conserving or repairing monuments or grave markers, and

(ii) would not cause disturbance to human remains, relics, Aboriginal objects in the form of grave goods, or to an Aboriginal place of heritage significance, or

(c) the development is limited to the removal of a tree or other vegetation that the Council is satisfied is a risk to human life or property, or

(d) the development is exempt development.

(4) **Effect of proposed development on heritage significance** The consent authority must, before granting consent under this clause in respect of a heritage item or heritage conservation area,
consider the effect of the proposed development on the heritage significance of the item or area concerned. This subclause applies regardless of whether a heritage management document is prepared under subclause (5) or a heritage conservation management plan is submitted under subclause (6).

(5) **Heritage assessment** The consent authority may, before granting consent to any development—

(a) on land on which a heritage item is located, or

(b) on land that is within a heritage conservation area, or

(c) on land that is within the vicinity of land referred to in paragraph (a) or (b),

require a heritage management document to be prepared that assesses the extent to which the carrying out of the proposed development would affect the heritage significance of the heritage item or heritage conservation area concerned.

(6) **Heritage conservation management plans** The consent authority may require, after considering the heritage significance of a heritage item and the extent of change proposed to it, the submission of a heritage conservation management plan before granting consent under this clause.

(7) **Archaeological sites** The consent authority must, before granting consent under this clause to the carrying out of development on an archaeological site (other than land listed on the State Heritage Register or to which an interim heritage order under the *Heritage Act 1977* applies)—

(a) notify the Heritage Council of its intention to grant consent, and

(b) take into consideration any response received from the Heritage Council within 28 days after the notice is sent.

(8) **Aboriginal places of heritage significance** The consent authority must, before granting consent under this clause to the carrying out of development in an Aboriginal place of heritage significance—

(a) consider the effect of the proposed development on the heritage significance of the place and any Aboriginal object known or reasonably likely to be located at the place by means of an adequate investigation and assessment (which may involve consideration of a heritage impact statement), and

(b) notify the local Aboriginal communities, in writing or in such other manner as may be appropriate, about the application and take into consideration any response received within 28 days after the notice is sent.

(9) **Demolition of nominated State heritage items** The consent authority must, before granting consent under this clause for the demolition of a nominated State heritage item—

(a) notify the Heritage Council about the application, and

(b) take into consideration any response received from the Heritage Council within 28 days after the notice is sent.

(10) **Conservation incentives** The consent authority may grant consent to development for any
purpose of a building that is a heritage item or of the land on which such a building is erected, or for any purpose on an Aboriginal place of heritage significance, even though development for that purpose would otherwise not be allowed by this Precinct Plan, if the consent authority is satisfied that—

(a) the conservation of the heritage item or Aboriginal place of heritage significance is facilitated by the granting of consent, and

(b) the proposed development is in accordance with a heritage management document that has been approved by the consent authority, and

(c) the consent to the proposed development would require that all necessary conservation work identified in the heritage management document is carried out, and

(d) the proposed development would not adversely affect the heritage significance of the heritage item, including its setting, or the heritage significance of the Aboriginal place of heritage significance, and

(e) the proposed development would not have any significant adverse effect on the amenity of the surrounding area.

5.11 Bush fire hazard reduction

Bush fire hazard reduction work authorised by the Rural Fires Act 1997 may be carried out on any land without development consent.

Note. The Rural Fires Act 1997 also makes provision relating to the carrying out of development on bush fire prone land.

5.12 Infrastructure development and use of existing buildings of the Crown

(1) This Precinct Plan does not restrict or prohibit, or enable the restriction or prohibition of, the carrying out of any development, by or on behalf of a public authority, that is permitted to be carried out with or without development consent, or that is exempt development, under State Environmental Planning Policy (Infrastructure) 2007.

(2) This Precinct Plan does not restrict or prohibit, or enable the restriction or prohibition of, the use of existing buildings of the Crown by the Crown.

Part 6 Urban release areas

6.1 Definitions

In this Part—

designated State public infrastructure means public facilities or services that are provided or financed by the State (or if provided or financed by the private sector, to the extent of any financial or in-kind contribution by the State) of the following kinds—

(a) State and regional roads,

(b) bus interchanges and bus lanes,

(c) land required for regional open space,
(d) land required for social infrastructure and facilities (such as land for schools, hospitals, emergency services and justice purposes).

*urban release area* means an area of land to which this Precinct Plan applies that is shown hatched and marked “Urban Release Area” on the Urban Release Area Map.

### 6.2 Arrangements for designated State public infrastructure

1. The objective of this clause is to require satisfactory arrangements to be made for the provision of designated State public infrastructure before the subdivision of land in an urban release area to satisfy needs that arise from development on the land, but only if the land is developed intensively for urban purposes.

2. Development consent must not be granted for the subdivision of land in an urban release area if the subdivision would create a lot smaller than the minimum lot size permitted on the land immediately before the land became, or became part of, an urban release area, unless the Planning Secretary has certified in writing to the consent authority that satisfactory arrangements have been made to contribute to the provision of designated State public infrastructure in relation to that lot.

3. Subclause (2) does not apply to—
   
   (a) any lot identified in the certificate as a residue lot, or
   
   (b) any lot to be created by a subdivision of land that was the subject of a previous development consent granted in accordance with this clause, or
   
   (c) any lot that is proposed in the development application to be reserved or dedicated for public open space, public roads, public utility undertakings, educational facilities or any other public purpose, or
   
   (d) a subdivision for the purpose only of rectifying an encroachment on any existing lot.

4. This clause does not apply to a development application to carry out development on land in an urban release area if all or any part of the land to which the application applies is in a special contributions area (as defined by section 7.1 of the Act).

### 6.3 Relationship between Part and remainder of Precinct Plan

A provision of this Part prevails over any other provision of this Precinct Plan to the extent of any inconsistency.

### Part 7 Additional local provisions

#### 7.1 Public utility infrastructure

1. Development consent must not be granted for development on land to which this Precinct Plan applies unless the council is satisfied that any public utility infrastructure that is essential for the proposed development is available or that adequate arrangements have been made to make that infrastructure available when it is required.

2. This clause does not apply to development for the purpose of providing, extending, augmenting, maintaining or repairing any public utility infrastructure referred to in this clause.
(3) In this clause, public utility infrastructure includes infrastructure for any of the following—

(a) the supply of water,

(b) the supply of electricity,

(c) the disposal and management of sewage.

7.2 Development in Zone E2 Environmental Conservation

(1) This clause applies to land within Zone E2 Environmental Conservation (other than any such land owned by a public authority).

(2) Despite any other provision of this Precinct Plan, the consent authority must not grant development consent for development on land to which this clause applies unless it has considered a vegetation management plan that relates to all of that land.

(3) The vegetation management plan must address, to the satisfaction of the consent authority, the following matters—

(a) the environmental values of the land,

(b) methods to be used to revegetate and rehabilitate the land,

(c) weed control,

(d) the monitoring and ongoing management of the land,

(e) other measures—

(i) to control threats to the health of any remnant riparian vegetation on the land, and

(ii) to increase species diversification and riparian vegetation cover on the land, and

(iii) to improve the land’s resistance to future weed colonisation.

7.3 Subdivision of land adjoining Zone E2 Environmental Conservation

(1) The objectives of this clause are as follows—

(a) to ensure the rehabilitation and revegetation of land that is within Zone E2 Environmental Conservation (other than any such land owned by a public authority),

(b) to ensure that land within that Zone is managed and conserved in a holistic and sensitive manner.

(2) This clause applies to any lot that includes land within Zone E2 Environmental Conservation and land within another zone.

(3) Despite any other provision of this Precinct Plan, the consent authority must not grant development consent for the subdivision of land to which this clause applies or any other development on that land unless it is satisfied that—

(a) appropriate arrangements have been made for the revegetation and rehabilitation of that land within Zone E2 Environmental Conservation, and
(b) those arrangements—

(i) provide for the ongoing monitoring and management of that land, and

(ii) will take effect before, or simultaneously with, the proposed subdivision or development concerned, and

(iii) are appropriate when considered in conjunction with any vegetation management plan prepared in accordance with clause 7.2.

7.4 Earthworks

(1) The objectives of this clause are as follows—

(a) to ensure that earthworks for which development consent is required will not have a detrimental impact on environmental functions and processes, neighbouring uses, cultural or heritage items or features of the surrounding land,

(b) to allow earthworks of a minor nature without requiring separate development consent.

(2) Development consent is required for earthworks unless—

(a) the earthworks are exempt development under this Precinct Plan or another applicable environmental planning instrument, or

(b) the earthworks are ancillary to other development for which development consent has been given.

(3) Before granting development consent for earthworks, the consent authority must consider the following matters—

(a) the likely disruption of, or any detrimental effect on, existing drainage patterns and soil stability in the locality,

(b) the effect of the development on the likely future use or redevelopment of the land,

(c) the quality of the fill or the soil to be excavated, or both,

(d) the effect of the development on the existing and likely amenity of adjoining properties,

(e) the source of any fill material and the destination of any excavated material,

(f) the likelihood of disturbing Aboriginal objects,

(g) the proximity to and potential for adverse impacts on any watercourse, drinking water catchment or environmentally sensitive area,

(h) any appropriate measures proposed to avoid, minimise or mitigate the impacts of the development.

Note. The *National Parks and Wildlife Act 1974*, particularly section 86, deals with disturbing or excavating land and Aboriginal objects.
7.5 Location of sex services premises

(1) The objective of this clause is to minimise land use conflicts and adverse amenity impacts by providing a reasonable level of separation between sex services premises, specified land uses and places regularly frequented by children.

(2) In deciding whether to grant development consent to development for the purposes of sex services premises, the consent authority must consider whether the premises will be located on land that adjoins, is directly opposite or is separated only by a local road from land used for the purposes of a centre-based child care facility, a community facility, a school or a place of public worship.

7.6 Restricted premises

(1) Development consent must not be granted to development for the purposes of restricted premises if the premises will be located on land that abuts or is separated only by a road from land used for the purposes of a community facility, school or place of public worship.

(2) In deciding whether to grant consent to development for the purposes of restricted premises, the consent authority must consider—

(a) the impact of the proposed development on places of high pedestrian activity, and

(b) the impact of the proposed development on land frequented by children for care, recreational or cultural purposes, and

(c) whether the appearance of the restricted premises is sufficiently discreet.

7.7 Retail premises

Development consent must not be granted to development for the purpose of retail premises on the land to which this Precinct Plan applies unless the consent authority is satisfied that the development will not detrimentally affect existing or future development on—

(a) the land to which this Precinct Plan applies, or

(b) land in any nearby business centre.

Schedule 1 Additional permitted uses

Schedule 4 Classification and reclassification of public land

Part 1 Land classified, or reclassified, as operational land—no interests changed

<table>
<thead>
<tr>
<th>Column 1</th>
<th>Column 2</th>
</tr>
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<tbody>
<tr>
<td>Locality</td>
<td>Description</td>
</tr>
<tr>
<td>Nil</td>
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</tr>
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</table>
Part 2 Land classified, or reclassified, as operational land—interests changed

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<th>Column 3</th>
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Nil

Part 3 Land classified, or reclassified, as community land

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<tbody>
<tr>
<td>Locality</td>
<td>Description</td>
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Nil

Schedule 5 Environmental heritage

(Clause 5.10)

Part 1 Heritage items

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<tr>
<th>Precinct</th>
<th>Item name</th>
<th>Address</th>
<th>Property description</th>
<th>Significance</th>
<th>Item no</th>
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</thead>
</table>

Nil

Schedule 1 Savings and transitional provisions

1 Application of amendments made by State Environmental Planning Policy (Sydney Region Growth Centres) Amendment (Housing Diversity) 2014

An amendment made to this Policy by the State Environmental Planning Policy (Sydney Region Growth Centres) Amendment (Housing Diversity) 2014 does not apply to development for which an application for development consent was lodged before the commencement of the amendment.

