State Environmental Planning Policy (Sydney Region Growth Centres) 2006
under the
Environmental Planning and Assessment Act 1979

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Provisions in force
All the provisions displayed in this version of the legislation have commenced. For commencement and other details see the Historical notes.
# State Environmental Planning Policy (Sydney Region Growth Centres) 2006

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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 and South West growth centres of the Sydney Region,
(b) to enable the Minister from time to time to designate land in those growth centres as ready for release for development,
(c) to provide for comprehensive planning for those 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 those growth centres that has conservation value,
(f) to provide for the orderly and economic provision of infrastructure in and to those growth centres,
(g) to provide development controls in order to protect the health of the waterways in those 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.

Note. This Policy provides the initial environmental planning instrument component of the Metropolitan Strategy released on 4 December 2005 for the release of land for urban and employment development in areas suitable for growth in the Sydney Region (with more detailed land use and other development control components to be progressively included on completion of the planning process in precincts released for urban development from time to time under clause 276 of the Environmental Planning and Assessment Regulation 2000).

3 Interpretation
(1) In this Policy:

growth centre means the North West Growth Centre with boundaries as shown on the North West Growth Centre Precinct Boundary Map or the South West Growth
Centre with boundaries as shown on the South West Growth Centre Precinct Boundary Map.

Note. Both of these areas of land are no longer growth centres under the Growth Centres (Development Corporations) Act 1974 but continue to be referred to as growth centres for the purposes of this Policy.

growth centre precinct means a precinct shown on the North West Growth Centre Precinct Boundary Map or the South West Growth Centre 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.

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. The Minister for Planning can also become the approval authority for development if it is declared to be a project under Part 3A of the Act.

(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 Minister 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.

<table>
<thead>
<tr>
<th>Precinct and Growth Centre</th>
<th>Appendix</th>
</tr>
</thead>
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<tr>
<td>Oran Park and Turner Road Precincts, South West Growth Centre</td>
<td>Appendix 1</td>
</tr>
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<td>North Kellyville Precinct, North West Growth Centre</td>
<td>Appendix 2</td>
</tr>
<tr>
<td>Riverstone West Precinct, North West Growth Centre</td>
<td>Appendix 3</td>
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<tr>
<td>Alex Avenue and Riverstone Precincts, North West Growth Centre (as shown on the Land Application Map)</td>
<td>Appendix 4</td>
</tr>
<tr>
<td>Marsden Park Industrial Precinct, North West Growth Centre</td>
<td>Appendix 5</td>
</tr>
<tr>
<td>Area 20 Precinct, North West Growth Centre (as shown on the Land Application Map)</td>
<td>Appendix 6</td>
</tr>
<tr>
<td>Schofields Precinct, North West Growth Centre</td>
<td>Appendix 7</td>
</tr>
<tr>
<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)</td>
</tr>
<tr>
<td>East Leppington Precinct, South West Growth Centre</td>
<td>Appendix 8 (to the extent to which the Camden Growth Centres Precinct Plan 2013 applies to the East Leppington Precinct)</td>
</tr>
<tr>
<td></td>
<td>Appendix 9 (to the extent to which the Camden Growth Centres Precinct Plan 2013 applies to the East Leppington Precinct)</td>
</tr>
<tr>
<td></td>
<td>Appendix 10 (to the extent to which the Campbelltown Growth Centres Precinct Plan 2013 applies to the East Leppington Precinct)</td>
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</tbody>
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State Environmental Planning Policy (Sydney Region Growth Centres) 2006 [NSW]
Part 2  Land use and other development controls resulting from precinct planning

<table>
<thead>
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<th>Column 2</th>
</tr>
</thead>
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<td>Appendix</td>
</tr>
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<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>Catherine Fields Precinct, South West Growth Centre</td>
<td>Appendix 9 (to the extent to which the Camden Growth Centres Precinct Plan 2013 applies to the Catherine Fields Precinct)</td>
</tr>
</tbody>
</table>

**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). On completion of the planning process for a precinct, land use and other development controls are to be specified in the relevant Appendix listed in the Table to this clause.

**7A Controls applying to Colebee and Edmondson Park 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.

**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.
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

<table>
<thead>
<tr>
<th>Environment Conservation Zone</th>
</tr>
</thead>
<tbody>
<tr>
<td>(a) to protect and restore areas of special ecological, scientific or aesthetic values,</td>
</tr>
<tr>
<td>(b) to conserve biological diversity, native vegetation corridors, aboriginal heritage or cultural values of the land, and its scenic qualities.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Public Recreation—Regional Zone</th>
</tr>
</thead>
<tbody>
<tr>
<td>(a) to enhance, restore and protect the natural and cultural heritage values of the land,</td>
</tr>
<tr>
<td>(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.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Public Recreation—Local Zone</th>
</tr>
</thead>
<tbody>
<tr>
<td>(a) to enhance, restore and protect the natural and cultural heritage values of the land,</td>
</tr>
<tr>
<td>(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.</td>
</tr>
</tbody>
</table>

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**

<table>
<thead>
<tr>
<th></th>
<th>Permitted without consent</th>
</tr>
</thead>
<tbody>
<tr>
<td>(1)</td>
<td>Development permitted by or under the <em>National Parks and Wildlife Act 1974</em> (but only if the land is reserved under that Act); development for the purpose of eradicating noxious weeds in accordance with the <em>Noxious Weeds Act 1993</em>.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th></th>
<th>Permitted with consent</th>
</tr>
</thead>
<tbody>
<tr>
<td>(2)</td>
<td>Development for building identification signs, environmental facilities, environmental protection works, flood mitigation works, information and education facilities, kiosks associated with environmental facilities, temporary structures.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th></th>
<th>Prohibited</th>
</tr>
</thead>
<tbody>
<tr>
<td>(3)</td>
<td>Any other development.</td>
</tr>
</tbody>
</table>

**Public Recreation—Regional Zone**

<table>
<thead>
<tr>
<th></th>
<th>Permitted without consent</th>
</tr>
</thead>
<tbody>
<tr>
<td>(1)</td>
<td>Development permitted by or under the <em>National Parks and Wildlife Act 1974</em> (but only if the land is reserved under that Act); development for the purpose of eradicating noxious weeds in accordance with the <em>Noxious Weeds Act 1993</em>.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th></th>
<th>Permitted with consent</th>
</tr>
</thead>
<tbody>
<tr>
<td>(2)</td>
<td>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.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th></th>
<th>Prohibited</th>
</tr>
</thead>
<tbody>
<tr>
<td>(3)</td>
<td>Any other development.</td>
</tr>
</tbody>
</table>

**Public Recreation—Local Zone**

<table>
<thead>
<tr>
<th></th>
<th>Permitted without consent</th>
</tr>
</thead>
<tbody>
<tr>
<td>(1)</td>
<td>Development permitted by or under the <em>National Parks and Wildlife Act 1974</em> (but only if the land is reserved under that Act); development for the purpose of eradicating noxious weeds in accordance with the <em>Noxious Weeds Act 1993</em>.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th></th>
<th>Permitted with consent</th>
</tr>
</thead>
<tbody>
<tr>
<td>(2)</td>
<td>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.</td>
</tr>
</tbody>
</table>
(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</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 8 (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.

(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.

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.

(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.
18B Electricity generating works and water recycling facilities

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.
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 79C 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 Campbeltown 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.

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:
Part 6   Development controls—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 79C 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 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 36 of the Act.  
Note. Section 36 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 prescribed instrument within the meaning of section 183A of the *Crown Lands Act 1989*, 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 6 of Part 4 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
  - 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 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 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:
(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 businesses; Home occupations

3 **Permitted with consent**
   - Bed and breakfast accommodation; Boarding houses; Business identification signs; 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; Roads; Secondary dwellings; Semi-detached dwellings; 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 businesses; Home occupations

3 Permitted with consent
   Attached dwellings; Boarding houses; Building identification signs; Business identification signs; Child care centres; 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; 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; Child care centres; 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; Child care centres; 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; Shop top housing; 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; 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; Child care centres; 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; Child care centres; 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.