2 Application of amendments made by State Environmental Planning Policy (Sydney Region Growth Centres) Amendment (Wilton) 2016

The amendments made to this Policy by the State Environmental Planning Policy (Sydney Region Growth Centres) Amendment (Wilton) 2016 (the amending Policy) apply to a development application made but not finally determined before the commencement of the amending Policy.

3 Application of amendments made by State Environmental Planning Policy (Sydney Region Growth Centres) Amendment (Greater Macarthur) 2019

The amendments made to this Policy by State Environmental Planning Policy (Sydney Region Growth Centres) Amendment (Greater Macarthur) 2019 (the amending Policy) apply to a development application made but not finally determined before the commencement of the amending Policy.
Schedules 2, 3 (Repealed)

Dictionary

**Aboriginal object** means any deposit, object or other material evidence (not being a handicraft made for sale) relating to the Aboriginal habitation of an area of New South Wales, being habitation before or concurrent with (or both) the occupation of that area by persons of non-Aboriginal extraction, and includes Aboriginal remains.

**Aboriginal place of heritage significance** means an area of land, the general location of which is identified in an Aboriginal heritage study adopted by the Council after public exhibition and that may be shown on the Heritage Map, that is—

(a) the site of one or more Aboriginal objects or a place that has the physical remains of pre-European occupation by, or is of contemporary significance to, the Aboriginal people. It may (but need not) include items and remnants of the occupation of the land by Aboriginal people, such as burial places, engraving sites, rock art, midden deposits, scarred and sacred trees and sharpening grooves, or

(b) a natural Aboriginal sacred site or other sacred feature. It includes natural features such as creeks or mountains of long-standing cultural significance, as well as initiation, ceremonial or story places or areas of more contemporary cultural significance.

**acid sulfate soils** means naturally occurring sediments and soils containing iron sulfides (principally pyrite) or their precursors or oxidation products, whose exposure to oxygen leads to the generation of sulfuric acid (for example, by drainage or excavation).

**Acid Sulfate Soils Manual** means the manual by that name published by the Acid Sulfate Soils Management Advisory Committee and made publicly available.

**Active Street Frontages Map** means the State Environmental Planning Policy (Sydney Region Growth Centres) 2006 North West Growth Centre Active Street Frontages Map.

**Additional Permitted Uses Map** means the State Environmental Planning Policy (Sydney Region Growth Centres) 2006 North West Growth Centre Additional Permitted Uses Map.

**advertisement** has the same meaning as in the Act.

**advertising structure** has the same meaning as in the Act.

**affordable housing** has the same meaning as in the Act.

**agricultural produce industry** means an industry involving the handling, treating, processing or packing of produce from agriculture (including dairy products, seeds, fruit, vegetables or other plant material), and includes flour mills, cotton seed oil plants, cotton gins, feed mills, cheese and butter factories, and juicing or canning plants, but does not include a livestock processing industry.
agriculture means any of the following—

(a) animal boarding or training establishments,

(b) aquaculture,

(c) extensive agriculture,

(d) farm forestry,

(e) intensive livestock agriculture,

(f) intensive plant agriculture.

air transport facility means an airport or a heliport that is not part of an airport, and includes associated communication and air traffic control facilities or structures.

airport means a place used for the landing, taking off, parking, maintenance or repair of aeroplanes (including associated buildings, installations, facilities and movement areas and any heliport that is part of the airport).

airstrip means a single runway for the landing, taking off or parking of aeroplanes for private aviation only, but does not include an airport, heliport or helipad.

Alex Avenue Precinct means the land shown within the Alex Avenue Precinct on the State Environmental Planning Policy (Sydney Region Growth Centres) 2006—North West Growth Centre Precinct Boundary Map.

amusement centre means a building or place (not being part of a pub or registered club) used principally for playing—

(a) billiards, pool or other like games, or

(b) electronic or mechanical amusement devices, such as pinball machines, computer or video games and the like.

animal boarding or training establishment means a building or place used for the breeding, boarding, training, keeping or caring of animals for commercial purposes (other than for the agistment of horses), and includes any associated riding school or ancillary veterinary hospital.

aquaculture has the same meaning as in the Fisheries Management Act 1994.

Note.
The term is defined as follows—
aquaculture means—

(a) cultivating fish or marine vegetation for the purposes of harvesting the fish or marine vegetation or their progeny with a view to sale, or

(b) keeping fish or marine vegetation in a confined area for a commercial purpose (such as a fish-out pond),

but does not include—

(c) keeping anything in a pet shop for sale or in an aquarium for exhibition (including an aquarium operated commercially), or

(d) anything done for the purposes of maintaining a collection of fish or marine vegetation otherwise than for a commercial purpose, or

(e) any other thing prescribed by the regulations (made under the Fisheries Management Act 1994).

This Dictionary also contains definitions of natural water-based aquaculture, pond-based aquaculture and tank-based aquaculture.
archaeological site means an area of land—

(a) shown on the Heritage Map as an archaeological site, and

(b) the location and nature of which is described in a schedule to a Precinct Plan, and

(c) that contains one or more relics.

**Area 20 Precinct** means the land shown within the Area 20 Precinct on the North West Growth Centre Precinct Boundary Map.

attached dwelling means a building containing 3 or more dwellings, where—

(a) each dwelling is attached to another dwelling by a common wall, and

(b) each of the dwellings is on its own lot of land, and

(c) none of the dwellings is located above any part of another dwelling.

**Note.** Attached dwellings are a type of residential accommodation—see the definition of that term in this Dictionary.

attic means any habitable space, but not a separate dwelling, contained wholly within a roof above the ceiling line of the storey immediately below, except for minor elements such as dormer windows and the like.

**Austral Precinct** means the land shown within the Austral Precinct on the South West Growth Centre Precinct Boundary Map.

backpackers’ accommodation means tourist and visitor accommodation—

(a) that has shared facilities, such as a communal bathroom, kitchen or laundry, and

(b) that will generally provide accommodation on a bed basis (rather than by room).

**Basement** means the space of a building where the floor level of that space is predominantly below ground level (existing) and where the floor level of the storey immediately above is less than 1 metre above ground level (existing).

bed and breakfast accommodation means tourist and visitor accommodation comprising a dwelling (and any ancillary buildings and parking) where the accommodation is provided by the permanent residents of the dwelling and—

(a) meals are provided for guests only, and

(b) cooking facilities for the preparation of meals are not provided within guests’ rooms, and

(c) dormitory-style accommodation is not provided.

**Note.** For precinct controls relating to this definition, see clause 5.4 of each Precinct Plan.

biodiversity or biological diversity means the variety of living animal and plant life from all sources, and includes diversity within and between species and diversity of ecosystems.

biosolid waste application means the application of sludge or other semi-solid products of human sewage treatment plants to land for the purpose of improving land productivity, that is undertaken in accordance with the NSW Environment Protection Authority’s guidelines titled Environmental Guidelines: Use and Disposal of Biosolids Products (EPA 1997) and Addendum to Environmental Guidelines: Use and Disposal of Biosolids Products (EPA 2000a).
biosolids treatment facility means a building or place used as a facility for the treatment of biosolids from a sewage treatment plant or from a water recycling facility.

boarding house means a building—
(a) that is wholly or partly let in lodgings, and
(b) that provides lodgers with a principal place of residence for 3 months or more, and
(c) that may have shared facilities, such as a communal living room, bathroom, kitchen or laundry, and
(d) that has rooms, some or all of which may have private kitchen and bathroom facilities, that accommodate one or more lodgers,

but does not include backpackers’ accommodation, a group home, a serviced apartment, seniors housing or hotel or motel accommodation.

boat launching ramp means a structure designed primarily for the launching of trailer borne recreational vessels, and includes associated car parking facilities.

boat repair facility means any facility (including a building or other structure) used primarily for the construction, maintenance or repair of boats, whether or not including the storage, sale or hire of boats, but does not include a marina or boat shed.

boat shed means a building or other structure used for the storage and routine maintenance of a boat or boats and that is associated with a private dwelling or non-profit organisation, and includes any skid used in connection with the building or other structure.

Box Hill Industrial Precinct means the land shown within the Box Hill Industrial Precinct on the North West Growth Centre Precinct Boundary Map.

Box Hill Precinct means the land shown within the Box Hill Precinct on the North West Growth Centre Precinct Boundary Map.

brothel has the same meaning as in the Act.

building has the same meaning as in the Act.

Note. The term is defined to include part of a building and any structure or part of a structure, but not including a manufactured home, a moveable dwelling or associated structure (or part of a manufactured home, moveable dwelling or associated structure).

building height (or height of building) means the vertical distance between ground level (existing) at any point to the highest point of the building, including plant and lift overruns, but excluding communication devices, antennae, satellite dishes, masts, flagpoles, chimneys, flues and the like.

building identification sign means a sign that identifies or names a building and that may include the name of a building, the street name and number of a building, and a logo or other symbol, but that does not include general advertising of products, goods or services.

building line or setback means the horizontal distance between the property boundary or other stated boundary (measured at 90 degrees from the boundary) and—
(a) a building wall, or
(b) the outside face of any balcony, deck or the like, or
(c) the supporting posts of a carport or verandah roof,
whichever distance is the shortest.

**bulky goods premises** means a building or place used primarily for the sale by retail, wholesale or auction of (or for the hire or display of) bulky goods, being goods that are of such size or weight as to require—

(a) a large area for handling, display or storage, or

(b) direct vehicular access to the site of the building or place by members of the public for the purpose of loading or unloading such goods into or from their vehicles after purchase or hire,

but does not include a building or place used for the sale of foodstuffs or clothing unless their sale is ancillary to the sale or hire or display of bulky goods.

**bush fire hazard reduction work** has the same meaning as in the *Rural Fires Act 1997*.

Note. The term is defined as follows—

**bush fire hazard reduction work** means—

(a) the establishment or maintenance of fire breaks on land, and

(b) the controlled application of appropriate fire regimes or other means for the reduction or modification of available fuels within a predetermined area to mitigate against the spread of a bush fire,

but does not include construction of a track, trail or road.

**bush fire prone land** has the same meaning as in the Act.

Note. The term is defined, in relation to an area, as land recorded for the time being as bush fire prone land on a map for the area certified as referred to in section 10.3 (2) of the Act.

**bush fire risk management plan** means a plan prepared under Division 4 of Part 3 of the *Rural Fires Act 1997* for the purpose referred to in section 54 of that Act.

**business identification sign** means a sign—

(a) that indicates—

   (i) the name of the person or business, and

   (ii) the nature of the business carried on by the person at the premises or place at which the sign is displayed, and

(b) that may include the address of the premises or place and a logo or other symbol that identifies the business, but that does not include any advertising relating to a person who does not carry on business at the premises or place.

**business premises** means a building or place at or on which—

(a) an occupation, profession or trade (other than an industry) is carried on for the provision of services directly to members of the public on a regular basis, or

(b) a service is provided directly to members of the public on a regular basis,

and may include, without limitation, premises such as banks, post offices, hairdressers, dry cleaners, travel agencies, internet access facilities, medical centres, betting agencies and the like, but does not include sex services premises.
**canal estate development** means development that incorporates wholly or in part a constructed canal, or other waterway or waterbody, that is inundated by or drains to a natural waterway or natural waterbody by surface water or groundwater movement (not being works of drainage, or for the supply or treatment of water, that are constructed by or with the authority of a person or body responsible for those functions and that are limited to the minimal reasonable size and capacity to meet a demonstrated need for the works), and that either—

(a) includes the construction of dwellings (which may include tourist and visitor accommodation) of a kind other than, or in addition to—

(i) dwellings that are permitted on rural land, and

(ii) dwellings that are used for caretaker or staff purposes, or

(b) requires the use of a sufficient depth of fill material to raise the level of all or part of that land on which the dwellings are (or are proposed to be) located in order to comply with requirements relating to residential development on flood prone land.