4.1A 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 300m² 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) 500m² if the dwelling density (per hectare) shown on the Residential Density Map in relation to the land is 15 or 18, or
(b) 300m² if the dwelling density (per hectare) shown on the Residential Density Map in relation to the land is 30.

(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 15 or 18, or
(b) 250m² if the dwelling density (per hectare) shown on the Residential Density Map in relation to the land is 30.

(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 18, or
(b) 375m² 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) 1,500m² if the dwelling density (per hectare) shown on the Residential Density Map in relation to the land is 15 or 18, or
(b) 375m² 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 600m² 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 1,000m² 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 450m².

(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 300m² (but not less than 250m²),
   (b) a lot in Zone R3 Medium Density Residential or Zone R4 High Density Residential that has an area of less than 300m² (but not less than 225m²).

(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 250m² (but not less than 225m²) 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 225m² (but not less than 125m²).

(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 B2 Local Centre or Zone B6 Enterprise Corridor—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 1:1 if the site area is 3 hectares or more.

(2) Despite clause 4.4 (2), the maximum floor space ratio for the shop top housing component of a building containing shop top housing:
   (a) on land shown hatched red and lettered “A” on the Floor Space Ratio Map, is 2:1, and
   (b) on land shown hatched red and lettered “B” on the Floor Space Ratio Map, is 0.5:1, and
   (c) on land shown hatched red and lettered “C” on the Floor Space Ratio Map, is 1.25:1.

(3) Subclause (1) is subject to subclause (2) (a).

(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 27 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”, “Local road” or “Local road widening”</td>
<td>Council</td>
</tr>
<tr>
<td>Zone SP2 Infrastructure and marked “Pumping station”</td>
<td>Sydney Water Corporation</td>
</tr>
</tbody>
</table>
### Type of land shown on Map

**Zone SP2 Infrastructure and marked “School”**

### Authority of the State

Minister administering the *Education Act 1990*

(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, Crown reserves and commons). 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 Lands Act 1989*).

*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 4.1 of Part 4 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 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 child care centre, 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 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

(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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Part 3  Land classified, or reclassified, as community land

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Schedule 5  Environmental heritage

(Clause 5.10)

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<td>18 Nelson Road, Box Hill</td>
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<td>Box Hill Industrial Precinct</td>
<td>The Hunting Lodge</td>
<td>58 The Water Lane, Rouse Hill</td>
<td>State</td>
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<tr>
<td>Box Hill Precinct</td>
<td>Box Hill House</td>
<td>10 Terry Road, Box Hill</td>
<td>State</td>
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<tr>
<td>Box Hill Precinct</td>
<td>Box Hill Inn</td>
<td>751 Windsor Road, Box Hill</td>
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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.

Schedules 2, 3 (Repealed)
Dictionary

(Clause 3)

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.

advertisement has the same meaning as in the Act.

Note. The term is defined as a sign, notice, device or representation in the nature of an advertisement visible from any public place or public reserve or from any navigable water.

advertising structure has the same meaning as in the Act.

Note. The term is defined as a structure used or to be used principally for the display of an advertisement.

affordable housing has the same meaning as in the Act.

Note. The term is defined as housing for very low income households, low income households or moderate income households, being such households as prescribed by the regulations or as are provided for in an environmental planning instrument.

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 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.

**biodiversity** means biological diversity.

**biological diversity** has the same meaning as in the *Threatened Species Conservation Act 1995*.

**Note.** The term is defined as follows:

**biological diversity** means the diversity of life and is made up of the following 3 components:

(a) genetic diversity—the variety of genes (or units of heredity) in any population,

(b) species diversity—the variety of species,

(c) ecosystem diversity—the variety of communities or 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 146 (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.