**car park** means a building or place primarily used for the purpose of parking motor vehicles, including any manoeuvring space and access thereto, whether operated for gain or not.

**caravan park** means land (including a camping ground) on which caravans (or caravans and other moveable dwellings) are, or are to be, installed or placed.

**catchment action plan** has the same meaning as in the *Catchment Management Authorities Act 2003*.

**Note.** The term is defined as a catchment action plan of an authority that has been approved by the Minister under Part 4 of the *Catchment Management Authorities Act 2003*.

**Catherine Fields Precinct** means the land shown within the Catherine Fields Precinct on the *South West Growth Centre Precinct Boundary Map*.

**cellar door premises** means retail premises that sell wine by retail and that are situated on land on which there is a commercial vineyard, where all of the wine offered for sale is produced in a winery situated on that land or is produced predominantly from grapes grown in the surrounding area.

**cemetery** means a building or place for the interment of deceased persons or their ashes.

**centre-based child care facility** has the same meaning as in the standard instrument for a local environmental plan prescribed by the *Standard Instrument (Local Environmental Plans) Order 2006*.

**charter and tourism boating facility** means any facility (including a building or other structure) used for charter boating or tourism boating purposes, being a facility that is used only by the operators of the facility and that has a direct structural connection between the foreshore and the waterway, but does not include a marina.

**classified road** has the same meaning as in the *Roads Act 1993*.

**Note.**

The term is defined as follows—

**classified road** means any of the following—
(a) a main road,
(b) a highway,
(c) a freeway,
(d) a controlled access road,
(e) a secondary road,
(f) a tourist road,
(g) a tollway,
(h) a transitway,
(i) a State work.

(see Roads Act 1993 for meanings of these terms).

clearing native vegetation has the same meaning as in Part 5A of the Local Land Services Act 2013.

costal foreshore means land with frontage to a beach, estuary, coastal lake, headland, cliff or rock platform.

costal lake means a body of water identified in Schedule 1 to State Environmental Planning Policy (Coastal Management) 2018.

costal waters of the State—see section 58 of the Interpretation Act 1987.

costal zone has the same meaning as in the Coastal Management Act 2016.

commercial port facility means a facility (including any building or other structure) used in connection with the carrying of goods or persons by water from one port to another for business or commercial purposes, being a facility having a direct structural connection between the foreshore and the waterway.

community facility means a building or place—
(a) owned or controlled by a public authority or non-profit community organisation, and
(b) used for the physical, social, cultural or intellectual development or welfare of the community,

but does not include an educational establishment, hospital, retail premises, place of public worship or residential accommodation.

community land has the same meaning as in the Local Government Act 1993.

correctional centre means—
(a) any premises declared to be a correctional centre by a proclamation in force under section 225 of the Crimes (Administration of Sentences) Act 1999, including any juvenile correctional centre or periodic detention centre, and
(b) any premises declared to be a detention centre by an order in force under section 5 (1) of the Children (Detention Centres) Act 1987,

but does not include any police station or court cell complex in which a person is held in custody in accordance with any Act.

Council, in relation to land to which this Policy applies, means the Council for the local government area in which the land is situated.
crematorium means a building in which deceased persons or pets are cremated, and includes a funeral chapel.

curtilage, in relation to a heritage item or conservation area, means the area of land (including land covered by water) surrounding a heritage item, a heritage conservation area, or building, work or place within a heritage conservation area, that contributes to its heritage significance.

dairy (pasture-based) means a dairy where the only restriction facilities present are the milking sheds and holding yards and where cattle are constrained for no more than 10 hours in any 24 hour period (excluding during any period of drought or similar emergency relief).

demolish, in relation to a heritage item, or a building, work, relic or tree within a heritage conservation area, means wholly or partly destroy, dismantle or deface the heritage item or the building, work, relic or tree.

depot means a building or place used for the storage (but not sale or hire) of plant, machinery or other goods (that support the operations of an existing undertaking) when not required for use.

drainage means any activity that intentionally alters the hydrological regime of any locality by facilitating the removal of surface or ground water. It may include the construction, deepening, extending, opening, installation or laying of any canal, drain or pipe, either on the land or in such a manner as to encourage drainage of adjoining land.

dual occupancy means a dual occupancy (attached) or a dual occupancy (detached).

Note. Dual occupancies are a type of residential accommodation—see the definition of that term in this Dictionary.

dual occupancy (attached) means 2 dwellings on one lot of land that are attached to each other, but does not include a secondary dwelling.

Note. Dual occupancies (attached) are a type of dual occupancy—see the definition of that term in this Dictionary.

dual occupancy (detached) means 2 detached dwellings on one lot of land, but does not include a secondary dwelling.

Note. Dual occupancies (detached) are a type of dual occupancy—see the definition of that term in this Dictionary.

dwelling means a room or suite of rooms occupied or used or so constructed or adapted as to be capable of being occupied or used as a separate domicile.

dwelling house means a building containing only one dwelling.

earthworks means excavation or filling.

East Leppington Precinct means the land shown within the East Leppington Precinct on the South West Growth Centre Precinct Boundary Map.

ecologically sustainable development has the same meaning as in the Act.

educational establishment means a building or place used for education (including teaching), being—

(a) a school, or

(b) a tertiary institution, including a university or a TAFE establishment, that provides formal education and is constituted by or under an Act.

electricity generating works means a building or place used for the purpose of making or generating electricity.
emergency services facility means a building or place (including a helipad) used in connection with the provision of emergency services by an emergency services organisation.

emergency services organisation means any of the following—
(a) the Ambulance Service of New South Wales,
(b) New South Wales Fire Brigades,
(c) the NSW Rural Fire Service,
(d) the NSW Police Force,
(e) the State Emergency Service,
(f) the New South Wales Volunteer Rescue Association Incorporated,
(g) the New South Wales Mines Rescue Brigade established under the Coal Industry Act 2001,
(h) an accredited rescue unit within the meaning of the State Emergency and Rescue Management Act 1989.

entertainment facility means a theatre, cinema, music hall, concert hall, dance hall and the like, but does not include a pub or registered club.

eventual facility means a building or place that provides for the recreational use or scientific study of natural systems, and includes walking tracks, seating, shelters, board walks, observation decks, bird hides or the like, and associated display structures.

environmental protection works means works associated with the rehabilitation of land towards its natural state or any work to protect land from environmental degradation, and includes bush regeneration works, wetland protection works, erosion protection works, dune restoration works and the like.

estuary has the same meaning as in the Water Management Act 2000.

Note.
The term is defined as follows—
estuary means—
(a) any part of a river whose level is periodically or intermittently affected by coastal tides, or
(b) any lake or other partially enclosed body of water that is periodically or intermittently open to the sea, or
(c) anything declared by the regulations (under the Water Management Act 2000) to be an estuary,
but does not include anything declared by the regulations (under the Water Management Act 2000) not to be an estuary.

excavation means the removal of soil or rock, whether moved to another part of the same site or to another site, but does not include garden landscaping that does not significantly alter the shape, natural form or drainage of the land.

exhibition home means a dwelling built for the purposes of the public exhibition and marketing of new dwellings, whether or not it is intended to be sold as a private dwelling after its use for those purposes is completed, and includes any associated sales or home finance office or place used for displays.

exhibition village means 2 or more exhibition homes and associated buildings and places used for house and land sales, site offices, advisory services, car parking, food and drink sales and other associated purposes.

extensive agriculture means—
(a) the production of crops or fodder (including irrigated pasture and fodder crops), or
(b) the grazing of livestock, or
(c) bee keeping,
for commercial purposes, but does not include any of the following—
(d) animal boarding or training establishments,
(e) aquaculture,
(f) farm forestry,
(g) intensive livestock agriculture,
(h) intensive plant agriculture.

**extractive industry** means the winning or removal of extractive materials (otherwise than from a mine) by methods such as excavating, dredging, tunnelling or quarrying, including the storing, stockpiling or processing of extractive materials by methods such as recycling, washing, crushing, sawing or separating, but does not include turf farming.

**extractive material** means sand, soil, gravel, rock or similar substances that are not minerals within the meaning of the *Mining Act 1992*.

**farm building** means a structure the use of which is ancillary to an agricultural use of the landholding on which it is situated and includes a hay shed, stock holding yard, machinery shed, shearing shed, silo, storage tank, outbuilding or the like, but does not include a dwelling.

**farm stay accommodation** means tourist and visitor accommodation provided to paying guests on a working farm as a secondary business to primary production.

**Note.** For controls relating to the number of bedrooms, see the following—
(a) clause 5.4 of Appendix 1 in respect of Oran Park and Turner Road Precincts,
(b) clause 5.4 of Appendix 2 in respect of North Kellyville Precinct,
(c) clause 5.4 of Appendix 3 in respect of Riverstone West Precinct,
(d) clause 5.4 of Appendix 4 in respect of Alex Avenue and Riverstone Precincts,
(e) clause 5.4 of Appendix 5 in respect of Marsden Park Industrial Precinct,
(f) clause 5.4 of Appendix 6 in respect of Area 20 Precinct,
(g) clause 5.4 of Appendix 7 in respect of Schofields Precinct,
(h) clause 5.4 of Appendix 8 in respect of land to which the Liverpool Growth Centres Precinct Plan applies,
(i) clause 5.4 of Appendix 9 in respect of land to which the Camden Growth Centres Precinct Plan applies,
(j) clause 5.4 of Appendix 10 in respect of land to which the Campbelltown Growth Centres Precinct Plan applies,
(k) clause 5.4 of Appendix 11 in respect of the Box Hill and Box Hill Industrial Precincts,
(l) clause 5.4 of Appendix 12 in respect of land to which the Blacktown Growth Centres Precinct Plan applies.

**feedlot** means a confined or restricted area used to rear and fatten cattle, sheep or other animals for the purpose of meat production, fed (wholly or substantially) on prepared and manufactured feed, but does not include a poultry farm, dairy or piggery.
**fill** means the depositing of soil, rock or other similar extractive material obtained from the same or another site, but does not include—

(a) the depositing of topsoil or feature rock imported to the site that is intended for use in garden landscaping, turf or garden bed establishment or top dressing of lawns and that does not significantly alter the shape, natural form or drainage of the land, or

(b) the use of land as a waste disposal facility.

**filming** means recording images (whether on film or video tape or electronically or by other means) for exhibition or broadcast (such as by cinema, television or the internet or by other means), but does not include—

(a) still photography, or

(b) recording images of a wedding ceremony or other private celebration or event principally for the purpose of making a record for the participants in the ceremony, celebration or event, or

(c) recording images as a visitor or tourist for non-commercial purposes, or

(d) recording for the immediate purposes of a television program that provides information by way of current affairs or daily news.

**fish** has the same meaning as in the *Fisheries Management Act 1994*.

**Note.**

The term is defined as follows—

**Definition of “fish”**

(1) 
*Fish* means marine, estuarine or freshwater fish or other aquatic animal life at any stage of their life history (whether alive or dead).

(2) 
*Fish* includes—

(a) oysters and other aquatic molluscs, and

(b) crustaceans, and

(c) echinoderms, and

(d) beachworms and other aquatic polychaetes.

(3) 
*Fish* also includes any part of a fish.

(4)

However, *fish* does not include whales, mammals, reptiles, birds, amphibians or other things excluded from the definition by the regulations under the *Fisheries Management Act 1994*.