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.
**child care centre** means a building or place used for the supervision and care of children that:

(a) provides long day care, pre-school care, occasional child care or out-of-school-hours care, and

(b) does not provide overnight accommodation for children other than those related to the owner or operator of the centre,

but does not include:

(c) a building or place used for home-based child care, or

(d) an out-of-home care service provided by an agency or organisation accredited by the Children’s Guardian, or

(e) a baby-sitting, playgroup or child-minding service that is organised informally by the parents of the children concerned, or

(f) a service provided for fewer than 5 children (disregarding any children who are related to the person providing the service) at the premises at which at least one of the children resides, being a service that is not advertised, or

(g) a regular child-minding service that is provided in connection with a recreational or commercial facility (such as a gymnasium), by or on behalf of the person conducting the facility, to care for children while the children’s parents are using the facility, or

(h) a service that is concerned primarily with the provision of:

   (i) lessons or coaching in, or providing for participation in, a cultural, recreational, religious or sporting activity, or

   (ii) private tutoring, or

   (i) a school, or

   (j) a service provided at exempt premises (within the meaning of section 200 of the *Children and Young Persons (Care and Protection) Act 1998*), such as hospitals, but only if the service is established, registered or licensed as part of the institution operating on those premises.

**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 the *Native Vegetation Act 2003*.

**Note.** The term is defined as follows:

**clearing native vegetation** means any one or more of the following:

(a) cutting down, felling, thinning, logging or removing native vegetation,

(b) killing, destroying, poisoning, ringbarking, uprooting or burning native vegetation.

(See Division 3 of Part 3 of the *Native Vegetation Act 2003* for the exclusion of routine agricultural management and other farming activities from constituting the clearing of native vegetation if the landholder can establish that any clearing was carried out for the purpose of those activities.)

**coastal foreshore** means land with frontage to a beach, estuary, coastal lake, headland, cliff or rock platform.
coastal lake means a body of water specified in Schedule 1 to the State Environmental Planning Policy No 71—Coastal Protection.

cosatal waters of the State—see section 58 of the Interpretation Act 1987.

cosatal zone has the same meaning as in the Coastal Protection Act 1979.

Note. The term is defined as follows:

cosatal zone means:

(a) the area within the cosatal waters of the State as defined in Part 10 of the Interpretation Act 1987 (including any land within those waters), and

(b) the area of land and the waters that lie between the western boundary of the cosatal zone (as shown on the maps outlining the cosatal zone) and the landward boundary of the cosatal waters of the State, and

(c) the seabed (if any) and the subsoil beneath, and the airspace above, the areas referred to in paragraphs (a) and (b).

The cosatal zone consists of the area between the western boundary of the cosatal zone shown on the maps outlining the cosatal zone and the outermost boundary of the cosatal waters of the State. The cosatal waters of the State extend, generally, to 3 nautical miles from the coastline of the State.

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.

Crown reserve means:

(a) a reserve within the meaning of Part 5 of the Crown Lands Act 1989, or

(b) a common within the meaning of the Commons Management Act 1989, or

(c) lands within the meaning of the Trustees of Schools of Arts Enabling Act 1902, but does not include land that forms any part of a reserve under Part 5 of the Crown Lands Act 1989 provided for accommodation.

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*. 

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entertainment facility means a theatre, cinema, music hall, concert hall, dance hall and the like, but does not include a pub or registered club.

environmental 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, if ancillary to the principal purpose for which the building or place is used, include a restaurant or cafe and the sale of any 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.

**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.

**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.

**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, 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 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.

**Note.** For controls relating to the floor area used to carry on the business, 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.

**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 controls relating to the floor area used to carry on the home industry, 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.

**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.

**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.

**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 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.

**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.

**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.

**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.

**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 plants.

**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.

**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.

**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 the *Native Vegetation Act 2003*.

**Note.** The term is defined as follows:

**Meaning of “Native vegetation”**

1. **Native vegetation** means any of the following types of indigenous vegetation:
   - (a) trees (including any sapling or shrub, or any scrub),
   - (b) understorey plants,
   - (c) groundcover (being any type of herbaceous vegetation),
   - (d) plants occurring in a wetland.

2. Vegetation is **indigenous** if it is of a species of vegetation, or if it comprises species of vegetation, that existed in the State before European settlement.

3. **Native vegetation** does not include any mangroves, seagrasses or any other type of marine vegetation to which section 205 of the *Fisheries Management Act 1994* applies.