**flood mitigation work** means work designed and constructed for the express purpose of mitigating flood impacts. It involves changing the characteristics of flood behaviour to alter the level, location, volume, speed or timing of flood waters to mitigate flood impacts. Types of works may include excavation, construction or enlargement of any fill, wall, or levee that will alter riverine flood behaviour, local overland flooding, or tidal action so as to mitigate flood impacts.

**flood prone and major creeks land** means the land in a growth centre precinct shown as flood prone and major...
creeks land and coloured blue on the North West Growth Centre Development Control Map or on the South West Growth Centre Development Control Map.

**Note.** The maps are based on information provided by relevant local councils and State agencies. The extent of flooding on the land shown as flood prone and major creeks is an estimate only. Inquiries should be made with relevant local councils to determine the extent of flood affectation. The extent of flooding is subject to review in the precinct planning process relating to the land concerned.

*floor space ratio*—see clause 4.5 of Appendix 2.

**Floor Space Ratio Map** means the following—

(a) in relation to a precinct in the North West Growth Centre, the State Environmental Planning Policy (Sydney Region Growth Centres) 2006 North West Growth Centre Floor Space Ratio Map,

(b) in relation to a precinct in the South West Growth Centre, the State Environmental Planning Policy (Sydney Region Growth Centres) 2006 South West Growth Centre Floor Space Ratio Map.

*food and drink premises* means retail premises used for the preparation and retail sale of food or drink for immediate consumption on or off the premises, and includes restaurants, cafes, take away food and drink premises, milk bars and pubs.

*forestry* has the same meaning as *forestry operations* in the *Forestry and National Park Estate Act 1998.*

**Note.**

The term is defined as follows—

*forestry operations* means—

(a) logging operations, namely, the cutting and removal of timber from land for the purpose of timber production, or

(b) forest products operations, namely, the harvesting of products of trees, shrubs and other vegetation (other than timber) that are of economic value, or

(c) on-going forest management operations, namely, activities relating to the management of land for timber production such as thinning, bush fire hazard reduction, bee-keeping, grazing and other silvicultural activities, or

(d) ancillary road construction, namely, the provision of roads and fire trails, and the maintenance of existing railways, to enable or assist in the above operations.

*freight transport facility* means a facility used principally for the bulk handling of goods for transport by road, rail, air or sea, including any facility for the loading and unloading of vehicles, aircraft, vessels or containers used to transport those goods and for the parking, holding, servicing or repair of those vehicles, aircraft or vessels or for the engines or carriages involved.

*function centre* means a building or place used for the holding of events, functions, conferences and the like, and includes convention centres, exhibition centres and reception centres, but does not include an entertainment facility.

*funeral chapel* means premises used to arrange, conduct and cater for funerals and memorial services, and includes facilities for the short-term storage, dressing and viewing of bodies of deceased persons, but does not include premises with mortuary facilities.

*funeral home* means premises used to arrange and conduct funerals and memorial services, and includes facilities for the short-term storage, dressing and viewing of bodies of deceased persons and premises with mortuary facilities.

*garden centre* means a building or place the principal purpose of which is the retail sale of plants and landscaping and gardening supplies and equipment. It may include a restaurant or cafe and the sale of any of the following—

(a) outdoor furniture and furnishings, barbecues, shading and awnings, pools, spas and associated supplies, and
items associated with the construction and maintenance of outdoor areas,

(b) pets and pet supplies,

(c) fresh produce.

*Greater Macarthur Growth Area Precinct Boundary Map* means the *State Environmental Planning Policy (Sydney Region Growth Centres) 2006 Greater Macarthur Growth Area Precinct Boundary Map*.

gross floor area means the sum of the floor area of each floor of a building measured from the internal face of
external walls, or from the internal face of walls separating the building from any other building, measured at a
height of 1.4 metres above the floor, and includes—

(a) the area of a mezzanine, and

(b) habitable rooms in a basement or an attic, and

(c) any shop, auditorium, cinema, and the like, in a basement or attic,
but excludes—

(d) any area for common vertical circulation, such as lifts and stairs, and

(e) any basement—

(i) storage, and

(ii) vehicular access, loading areas, garbage and services, and

(f) plant rooms, lift towers and other areas used exclusively for mechanical services or ducting, and

(g) car parking to meet any requirements of the consent authority (including access to that car parking), and

(h) any space used for the loading or unloading of goods (including access to it), and

(i) terraces and balconies with outer walls less than 1.4 metres high, and

(j) voids above a floor at the level of a storey or storey above.

ground level (existing) means the existing level of a site at any point.

ground level (finished) means, for any point on a site, the ground surface after completion of any earthworks
(excluding any excavation for a basement, footings or the like) for which consent has been granted or that is
exempt development.

ground level (mean) means, for any site on which a building is situated or proposed, one half of the sum of the
highest and lowest levels at ground level (finished) of the outer surface of the external walls of the building.

group home means a dwelling that is a permanent group home or a transitional group home.

group home (permanent) or permanent group home means a dwelling—

(a) that is occupied by persons as a single household with or without paid supervision or care and whether or not
those persons are related or payment for board and lodging is required, and

(b) that is used to provide permanent household accommodation for people with a disability or people who are
socially disadvantaged,
but does not include development to which *State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004* applies.

**group home (transitional) or transitional group home** means a dwelling—

(a) that is occupied by persons as a single household with or without paid supervision or care and whether or not those persons are related or payment for board and lodging is required, and

(b) that is used to provide temporary accommodation for the relief or rehabilitation of people with a disability or for drug or alcohol rehabilitation purposes, or that is used to provide half-way accommodation for persons formerly living in institutions or temporary accommodation comprising refuges for men, women or young people,

but does not include development to which *State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004* applies.

**growth centre**—see clause 3 of this Policy.

**growth centre precinct**—see clause 3 of this Policy.

**growth centre structure plan**—see clause 3 of this Policy.

**hardware and building supplies** means a building or place the principal purpose of which is the sale or hire of goods or materials, such as household fixtures, timber, tools, paint, wallpaper, plumbing supplies and the like, that are used in the construction and maintenance of buildings and adjacent outdoor areas.

**hazardous industry** means development for the purpose of an industry that, when the development is in operation and when all measures proposed to reduce or minimise its impact on the locality have been employed (including, for example, measures to isolate the development from existing or likely future development on other land in the locality), would pose a significant risk in the locality—

(a) to human health, life or property, or

(b) to the biophysical environment.

**hazardous storage establishment** means any establishment where goods, materials or products are stored that, when in operation and when all measures proposed to reduce or minimise its impact on the locality have been employed (including, for example, measures to isolate the establishment from existing or likely future development on other land in the locality), would pose a significant risk in the locality—

(a) to human health, life or property, or

(b) to the biophysical environment.

**headland** includes a promontory extending from the general line of the coastline into a large body of water, such as a sea, coastal lake or bay.

**health care professional** means any person registered under an Act for the purpose of providing health care.

**health consulting rooms** means a medical centre that comprises one or more rooms within (or within the curtilage of) a dwelling house used by not more than 3 health care professionals who practise in partnership (if there is more than one such professional) who provide professional health care services to members of the public.

**health services facility** means a building or place used as a facility to provide medical or other services relating to the maintenance or improvement of the health, or the restoration to health, of persons or the prevention of disease in or treatment of injury to persons, and includes the following—
(a) day surgeries and medical centres,
(b) community health service facilities,
(c) health consulting rooms,
(d) facilities for the transport of patients, including helipads and ambulance facilities,
(e) hospitals.

*heavy industry* means an industry that requires separation from other land uses because of the nature of the processes involved, or the materials used, stored or produced. It may consist of or include a hazardous or offensive industry or involve the use of a hazardous or offensive storage establishment.

*Height of Buildings Map* means the following—

(a) in relation to a precinct in the North West Growth Centre, the *State Environmental Planning Policy (Sydney Region Growth Centres) 2006 North West Growth Centre Height of Buildings Map*,
(b) in relation to a precinct in the South West Growth Centre, the *State Environmental Planning Policy (Sydney Region Growth Centres) 2006 South West Growth Centre Height of Buildings Map*,
(c) in relation to a precinct in the Wilton Growth Area, the *State Environmental Planning Policy (Sydney Region Growth Centres) 2006 Wilton Growth Area Height of Buildings Map*.

*helipad* means a place not open to the public used for the taking off and landing of helicopters.

*heliport* means a place open to the public used for the taking off and landing of helicopters, whether or not it includes—

(a) a terminal building, or
(b) facilities for the parking, storage or repair of helicopters.

*heritage conservation area* means an area of land—

(a) shown on the *Heritage Map* as a heritage conservation area or as a place of Aboriginal heritage significance, and
(b) the location and nature of which is described in a schedule to a Precinct Plan,

and includes any heritage items situated on or within that area.

*heritage conservation management plan* means a document prepared in accordance with guidelines prepared by the Department of Planning that documents the heritage significance of an item, place or heritage conservation area and identifies conservation policies and management mechanisms that are appropriate to enable that significance to be retained.

*heritage impact statement* means a document consisting of—

(a) a statement demonstrating the heritage significance of a heritage item, archaeological site, place of Aboriginal heritage significance or other heritage conservation area, and
(b) an assessment of the impact that proposed development will have on that significance, and
(c) proposals for measures to minimise that impact.

*heritage item* means a building, work, archaeological site, tree, place or Aboriginal object—
(a) shown on the Heritage Map as a heritage item, and
(b) the location and nature of which is described in a schedule to a Precinct Plan, and
(c) specified in an inventory of heritage items that is available at the office of the Council.

Heritage Map means the following—
(a) in relation to a precinct in the North West Growth Centre, the State Environmental Planning Policy (Sydney Region Growth Centres) 2006 North West Growth Centre Heritage Map,
(b) in relation to a precinct in the South West Growth Centre, the State Environmental Planning Policy (Sydney Region Growth Centres) 2006 South West Growth Centre Heritage Map,
(c) in relation to a precinct in the Wilton Growth Area, the State Environmental Planning Policy (Sydney Region Growth Centres) 2006 Wilton Growth Area Heritage Map.

Heritage Map means the following—

heritage significance means historical, scientific, cultural, social, archaeological, architectural, natural or aesthetic value.

highway service centre means a building or place used as a facility to provide refreshments and vehicle services to highway users, and which may include any one or more of the following—
(a) restaurants or take away food and drink premises,
(b) service stations and facilities for emergency vehicle towing and repairs,
(c) parking for vehicles,
(d) rest areas and public amenities.

home-based child care means a dwelling used by a resident of the dwelling for the supervision and care of one or more children and that satisfies the following conditions—
(a) the service is licensed within the meaning of the Children and Young Persons (Care and Protection) Act 1998,
(b) the number of children (including children related to the carer or licensee) does not at any one time exceed 7 children under the age of 12 years, including no more than 5 who do not ordinarily attend school.

home business means a business carried on in a dwelling, or in a building ancillary to a dwelling, by one or more permanent residents of the dwelling that does not involve—
(a) the employment of more than 2 persons other than those residents, or
(b) interference with the amenity of the neighbourhood by reason of the emission of noise, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil, traffic generation or otherwise,
(c) the exposure to view, from any adjacent premises or from any public place, of any unsightly matter, or
(d) the exhibition of any notice, advertisement or sign (other than a notice, advertisement or sign exhibited on that dwelling to indicate the name of the resident and the business carried on in the dwelling), or
(e) the sale of items (whether goods or materials), or the exposure or offer for sale of items, by retail, except for goods produced at the dwelling or building,
but does not include bed and breakfast accommodation, home occupation (sex services) or sex services premises.
home industry means a light industry carried on in a dwelling, or in a building ancillary to a dwelling, by one or more permanent residents of the dwelling that does not involve—

(a) the employment of more than 2 persons other than those residents, or

(b) interference with the amenity of the neighbourhood by reason of the emission of noise, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil, traffic generation or otherwise, or

(c) the exposure to view, from any adjacent premises or from any public place, of any unsightly matter, or

(d) the exhibition of any notice, advertisement or sign (other than a notice, advertisement or sign exhibited on that dwelling to indicate the name of the resident and the light industry carried on in the dwelling), or

(e) the sale of items (whether goods or materials), or the exposure or offer for sale of items, by retail, except for goods produced at the dwelling or building,

but does not include bed and breakfast accommodation or sex services premises.

Note. For precinct controls relating to this definition, see clause 5.4 of each Precinct Plan.

home occupation means an occupation carried on in a dwelling, or in a building ancillary to a dwelling, by one or more permanent residents of the dwelling that does not involve—

(a) the employment of persons other than those residents, or

(b) interference with the amenity of the neighbourhood by reason of the emission of noise, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil, traffic generation or otherwise, or

(c) the display of goods, whether in a window or otherwise, or

(d) the exhibition of any notice, advertisement or sign (other than a notice, advertisement or sign exhibited on that dwelling to indicate the name of the resident and the occupation carried on in the dwelling), or

(e) the sale of items (whether goods or materials), or the exposure or offer for sale of items, by retail,

but does not include bed and breakfast accommodation, a brothel or home occupation (sex services).

home occupation (sex services) means the provision of sex services in a dwelling that is a brothel, or in a building that is a brothel and is ancillary to such a dwelling, by no more than 2 permanent residents of the dwelling and that does not involve—

(a) the employment of persons other than those residents, or

(b) interference with the amenity of the neighbourhood by reason of the emission of noise, traffic generation or otherwise, or

(c) the exhibition of any notice, advertisement or sign, or

(d) the sale of items (whether goods or materials), or the exposure or offer for sale of items, by retail,

but does not include a home business or sex services premises.

horticulture means the cultivation of fruits, vegetables, mushrooms, nuts, cut flowers and foliage and nursery products for commercial purposes, but does not include retail sales or viticulture.
hospital means a building or place used for the purpose of providing professional health care services (such as preventative or convalescent care, diagnosis, medical or surgical treatment, psychiatric care or care for people with disabilities, or counselling services provided by health care professionals) to people admitted as in-patients (whether or not out-patients are also cared for or treated there), and includes ancillary facilities for (or that consist of) any of the following—

(a) day surgery, day procedures or health consulting rooms,
(b) accommodation for nurses or other health care workers,
(c) accommodation for persons receiving health care or for their visitors,
(d) shops or refreshment rooms,
(e) transport of patients, including helipads, ambulance facilities and car parking,
(f) educational purposes or any other health-related use,
(g) research purposes (whether or not it is carried out by hospital staff or health care workers or for commercial purposes),
(h) chapels,
(i) hospices,
(j) mortuaries.

hostel means premises that are generally staffed by social workers or support providers and at which—

(a) residential accommodation is provided in dormitories, or on a single or shared basis, or by a combination of them, and
(b) cooking, dining, laundering, cleaning and other facilities are provided on a shared basis.

hotel or motel accommodation means tourist and visitor accommodation (whether or not licensed premises under the Liquor Act 2007)—

(a) comprising rooms or self-contained suites, and
(b) that may provide meals to guests or the general public and facilities for the parking of guests’ vehicles, but does not include backpackers’ accommodation, a boarding house, bed and breakfast accommodation or farm stay accommodation.

industrial retail outlet means a building or place that—

(a) is used in conjunction with an industry (including a light industry) but not in conjunction with a warehouse or distribution centre, and
(b) is situated on the land on which the industry is carried out, and
(c) is used for the display or sale (whether by retail or wholesale) of only those goods that have been manufactured on the land on which the industry is carried out.

Note. For controls relating to the retail floor area, see the following—
(a) clause 5.4 of Appendix 1 in respect of Oran Park and Turner Road Precincts,
(b) clause 5.4 of Appendix 2 in respect of North Kellyville Precinct,
(c) clause 5.4 of Appendix 3 in respect of Riverstone West Precinct,
(d) clause 5.4 of Appendix 4 in respect of Alex Avenue and Riverstone Precincts,
(e) clause 5.4 of Appendix 5 in respect of Marsden Park Industrial Precinct,
(f) clause 5.4 of Appendix 6 in respect of Area 20 Precinct,
(g) clause 5.4 of Appendix 7 in respect of Schofields Precinct,
(h) clause 5.4 of Appendix 8 in respect of land to which the Liverpool Growth Centres Precinct Plan applies,
(i) clause 5.4 of Appendix 9 in respect of land to which the Camden Growth Centres Precinct Plan applies,
(j) clause 5.4 of Appendix 10 in respect of land to which the Campbelltown Growth Centres Precinct Plan applies,
(k) clause 5.4 of Appendix 11 in respect of the Box Hill and Box Hill Industrial Precincts,
(l) clause 5.4 of Appendix 12 in respect of land to which the Blacktown Growth Centres Precinct Plan applies.

**industry** means the manufacturing, production, assembling, altering, formulating, repairing, renovating, ornamenting, finishing, cleaning, washing, dismantling, transforming, processing or adapting, or the research and development of any goods, chemical substances, food, agricultural or beverage products, or articles for commercial purposes, but does not include extractive industry or a mine.

**information and education facility** means a building or place used for providing information or education to visitors, and the exhibition or display of items, and includes an art gallery, museum, library, visitor information centre and the like.

**intensive livestock agriculture** means the keeping or breeding, for commercial purposes, of cattle, poultry, goats, horses or other livestock, that are fed wholly or substantially on externally-sourced feed, and includes the operation of feed lots, piggeries, poultry farms or restricted dairies, but does not include the operation of facilities for drought or similar emergency relief or extensive agriculture or aquaculture.

**intensive plant agriculture** means any of the following carried out for commercial purposes—

(a) the cultivation of irrigated crops (other than irrigated pasture or fodder crops),

(b) horticulture,

(c) turf farming,

(d) viticulture.

**jetty** means a horizontal decked walkway providing access from the shore to the waterway and is generally constructed on a piered or piled foundation.

**Key Sites Map** means the State Environmental Planning Policy (Sydney Region Growth Centres) 2006 North West Growth Centre Key Sites Map.

**kiosk** means retail premises used for the purposes of selling food, light refreshments and other small convenience items such as newspapers, films and the like.

**Note.** For precinct controls relating to this definition, see clause 5.4 of each Precinct Plan.

**Land Application Map** means the following—
(a) in relation to a precinct in the North West Growth Centre, the State Environmental Planning Policy (Sydney Region Growth Centres) 2006 North West Growth Centre Land Application Map,

(b) in relation to a precinct in the South West Growth Centre, the State Environmental Planning Policy (Sydney Region Growth Centres) 2006 South West Growth Centre Land Application Map,

(c) in relation to a precinct in the Wilton Growth Area, the State Environmental Planning Policy (Sydney Region Growth Centres) 2006 Wilton Growth Area Land Application Map,

(d) in relation to a precinct in the Greater Macarthur Growth Area, the State Environmental Planning Policy (Sydney Region Growth Centres) 2006 Greater Macarthur Growth Area Land Application Map.

Land Reservation Acquisition Map means the following—

(a) in relation to a precinct in the North West Growth Centre, the State Environmental Planning Policy (Sydney Region Growth Centres) 2006 North West Growth Centre Land Reservation Acquisition Map,

(b) in relation to a precinct in the South West Growth Centre, the State Environmental Planning Policy (Sydney Region Growth Centres) 2006 South West Growth Centre Land Reservation Acquisition Map,

(c) in relation to a precinct in the Wilton Growth Area, [Not adopted].

Land Zoning Map means the following—

(a) in relation to a precinct in the North West Growth Centre, the State Environmental Planning Policy (Sydney Region Growth Centres) 2006 North West Growth Centre Land Zoning Map,

(b) in relation to a precinct in the South West Growth Centre, the State Environmental Planning Policy (Sydney Region Growth Centres) 2006 South West Growth Centre Land Zoning Map,

(c) in relation to a precinct in the Wilton Growth Area, the State Environmental Planning Policy (Sydney Region Growth Centres) 2006 Wilton Growth Area Land Zoning Map.

landscape and garden supplies means a building or place where trees, shrubs, plants, bulbs, seeds and propagating material are offered for sale (whether by retail or wholesale), and may include the sale of landscape supplies (including earth products or other landscape and horticulture products) and the carrying out of horticulture.

landscaped area means a part of a site used for growing plants, grasses and trees, but does not include any building, structure or hard paved area.

landscaping material supplies means a building or place used for the storage and sale of landscaping supplies such as soil, gravel, potting mix, mulch, sand, railway sleepers, screenings, rock and the like.

Leppington North Precinct means the land shown within the Leppington North Precinct on the South West Growth Centre Precinct Boundary Map.

light industry means an industry, not being a hazardous or offensive industry or involving use of a hazardous or offensive storage establishment, in which the processes carried on, the transportation involved or the machinery or materials used do not interfere with the amenity of the neighbourhood by reason of noise, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil, or otherwise.

liquid fuel depot means storage premises that are used for the bulk storage for wholesale distribution of petrol, oil, petroleum or other inflammable liquid and at which no retail trade is conducted.

livestock processing industry means an industry that involves the commercial production of products derived from the slaughter of animals (including poultry) or the processing of skins or wool of animals, derived principally from surrounding districts, and includes such activities as abattoirs, knackeries, tanneries, woolscours and rendering
Lot Size Map means the following—

(a) in relation to a precinct in the North West Growth Centre, the State Environmental Planning Policy (Sydney Region Growth Centres) 2006 North West Growth Centre Lot Size Map,

(b) in relation to a precinct in the South West Growth Centre, the State Environmental Planning Policy (Sydney Region Growth Centres) 2006 South West Growth Centre Lot Size Map,

(c) in relation to a precinct in the Wilton Growth Area, the State Environmental Planning Policy (Sydney Region Growth Centres) 2006 Wilton Growth Area Lot Size Map.

maintenance, in relation to a heritage item or a building, work, archaeological site, tree or place within a heritage conservation area, means ongoing protective care. It does not include the removal or disturbance of existing fabric, alterations, such as carrying out extensions or additions, or the introduction of new materials or technology.

manor home means a 2-storey building containing 4 dwellings, where—

(a) each storey contains 2 dwellings, and

(b) each dwelling is on its own lot (being a lot within a strata scheme or community title scheme), and

(c) access to each dwelling is provided through a common or individual entry at ground level,

but does not include a residential flat building or multi dwelling housing.

Note.

Manor homes are a type of residential accommodation—see the definition of that term in this Dictionary.

marina means a permanent boat storage facility (whether located wholly on land, wholly on the waterway or partly on land and partly on the waterway) together with any associated facilities, including—

(a) any facility for the construction, repair, maintenance, storage, sale or hire of boats, and

(b) any facility for providing fuelling, sewage pump-out or other services for boats, and

(c) any facility for launching or landing boats, such as slipways or hoists, and

(d) any associated car parking, commercial, tourist or recreational or club facility that is ancillary to a boat storage facility, and

(e) any associated single mooring.

market means retail premises comprising an open-air area or an existing building used for the purpose of selling, exposing or offering goods, merchandise or materials for sale by independent stall holders, and includes temporary structures and existing permanent structures used for that purpose on an intermittent or occasional basis.

Marsden Park Industrial Precinct means the land shown within the Marsden Park Industrial Precinct on the North West Growth Centre Precinct Boundary Map.