**Native Vegetation Protection Map** means the following:

1. 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,
2. 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 controls relating to the retail floor area, see the following:

1. clause 5.4 of Appendix 1 in respect of Oran Park and Turner Road Precincts,
2. clause 5.4 of Appendix 2 in respect of North Kellyville Precinct,
3. clause 5.4 of Appendix 3 in respect of Riverstone West Precinct,
4. clause 5.4 of Appendix 4 in respect of Alex Avenue and Riverstone Precincts,
5. clause 5.4 of Appendix 5 in respect of Marsden Park Industrial Precinct,
6. clause 5.4 of Appendix 6 in respect of Area 20 Precinct,
7. clause 5.4 of Appendix 7 in respect of Schofields Precinct,
8. clause 5.4 of Appendix 8 in respect of land to which the Liverpool Growth Centres Precinct Plan applies,
9. clause 5.4 of Appendix 9 in respect of land to which the Camden Growth Centres Precinct Plan applies,
10. clause 5.4 of Appendix 10 in respect of land to which the Campbelltown Growth Centres Precinct Plan applies,
11. 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.

**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 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.

**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 receival, 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** has the same meaning as in the *Native Vegetation Act 2003*.

*Note.* The term is defined as follows:

**property vegetation plan** means a property vegetation plan that has been approved under Part 4 of the *Native Vegetation Act 2003*.

**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*.

*Note.* The term is defined as follows:
**public land** means any land (including a public reserve) vested in or under the control of the council, but does not include:

(a) a public road, or
(b) land to which the *Crown Lands Act 1989* applies, or
(c) a common, or
(d) land subject to the *Trustees of Schools of Arts Enabling Act 1902*, or
(e) a regional park under the *National Parks and Wildlife Act 1974*.

**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 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 controls relating to the total floor area, see the following:

(a) clause 5.4 of Appendix 2 in respect of North Kellyville Precinct,
(b) clause 5.4 of Appendix 3 in respect of Riverstone West Precinct,
(c) clause 5.4 of Appendix 4 in respect of Alex Avenue and Riverstone Precincts,
(d) clause 5.4 of Appendix 5 in respect of Marsden Park Industrial Precinct,
(e) clause 5.4 of Appendix 6 in respect of Area 20 Precinct,
(f) clause 5.4 of Appendix 7 in respect of Schofields Precinct,
(g) clause 5.4 of Appendix 8 in respect of land to which the Liverpool Growth Centres Precinct Plan applies,
(h) clause 5.4 of Appendix 9 in respect of land to which the Camden Growth Centres Precinct Plan applies,
(i) clause 5.4 of Appendix 10 in respect of land to which the Campbelltown Growth Centres Precinct Plan applies,
(j) clause 5.4 of Appendix 11 in respect of the Box Hill and Box Hill Industrial Precincts,
(k) clause 5.4 of Appendix 12 in respect of land to which Blacktown Growth Centres Precinct Plan applies.

Secondary dwellings are a type of **residential accommodation**—see the definition of that term in this Dictionary.

**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 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.

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.

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).

**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.
### 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.
### Historical Notes

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(211) State Environmental Planning Policy (Sydney Region Growth Centres) Amendment (Camden and Campbeltown Growth Centres Precinct Plans) 2013. LW 17.5.2013.
Date of commencement, on publication on LW, cl 2.

Date of commencement of Sch 2.26, 5.7.2013, sec 2 (1).

Date of commencement, on publication on LW, cl 2.

Date of commencement of Sch 1, on publication on LW, cl 2 (1); date of commencement of Sch 2, 22.2.2014, cl 2 (2).

Date of commencement, 22.2.2014, cl 2.

Date of commencement, on publication on LW, cl 2.

2014 (98) State Environmental Planning Policy (Sydney Region Growth Centres) Amendment (Alex Avenue and Riverstone Precincts) 2014. LW 7.3.2014.
Date of commencement, on publication on LW, cl 2.

(224) The Hills Local Environmental Plan Amendment (Sydney Region Growth Centres—North Kellyville Precinct) 2014. LW 17.4.2014.
Date of commencement, on publication on LW, cl 2.

(503) Camden Local Environmental Plan Amendment (Sydney Region Growth Centres—Oran Park Town Centre) 2014. LW 8.8.2014.
Date of commencement, on publication on LW, cl 2.

Date of commencement, on publication on LW, cl 2.

(511) State Environmental Planning Policy (Sydney Region Growth Centres) Amendment (Housing Diversity) 2014. LW 11.8.2014.
Date of commencement, on publication on LW, cl 2.

(717) Blacktown Local Environmental Plan Amendment (Sydney Region Growth Centres—Schofields Precinct) 2014. LW 14.11.2014.
Date of commencement, on publication on LW, cl 2.

Date of commencement of Sch 2, 8.1.2015, sec 2 (1).

2015 (128) State Environmental Planning Policy (Sydney Region Growth Centres) Amendment (Blacktown Growth Centres Precinct Plan and Alex Avenue and Riverstone Precinct Plan) 2014. LW 5.3.2015.
Date of commencement, on publication on LW, cl 2.
**Table of amendments**

| Cl 3 | Subst 2007 (642), Sch 1 [1]. Am 2008 No 122, Sch 11.4 [1]; 2008 (631), Sch 1 [1]–[4]; 2009 (392), Sch 1 [1] [2]; 2010 (117), Sch 1 [1]. |
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| Cl 5 | Am 2008 (632), Sch 1 [1]. |
| Cl 6 | Am 2007 (642), Sch 1 [3]. |
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| Cl 7A | Ins 2007 (642), Sch 1 [7]. Subst 2008 (632), Sch 1 [2]. Am 2011 (405), Sch 2 [1] [2]. Subst 2012 (30), Sch 1 [1]. |
| Cl 7B | Ins 2012 (30), Sch 1 [1]. |
| Cl 8 | Am 2007 (642), Sch 1 [8]; 2008 (631), Sch 1 [8]. |
| Cl 11 | Am 2013 (137), Sch 1 [2]. |
| Cl 12 | Am 2007 (642), Sch 1 [9]; 2013 (533), Sch 1 [1] [2]. |
| Cl 13 | Am 2007 (642), Sch 1 [10]–[13]; 2010 (117), Sch 1 [2]. |
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| Cl 16 | Am 2007 (642), Sch 1 [14] [15]; 2008 (631), Sch 1 [9]. |
| Cl 17 | Am 2007 (642), Sch 1 [17]; 2008 No 122, Sch 11.4 [5] [6]; 2008 (631), Sch 1 [9]; 2010 (173), Sch 1.3; 2010 (192), Sch 1 [2]. |
| Cl 18 | Am 2007 (642), Sch 1 [18]–[21]. |
| Cl 18A | Ins 2007 (642), Sch 1 [22]. Am 2012 (189), Sch 1 [1]. |
| Cl 18B | Ins 2007 (642), Sch 1 [22]. |
| Cl 19, 20 | Subst 2009 (392), Sch 1 [4]. |
| Cl 21 | Am 2007 (642), Sch 1 [23]; 2008 (631), Sch 1 [10]; 2009 (91), Sch 3.15 [2] [3]; 2009 (392), Sch 1 [5]; 2010 (192), Sch 1 [3]; 2010 (635), Sch 1 [2]; 2011 (533), Sch 1 [2]; 2012 No 42, Sch 2.37 [2]; 2013 (118), Sch 1 [2]; 2013 (119), Sch 1 [2]; 2013 (137), Sch 1 [3]; 2013 No 47, Sch 2.26; 2013 (582), Sch 1 [2]. |
| Cl 23 | Am 2007 (642), Sch 1 [24]. |
| Cl 25 | Am 2010 (192), Sch 1 [4]. |
| Appendix 1, heading | Ins 2007 (642), Sch 1 [26]. Subst 2010 (117), Sch 1 [3]. |
State Environmental Planning Policy (Sydney Region Growth Centres) 2006 [NSW]

Appendix 1
Earliest No Amd

Ins 2007 (642), Sch 1 [26]. Am 2008 (155), cl 5; 2008 (571), Sch 1.7 [1]–[5]; 2008 (631), Sch 1 [11]; 2009 (364), Sch 3.8; 2010 (117), Sch 1 [4] [37]; 2010 No 59, Sch 2.89 [1]–[4]; 2012 (672), cl 4; 2013 (706), Sch 2.16 [1]–[6]; 2014 (511), Sch 1 [1]–[6].