Marsden Park Precinct means the land shown within the Marsden Park Precinct on the North West Growth Centre Precinct Boundary Map.

materials recycling or recovery centre means a building or place used for the recycling or recovery of resource materials (excluding sludge-like material) from waste materials, and that involves separating and sorting, processing (such as baling, crushing, shredding and composting), transferring and the sale of recycled or recovered
material, but that does not involve the re-manufacture, chemical manufacture or incineration of the material.

**mean high water mark** means the position where the plane of the mean high water level of all ordinary local high tides intersects the foreshore, being 1.44m above the zero of Fort Denison Tide Gauge and 0.515m Australian Height Datum.

**medical centre** means business premises used for the purpose of providing health services (including preventative care, diagnosis, medical or surgical treatment, counselling or alternative therapies) to out-patients only, where such services are principally provided by health care professionals, and may include the ancillary provision of other health services.

**mezzanine** means an intermediate floor within a room.

**mine** means any place (including any excavation) where an operation is carried on for mining of any mineral by any method and any place on which any mining related work is carried out, but does not include a place used only for extractive industry.

**mine subsidence district** means a mine subsidence district proclaimed under section 15 of the Mine Subsidence Compensation Act 1961.

**mining** means mining carried out under the Mining Act 1992 or the recovery of minerals under the Offshore Minerals Act 1999, and includes—

(a) the construction, operation and decommissioning of associated works, and

(b) the rehabilitation of land affected by mining.

**mixed use development** means a building or place comprising 2 or more different land uses.

**mooring** means a detached or freestanding apparatus located on or in a waterway and that is capable of securing a vessel.

**mortuary** means premises that are used, or intended to be used, for the receiving, preparation, embalming and storage of bodies of deceased persons pending their interment or cremation.

**moveable dwelling** has the same meaning as in the Local Government Act 1993.

**Note.**

The term is defined as follows—

**moveable dwelling** means—

(a) any tent, or any caravan or other van or other portable device (whether on wheels or not), used for human habitation, or

(b) a manufactured home, or

(c) any conveyance, structure or thing of a class or description prescribed by the regulations (under the Local Government Act 1993) for the purposes of this definition.

**multi dwelling housing** means 3 or more dwellings (whether attached or detached) on one lot of land, each with access at ground level, but does not include a residential flat building or a manor home.

**Note.**

Multi dwelling housing is a type of residential accommodation—see the definition of that term in this Dictionary.

**native fauna** means any animal-life that is indigenous to New South Wales or is known to periodically or occasionally migrate to New South Wales, whether vertebrate (including fish) or invertebrate and in any stage of biological development, but does not include humans.
**native flora** means any plant-life that is indigenous to New South Wales, whether vascular or non-vascular and in any stage of biological development, and includes fungi and lichens, and marine vegetation within the meaning of Part 7A of the *Fisheries Management Act 1994*.

**native vegetation** has the same meaning as in Part 5A of the *Local Land Services Act 2013*.

**Native Vegetation Protection Map** means the following—

(a) in relation to a precinct in the North West Growth Centre, the *State Environmental Planning Policy (Sydney Region Growth Centres) 2006 North West Growth Centre Native Vegetation Protection Map*,

(b) in relation to a precinct in the South West Growth Centre, the *State Environmental Planning Policy (Sydney Region Growth Centres) 2006 South West Growth Centre Native Vegetation Protection Map*.

**natural water-based aquaculture** means aquaculture undertaken in natural waterbodies (including any part of the aquaculture undertaken in tanks, ponds or other facilities such as during hatchery or depuration phases).

**Note.** Typical natural water-based aquaculture is fin fish culture in cages and oyster, mussel or scallop culture on or in racks, lines or cages.

**navigable waterway** means any waterway that is from time to time capable of navigation and is open to or used by the public for navigation, but does not include flood waters that have temporarily flowed over the established bank of a watercourse.

**neighbourhood shop** means retail premises used for the purposes of selling small daily convenience goods such as foodstuffs, personal care products, newspapers and the like to provide for the day-to-day needs of people who live or work in the local area, and may include ancillary services such as a post office, bank or dry cleaning, but does not include restricted premises.

**Note.** For precinct controls relating to this definition, see clause 5.4 of each Precinct Plan.

**non-potable water** means water that does not meet the standards or values for drinking water recommended from time to time by the National Health and Medical Research Council.

**North Kellyville Precinct** means the land shown within the North Kellyville Precinct on the *North West Growth Centre Precinct Boundary Map*.

**North Kellyville Precinct Development Control Plan** means the *North Kellyville Development Control Plan* as made by the Director-General on 28 November 2008.

**North Kellyville Precinct Environmental Management Plan** means the *North Kellyville Precinct Development Control Plan* as in force on the commencement of Appendix 2.

**North West Growth Centre Development Control Map** means the *State Environmental Planning Policy (Sydney Region Growth Centres) 2006 North West Growth Centre Development Control Map*.

**North West Growth Centre Precinct Boundary Map** means the *State Environmental Planning Policy (Sydney Region Growth Centres) 2006 North West Growth Centre Precinct Boundary Map*.

**North Wilton Precinct** means the land shown within the North Wilton Precinct on the *Wilton Growth Area Precinct Boundary Map*.

**NSW Coastal Policy** means the publication titled *NSW Coastal Policy 1997: A Sustainable Future for the New South Wales Coast*, published by the Government.

**offensive industry** means any development for the purpose of an industry that would, when the development is in operation and when all measures proposed to reduce or minimise its impact on the locality have been employed
(including, for example, measures to isolate the development from existing or likely future development on other land in the locality), emit a polluting discharge (including, for example, noise) in a manner that would have a significant adverse impact in the locality or on the existing or likely future development on other land in the locality.

**offensive storage establishment** means any establishment where goods, materials or products are stored and that would, when all measures proposed to reduce or minimise its impact on the locality have been employed (including, for example, measures to isolate the establishment from existing or likely future development on other land in the locality), emit a polluting discharge (including, for example, noise) in a manner that would have a significant adverse impact in the locality or on the existing or likely future development on other land in the locality.

**office premises** means a building or place used for the purpose of administrative, clerical, technical, professional or similar activities that do not include dealing with members of the public at the building or place on a direct and regular basis, except where such dealing is a minor activity (by appointment) that is ancillary to the main purpose for which the building or place is used.

**operational land** has the same meaning as in the *Local Government Act 1993*.

**Oran Park Precinct** means the land shown within the Oran Park Precinct on the *South West Growth Centre Precinct Boundary Map*.

**Oran Park Precinct Development Control Plan** means the *Oran Park Precinct Development Control Plan* made by the Director-General on 4 December 2007.

**parking space** means a space dedicated for the parking of a motor vehicle, including any manoeuvring space and access to it, but does not include a car park.

**passenger transport facility** means a building or place used for the assembly or dispersal of passengers by any form of transport, including facilities required for parking, manoeuvring, storage or routine servicing of any vehicle that uses the building or place.

**place of Aboriginal heritage significance** means an area of land shown on the *Heritage Map* that is—

(a) the site of one or more Aboriginal objects or a place that has the physical remains of pre-European occupation by, or is of contemporary significance to, the Aboriginal people. It can (but need not) include items and remnants of the occupation of the land by Aboriginal people, such as burial places, engraving sites, rock art, midden deposits, scarred and sacred trees and sharpening grooves, or

(b) a natural Aboriginal sacred site or other sacred feature. It includes natural features such as creeks or mountains of long-standing cultural significance, as well as initiation, ceremonial or story places or areas of more contemporary cultural significance.

**place of public worship** means a building or place used for the purpose of religious worship by a congregation or religious group, whether or not the building or place is also used for counselling, social events, instruction or religious training.

**pond-based aquaculture** means aquaculture undertaken in structures that are constructed by excavating and reshaping earth, which may be earthen or lined, and includes any part of the aquaculture undertaken in tanks, such as during the hatchery or pre-market conditioning phases, but does not include natural water-based aquaculture.

**Note.** Typical pond-based aquaculture is the pond culture of prawns, yabbies or silver perch.

**port facilities** means any of the following facilities at or in the vicinity of a designated port within the meaning of section 47 of the *Ports and Maritime Administration Act 1995*—

(a) facilities for the embarkation or disembarkation of passengers onto or from any vessels, including public ferry
wharves,

(b) facilities for the loading or unloading of freight onto or from vessels and associated receiveal, land transport and storage facilities,

(c) wharves for commercial fishing operations,

(d) refuelling, launching, berthing, mooring, storage or maintenance facilities for any vessel,

(e) sea walls or training walls,

(f) administration buildings, communication, security and power supply facilities, roads, rail lines, pipelines, fencing, lighting or car parks.

**potable water** means water that meets the standards or values for drinking water recommended from time to time by the National Health and Medical Research Council.

**precinct** means a growth centre precinct.

**Precinct Plan** means an Appendix to this Policy.

**private open space** means an area external to a building (including an area of land, terrace, balcony or deck) that is used for private outdoor purposes ancillary to the use of the building.

**property vegetation plan** means a property vegetation plan approved under Part 4 of the *Native Vegetation Act 2003* before the repeal of that Act (as continued in force by the regulations under the *Biodiversity Conservation Act 2016*).

**pub** means licensed premises under the *Liquor Act 2007* the principal purpose of which is the sale of liquor for consumption on the premises, whether or not the premises include hotel or motel accommodation and whether or not food is sold or entertainment is provided on the premises.

**public administration building** means a building used as offices or for administrative or other like purposes by the Crown, a statutory body, a council or an organisation established for public purposes, and includes a courthouse or a police station.

**public authority** has the same meaning as in the Act.

**public entertainment** has the same meaning as in the Act.

**Note.**

The term is defined as follows—

**public entertainment** means entertainment to which admission may ordinarily be gained by members of the public on payment of money or other consideration—

(a) whether or not some (but not all) persons are admitted free of charge, and

(b) whether or not the money or other consideration is demanded—

(i) as a charge for a meal or other refreshment before admission is granted, or

(ii) as a charge for the entertainment after admission is granted.

**public land** has the same meaning as in the *Local Government Act 1993*.

**public reserve** has the same meaning as in the *Local Government Act 1993*.

**public utility undertaking** means any of the following undertakings carried on or permitted to be carried on by or
by authority of any Government Department or under the authority of or in pursuance of any Commonwealth or State Act—

(a) railway, road transport, water transport, air transport, wharf or river undertakings,

(b) undertakings for the supply of water, hydraulic power, electricity or gas or the provision of sewerage or drainage services,

and a reference to a person carrying on a public utility undertaking includes a reference to a council, electricity supply authority, Government Department, corporation, firm or authority carrying on the undertaking.

**rainwater tank** means a tank designed for the storage of rainwater gathered on the land on which the tank is situated.

**recreation area** means a place used for outdoor recreation that is normally open to the public, and includes—

(a) a children’s playground, or

(b) an area used for community sporting activities, or

(c) a public park, reserve or garden or the like,

and any ancillary buildings, but does not include a recreation facility (indoor), recreation facility (major) or recreation facility (outdoor).

**recreation facility (indoor)** means a building or place used predominantly for indoor recreation, whether or not operated for the purposes of gain, including a squash court, indoor swimming pool, gymnasium, table tennis centre, health studio, bowling alley, ice rink or any other building or place of a like character used for indoor recreation, but does not include an entertainment facility, a recreation facility (major) or a registered club.

**recreation facility (major)** means a building or place used for large-scale sporting or recreation activities that are attended by large numbers of people whether regularly or periodically, and includes sports stadiums, showgrounds, racecourses and motor racing tracks.

**recreation facility (outdoor)** means a building or place (other than a recreation area) used predominantly for outdoor recreation, whether or not operated for the purposes of gain, including a golf course, golf driving range, mini-golf centre, tennis court, paint-ball centre, lawn bowling green, outdoor swimming pool, equestrian centre, skate board ramp, go-kart track, rifle range, water-ski centre or any other building or place of a like character used for outdoor recreation (including any ancillary buildings), but does not include an entertainment facility or a recreation facility (major).

**Reduced Level (RL)** means height above the Australian Height Datum, being the datum surface approximating mean sea level that was adopted by the National Mapping Council of Australia in May 1971.

**registered club** has the same meaning as in the *Registered Clubs Act 1976*, whether or not entertainment is provided at the club.

**relic** means any deposit, object or other material evidence of human habitation—

(a) that relates to the settlement of the local government area in which a Precinct is located, not being Aboriginal settlement, and

(b) that is more than 50 years old, and

(c) that is a fixture or is wholly or partly within the ground.

**remnant native vegetation** has the same meaning as in the *Native Vegetation Act 2003*. 
Note. The term is defined to mean any native vegetation other than regrowth.

**research station** means a building or place operated by a public authority for the principal purpose of agricultural, environmental, fisheries, forestry, minerals or soil conservation research, and includes any associated facility for education, training, administration or accommodation.

**residential accommodation** means a building or place used predominantly as a place of residence, and includes any of the following—

(a) attached dwellings,
(b) boarding houses,
(c) dual occupancies,
(d) dwelling houses,
(e) group homes,
(f) hostels,
(g) manor homes,
(h) multi dwelling housing,
(i) residential flat buildings,
(j) rural workers’ dwellings,
(k) secondary dwellings,
(l) semi-detached dwellings,
(m) seniors housing,
(n) shop top housing,
(o) studio dwellings,

but does not include tourist and visitor accommodation or caravan parks.

**residential care facility** means accommodation for seniors (people aged 55 years or more) or people with a disability that includes—

(a) meals and cleaning services, and
(b) personal care or nursing care, or both, and
(c) appropriate staffing, furniture, furnishings and equipment for the provision of that accommodation and care, not being a dwelling, hospital or psychiatric facility.

**Residential Density Map** means the following—

(a) in relation to a precinct in the North West Growth Centre, the State Environmental Planning Policy (Sydney Region Growth Centres) 2006 North West Growth Centre Residential Density Map,

(b) in relation to a precinct in the South West Growth Centre, the State Environmental Planning Policy (Sydney Region Growth Centres) 2006 South West Growth Centre Residential Density Map.
residential flat building means a building containing 3 or more dwellings, but does not include an attached dwelling, a manor home or multi dwelling housing.

Note. Residential flat buildings are a type of residential accommodation—see the definition of that term in this Dictionary.

resource recovery facility means a building or place used for the recovery of resources from waste, including works or activities such as separating and sorting, processing or treating the waste, temporary storage, transfer or sale of recovered resources, energy generation from gases and water treatment, but not including re-manufacture or disposal of the material by landfill or incineration.

respite day care centre means a building or place that is used for the care of seniors or people who have a disability and that does not provide overnight accommodation for people other than those related to the owner or operator of the centre.

restaurant means a building or place the principal purpose of which is the provision of food or beverages to people for consumption on the premises, whether or not take away meals and beverages or entertainment are also provided.

restricted dairy means a dairy (other than a dairy (pasture-based)) where restriction facilities are present in addition to milking sheds and holding yards, and where cattle have access to grazing for less than 10 hours in any 24 hour period (excluding during periods of drought or similar emergency relief). A restricted dairy may comprise the whole or part of a restriction facility.

restricted premises means business premises or retail premises that, due to their nature, restrict access to patrons or customers over 18 years of age, and includes sex shops and similar premises but does not include hotel or motel accommodation, a pub, home occupation (sex services) or sex services premises.

restriction facilities means facilities where animals are constrained for management purposes, including milking sheds, pads, feed stalls, holding yards and paddocks where the number of livestock exceeds the ability of vegetation to recover from the effects of grazing in a normal growing season, but does not include facilities for drought or similar emergency relief.

retail premises means a building or place used for the purpose of selling items by retail, or for hiring or displaying items for the purpose of selling them by retail or hiring them out, whether the items are goods or materials (or whether also sold by wholesale).

Riparian Protection Area Map means the following—

(a) in relation to a precinct in the North West Growth Centre, the State Environmental Planning Policy (Sydney Region Growth Centres) 2006 North West Growth Centre Riparian Protection Area Map,

(b) in relation to a precinct in the South West Growth Centre, the State Environmental Planning Policy (Sydney Region Growth Centres) 2006 South West Growth Centre Riparian Protection Area Map.

Riverstone East Precinct means the land shown within the Riverstone East Precinct on the North West Growth Centre Precinct Boundary Map.

Riverstone Precinct means the land shown within the Riverstone Precinct on the State Environmental Planning Policy (Sydney Region Growth Centres) 2006—North West Growth Centre Precinct Boundary Map.

Riverstone Scheduled Lands means the land within the Riverstone Precinct shown as the Riverstone Scheduled Lands on the Land Zoning Map.

Riverstone West Precinct means the land shown within the Riverstone West Precinct on the North West Growth Centre Precinct Boundary Map.
Riverstone West Precinct Development Control Plan means the Riverstone West Precinct Development Control Plan approved by the Director-General on or before the commencement of Appendix 3.

road means a public road or a private road within the meaning of the Roads Act 1993, and includes a classified road.

roadside stall means a place or temporary structure used for retail selling of agricultural produce or hand crafted goods (or both) produced from the property on which the stall is situated or from an adjacent property.

Note. For controls relating to the gross floor area, see the following—
(a) clause 5.4 of Appendix 1 in respect of Oran Park and Turner Road Precincts,
(b) clause 5.4 of Appendix 2 in respect of North Kellyville Precinct,
(c) clause 5.4 of Appendix 3 in respect of Riverstone West Precinct,
(d) clause 5.4 of Appendix 4 in respect of Alex Avenue and Riverstone Precincts,
(e) clause 5.4 of Appendix 5 in respect of Marsden Park Industrial Precinct,
(f) clause 5.4 of Appendix 6 in respect of Area 20 Precinct,
(g) clause 5.4 of Appendix 7 in respect of Schofields Precinct,
(h) clause 5.4 of Appendix 8 in respect of land to which the Liverpool Growth Centres Precinct Plan applies,
(i) clause 5.4 of Appendix 9 in respect of land to which the Camden Growth Centres Precinct Plan applies,
(j) clause 5.4 of Appendix 10 in respect of land to which the Campbelltown Growth Centres Precinct Plan applies,
(k) clause 5.4 of Appendix 11 in respect of the Box Hill and Box Hill Industrial Precincts,
(l) clause 5.4 of Appendix 12 in respect of land to which the Blacktown Growth Centres Precinct Plan applies.

rural industry means an industry that involves the handling, treating, production, processing or packing of animal or plant agricultural products, and includes—
(a) agricultural produce industry, or
(b) livestock processing industry, or
(c) use of composting facilities and works (including to produce mushroom substrate), or
(d) use of sawmill or log processing works, or
(e) use of stock and sale yards, or
(f) the regular servicing or repairing of plant or equipment used for the purposes of a rural enterprise, undertaken for commercial purposes.

rural supplies means a building or place used for the display, sale (whether by retail or wholesale) or hire of stockfeeds, grains, seed, fertilizers, veterinary supplies and other goods or materials used in farming and primary industry production.

rural worker’s dwelling means a dwelling, ancillary to a dwelling house on the same landholding, used as the principal place of residence by persons employed for the purpose of agriculture or a rural industry on that land.

sawmill or log processing works means a building or place used for handling, cutting, chipping, pulping or otherwise processing logs, baulks, branches or stumps, principally derived from surrounding districts, into timber
or other products derived from wood.

_Schofields Precinct_ means the land shown as the Schofields Precinct identified on the State Environmental Planning Policy (Sydney Region Growth Centres) 2006—North West Growth Centre Precinct Boundary Map.

_school_ means a government school or non-government school within the meaning of the _Education Act 1990_.

_secondary dwelling_ means a self-contained dwelling that—

(a) is established in conjunction with another dwelling (the _principal dwelling_), and

(b) is on the same lot of land as the principal dwelling, and

(c) is located within, or is attached to, or is separate from, the principal dwelling.

_Note._ For precinct controls relating to this definition, see clause 5.4 of each Precinct Plan.

_self-storage units_ means storage premises that consist of individual enclosed compartments for storing goods or materials (other than hazardous or offensive goods or materials).

_semi-detached dwelling_ means a dwelling that is on its own lot of land and is attached to only one other dwelling, but does not include a studio dwelling.

_Note._

Semi-detached dwellings are a type of _residential accommodation_—see the definition of that term in this Dictionary.

_seniors housing_ means residential accommodation that consists of—

(a) a residential care facility, or

(b) a hostel, or

(c) a group of self-contained dwellings, or

(d) a combination of these,

and that is, or is intended to be, used permanently for—

(e) seniors or people who have a disability, or

(f) people who live in the same household with seniors or people who have a disability, or

(g) staff employed to assist in the administration of the residential accommodation or in the provision of services to persons living in the accommodation,

but does not include a hospital.

_service station_ means a building or place used for the sale by retail of fuels and lubricants for motor vehicles, whether or not the building or place is also used for any one or more of the following—

(a) the ancillary sale by retail of spare parts and accessories for motor vehicles,

(b) the cleaning of motor vehicles,

(c) installation of accessories,

(d) inspecting, repairing and servicing of motor vehicles (other than body building, panel beating, spray painting, or chassis restoration),
(e) the ancillary retail selling or hiring of general merchandise or services or both.

.serviced apartment means a building or part of a building providing self-contained tourist and visitor accommodation that is regularly serviced or cleaned by the owner or manager of the building or part of the building or the owner’s or manager’s agents.

.sewage reticulation system means a building or place used for the collection and transfer of sewage to a sewage treatment plant or water recycling facility for treatment, or transfer of the treated waste for use or disposal, including associated—

(a) pipelines and tunnels, and

(b) pumping stations, and

(c) dosing facilities, and

(d) odour control works, and

(e) sewage overflow structures, and

(f) vent stacks.

.sewage treatment plant means a building or place used for the treatment and disposal of sewage, whether or not the facility supplies recycled water for use as an alternative water supply.

.sewerage system means a biosolids treatment facility, sewage reticulation system, sewage treatment plant, water recycling facility, or any combination of these.

.sex services means sexual acts or sexual services in exchange for payment.

.sex services premises means a brothel, but does not include home occupation (sex services).

.shop means retail premises that sell groceries, personal care products, clothing, music, homewares, stationery, electrical goods or other items of general merchandise, and may include a neighbourhood shop, but does not include food and drink premises or restricted premises.

.shop top housing means one or more dwellings located above (or otherwise attached to) ground floor retail premises or business premises.

.signage means any sign, notice, device, representation or advertisement that advertises or promotes any goods, services or events and any structure or vessel that is principally designed for, or that is used for, the display of signage, and includes—

(a) building identification signs, and

(b) business identification signs, and

(c) advertisements,

but does not include traffic signs or traffic control facilities.

.site area means the area of any land on which development is or is to be carried out. The land may include the whole or part of one lot, or more than one lot if they are contiguous to each other, but does not include the area of any land on which development is not permitted to be carried out under this Plan.

Note. The effect of this definition is varied by clause 4.5 for the purpose of the determination of permitted floor space area for proposed development.
site coverage means the proportion of a site area covered by buildings. However, the following are not included for the purpose of calculating site coverage—

(a) any basement,

(b) any part of an awning that is outside the outer walls of a building and that adjoins the street frontage or other site boundary,

(c) any eaves,

(d) unenclosed balconies, decks, pergolas and the like.

South East Wilton Precinct means the land shown within the South East Wilton Precinct on the Wilton Growth Area Precinct Boundary Map.

South West Growth Centre Development Control Map means the State Environmental Planning Policy (Sydney Region Growth Centres) 2006 South West Growth Centre Development Control Map.

South West Growth Centre Precinct Boundary Map means the State Environmental Planning Policy (Sydney Region Growth Centres) 2006 South West Growth Centre Precinct Boundary Map.

spa pool has the same meaning as in the Swimming Pools Act 1992.

Note. The term is defined to include any excavation, structure or vessel in the nature of a spa pool, flotation tank, tub or the like.

special area means land shown as being in a special area on the Special Areas Map.

Special Areas Map means the following—

(a) in relation to a precinct in the North West Growth Centre, the State Environmental Planning Policy (Sydney Region Growth Centres) 2006 North West Growth Centres Special Areas Map,

(b) in relation to a precinct in the South West Growth Centre, the State Environmental Planning Policy (Sydney Region Growth Centres) 2006 South West Growth Centres Special Areas Map.

stock and sale yard means a building or place used on a commercial basis for the purpose of offering livestock or poultry for sale and may be used for the short-term storage and watering of stock.

storage premises means a building or place used for the storage of goods, materials, plant or machinery for commercial purposes and where the storage is not ancillary to any business premises or retail premises on the same parcel of land.

storey means a space within a building that is situated between one floor level and the floor level next above, or if there is no floor above, the ceiling or roof above, but does not include—

(a) a space that contains only a lift shaft, stairway or meter room, or

(b) a mezzanine, or

(c) an attic.

studio dwelling means a dwelling that—

(a) is established in conjunction with another dwelling (the principal dwelling), and

(b) is on its own lot of land, and

(c) is erected above a garage that is on the same lot of land as the principal dwelling, whether the garage is
attached to, or is separate from, the principal dwelling,

but does not include a semi-detached dwelling.

Note.

Studio dwellings are a type of residential accommodation—see the definition of that term in this Dictionary.

swimming pool has the same meaning as in the Swimming Pools Act 1992.

Note.

The term is defined as follows—

swimming pool means an excavation, structure or vessel—

(a) that is capable of being filled with water to a depth of 300 millimetres or more, and

(b) that is solely or principally used, or that is designed, manufactured or adapted to be solely or principally used, for the purpose of swimming, wading, paddling or any other human aquatic activity,

and includes a spa pool, but does not include a spa bath, anything that is situated within a bathroom or anything declared by the regulations made under the Swimming Pools Act 1992 not to be a swimming pool for the purposes of that Act.

take away food and drink premises means food and drink premises that are predominantly used for the preparation and sale of food or drink (or both) for immediate consumption away from the premises.

tank-based aquaculture means aquaculture utilising structures that are constructed from materials such as fibreglass, plastics, concrete, glass or metals, are usually situated either wholly or partly above ground, and may be contained within a purpose built farm or industrial style sheds or plastic covered hothouse to assist in controlling environmental factors.

telecommunications facility means—

(a) any part of the infrastructure of a telecommunications network, or

(b) any line, equipment, apparatus, tower, mast, antenna, tunnel, duct, hole, pit, pole or other structure or thing used, or to be used, in or in connection with a telecommunications network.

telecommunications network means a system, or series of systems, that carries, or is capable of carrying, communications by means of guided or unguided electromagnetic energy, or both.

temporary structure has the same meaning as in the Act.

Note.

The term is defined as follows—

temporary structure includes a booth, tent or other temporary enclosure (whether or not part of the booth, tent or enclosure is permanent), and also includes a mobile structure.

the Act means the Environmental Planning and Assessment Act 1979.
	

timber and building supplies means a building or place used for the display, sale (whether by retail or wholesale) or hire of goods or materials that are used in the construction and maintenance of buildings.


tourist and visitor accommodation means a building or place that provides temporary or short-term accommodation on a commercial basis, and includes hotel or motel accommodation, serviced apartments, bed and breakfast accommodation and backpackers’ accommodation.

transitional land—see clause 3 of this Policy.
transport depot means a building or place used for the parking or servicing of motor powered or motor drawn vehicles used in connection with a passenger transport undertaking, business, industry or shop.

truck depot means a building or place used for the servicing and parking of trucks, earthmoving machinery and the like.

turf farming means the commercial cultivation of turf for sale and the removal of turf for that purpose.

Turner Road Precinct means the land shown within the Turner Road Precinct on the South West Growth Centre Precinct Boundary Map.

Turner Road Precinct Development Control Plan means the Turner Road Precinct Development Control Plan made by the Director-General on 4 December 2007.

Urban Release Area Map means, in relation to the Wilton Growth Area, the State Environmental Planning Policy (Sydney Region Growth Centres) Wilton Growth Area Urban Release Area Map.

utility installation means a building, work or place used by a public utility undertaking, but does not include a building designed wholly or principally as administrative or business premises or as a showroom.

vehicle body repair workshop means a building or place used for the repair of vehicles or agricultural machinery, involving body building, panel building, panel beating, spray painting or chassis restoration.

vehicle repair station means a building or place used for the purpose of carrying out repairs or the selling of, and fitting of accessories to, vehicles or agricultural machinery, but does not include a vehicle body repair workshop.

vehicle sales or hire premises means a building or place used for the display, sale (whether by retail or wholesale) or hire of motor vehicles, caravans, boats, trailers, agricultural machinery and the like, whether or not accessories are sold or displayed there.

veterinary hospital means a building or place used for diagnosing or surgically or medically treating animals, whether or not animals are kept on the premises for the purpose of treatment.

Vineyard Precinct means the land shown within the Vineyard Precinct on the North West Growth Centre Precinct Boundary Map.

viticulture means the cultivation of grapes for commercial purposes for use in the production of fresh or dried fruit or wine.

warehouse or distribution centre means a building or place used mainly or exclusively for storing or handling items (whether goods or materials) pending their sale, but from which no retail sales are made.

waste disposal landfill facility means a building or place used for the disposal of waste by landfill, incineration or other means, including such works or activities as recycling, resource recovery and other resource management activities, energy generation from gases, leachate management, odour control and the winning of extractive material to generate a void for disposal of waste or to cover waste after its disposal.

waste disposal landfill operation means use of land for the purpose of disposing of industrial, trade or domestic waste on that land.

waste disposal facility means a building or place used for the disposal of waste by landfill, incineration or other means, including such works or activities as recycling, resource recovery and other resource management activities, energy generation from gases, leachate management, odour control and the winning of extractive material to generate a void for disposal of waste or to cover waste after its disposal.

waste management facility means a facility used for the storage, treatment, purifying or disposal of waste, whether
or not it is also used for the sorting, processing, recycling, recovering, use or reuse of material from that waste, and
whether or not any such operations are carried out on a commercial basis. It may include but is not limited to—
(a) an extractive industry ancillary to, required for or associated with the preparation or remediation of the site for
such storage, treatment, purifying or disposal, and
(b) eco-generating works ancillary to or associated with such storage, treatment, purifying or disposal.

waste or resource management facility means a waste or resource transfer station, a resource recovery facility or a
waste disposal facility.

waste or resource transfer station means a building or place used for the collection and transfer of waste material
or resources, including the receipt, sorting, compacting, temporary storage and distribution of waste or resources
and the loading or unloading of waste or resources onto or from road or rail transport.

water recreation structure means a structure used primarily for recreational purposes that has a direct structural
connection between the shore and the waterway, and may include a pier, wharf, jetty or boat launching ramp.

water recycling facility means a building or place used for the treatment of sewage effluent, stormwater or waste
water for use as an alternative supply to mains water, groundwater or river water (including, in particular, sewer
mining works), whether the facility stands alone or is associated with other development, and includes associated—
(a) retention structures, and
(b) treatment works, and
(c) irrigation schemes.

water reticulation system means a building or place used for the transport of water, including pipes, tunnels, canals,
pumping stations, related electricity infrastructure, dosing facilities and water supply reservoirs.

water storage facility means a dam, weir or reservoir for the collection and storage of water, and includes
associated monitoring or gauging equipment.

water supply system means a water reticulation system, water storage facility, water treatment facility, or any
combination of these.

water treatment facility means a building or place used for the treatment of water (such as a desalination plant or a
recycled or reclaimed water plant) whether the water produced is potable or not, and includes residuals treatment,
storage and disposal facilities, but does not include a water recycling facility.

waterbody means a waterbody (artificial) or waterbody (natural).

waterbody (artificial) or artificial waterbody means an artificial body of water, including any constructed
waterway, canal, inlet, bay, channel, dam, pond, lake or artificial wetland, but does not include a dry detention
basin or other stormwater management construction that is only intended to hold water intermittently.

waterbody (natural) or natural waterbody means a natural body of water, whether perennial or intermittent, fresh,
brackish or saline, the course of which may have been artificially modified or diverted onto a new course, and
includes a river, creek, stream, lake, lagoon, natural wetland, estuary, bay, inlet or tidal waters (including the sea).

watercourse means any river, creek, stream or chain of ponds, whether artificially modified or not, in which water
usually flows, either continuously or intermittently, in a defined bed or channel, but does not include a waterbody
(artificial).

waterway means the whole or any part of a watercourse, wetland, waterbody (artificial) or waterbody (natural).
**West Schofields (Townson Road) Precinct** means the land shown within the West Schofields (Townson Road) Precinct on the North West Growth Centre Precinct Boundary Map.

**wetland** means—

(a) natural wetland, including marshes, mangroves, backwaters, billabongs, swamps, sedgelands, wet meadows or wet heathlands that form a shallow waterbody (up to 2 metres in depth) when inundated cyclically, intermittently or permanently with fresh, brackish or salt water, and where the inundation determines the type and productivity of the soils and the plant and animal communities, or

(b) artificial wetland, including marshes, swamps, wet meadows, sedgelands or wet heathlands that form a shallow waterbody (up to 2 metres in depth) when inundated cyclically, intermittently or permanently with water, and are constructed and vegetated with wetland plant communities.

**wholesale supplies** means a building or place used for the display, sale or hire of goods or materials by wholesale only to businesses that have an Australian Business Number registered under the *A New Tax System (Australian Business Number) Act 1999* of the Commonwealth.

**Wilton Growth Area Precinct Boundary Map** means the State Environmental Planning Policy (Sydney Region Growth Centres) 2006 Wilton Growth Area Precinct Boundary Map.
Historical notes

The following abbreviations are used in the Historical notes:

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Table of amending instruments

State Environmental Planning Policy (Sydney Region Growth Centres) 2006 (418), GG No 95 of 28.7.2006, p 5951. Date of commencement, on gazettal. This Policy has been amended as follows—


2008 (155) State Environmental Planning Policy (Sydney Region Growth Centres) 2006 (Amendment No 2). GG No 61 of 30.5.2008, p 4073. Date of commencement, on gazettal.


2009 (91) State Environmental Planning Policy (Western Sydney Parklands) 2009. LW 6.3.2009. Date of commencement, on publication on LW.

(364) State Environmental Planning Policy (Affordable Rental Housing) 2009. LW 31.7.2009. Date of commencement of Sch 3.8, on publication on LW, cl 2 (1).

(392) State Environmental Planning Policy (Sydney Region Growth Centres) Amendment (Riverstone West Precinct) 2009. LW 7.8.2009. Date of commencement, on publication on LW, cl 2.

2010 (117) State Environmental Planning Policy (Sydney Region Growth Centres) Amendment (Miscellaneous) 2010. LW 1.4.2010. Date of commencement, on publication on LW, cl 2.

(173) State Environmental Planning Policy Amendment (Capital Investment Value) 2010. LW 7.5.2010. Date of commencement, on publication on LW, cl 2.
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<td><strong>State Environmental Planning Policy (Sydney Region Growth Centres) Amendment (Land Use) 2013</strong></td>
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