Appendix 2

Ins 2008 (631), Sch 1 [12], Subst 2010 (117), Sch 1 [38].

Appendix 3

Ins 2009 (392), Sch 1 [7]. Am 2010 (117), Sch 1 [46]–[48]; 2013 (706), Sch 2.16 [13]–[18].

Appendix 4

Ins 2010 (192), Sch 1 [5]. Am 2012 (30), Sch 1 [2]–[6]; 2013 (706), Sch 2.16 [19]–[24]; 2014 (511), Sch 1 [15]–[27].

Appendix 5

Ins 2010 (635), Sch 1 [3]. Am 2011 (601), Sch 1 [1]–[4]; 2013 (706), Sch 2.16 [25]–[30]; 2014 (511), Sch 1 [28]–[35].

Appendix 6

Ins 2011 (550), Sch 1 [3]. Am 2013 (118), Sch 1 [3]; 2013 (706), Sch 2.16 [31]–[35]; 2014 (511), Sch 1 [36]–[47].

Appendix 7

Ins 2012 (189), Sch 1 [2]. Am 2013 (137), Sch 1 [4]; 2013 (706), Sch 2.16 [36]–[40]; 2014 (511), Sch 1 [48]–[60].

Appendix 8

Ins 2013 (118), Sch 1 [4]. Am 2013 (706), Sch 2.16 [41]–[45]; 2014 (507), Sch 1 [2]–[8]; 2014 (511), Sch 1 [61]–[70].

Appendix 9

Ins 2013 (118), Sch 1 [4]. Am 2013 (119), Sch 1 [3]–[6]; 2013 (211), Sch 1 [1]–[13]; 2013 (706), Sch 2.16 [46]–[50]; 2013 (707), Sch 1 [2]–[9]; 2014 (511), Sch 1 [71]–[80].

Appendix 10

Ins 2013 (119), Sch 1 [7]. Am 2013 (211), Sch 1 [14]–[17]; 2013 (706), Sch 2.16 [51]–[55]; 2014 (511), Sch 1 [81]–[89]; 2014 No 88, Sch 2.63.

Appendix 11

Ins 2013 (137), Sch 1 [5]. Am 2013 (706), Sch 2.16 [56]–[60]; 2014 (511), Sch 1 [90]–[96].

Appendix 12

Ins 2013 (582), Sch 1 [3]. Am 2013 (582), Sch 2 [1]–[5]; 2014 (511), Sch 1 [97]–[104]; 2015 (128), cl 4.

Sch 1

Rep 2007 (642), Sch 1 [25]. Ins 2010 (192), Sch 1 [6]. Am 2011 (550), Sch 1 [4]; 2012 (189), Sch 1 [3]; 2013 (118), Sch 1 [5]; 2013 (119), Sch 1 [8]; 2013 (137), Sch 1 [6]. Rep 2013 (706), Sch 2.16 [61]. Ins 2014 (511), Sch 1 [105].

Sch 2

Rep 2007 (642), Sch 1 [25]. Ins 2010 (192), Sch 1 [6]. Am 2011 (550), Sch 1 [5]; 2012 (189), Sch 1 [4]; 2013 (118), Sch 1 [6]; 2013 (119), Sch 1 [9]; 2013 (137), Sch 1 [7]. Rep 2013 (706), Sch 2.16 [62].

Sch 3

Rep 2007 (642), Sch 1 [25].

Dictionary

Ins 2007 (642), Sch 1 [27]. Subst 2008 (631), Sch 1 [13]. Am 2009 (392), Sch 1 [8]–[16]; 2010 (117), Sch 1 [49]–[57]; 2010 (192), Sch 1 [7] [8]; 2010 (635), Sch 1 [4] [5]; 2011 (550), Sch 1 [6]–[8]; 2011 (601), Sch 1 [5]; 2012 (189), Sch 1 [5]–[13]; 2013 (118), Sch 1 [7]–[9]; 2013 (119), Sch 1 [10]–[12]; 2013 (137), Sch 1 [8]–[9]; 2013 (582), Sch 1 [4] [5]; 2013 (707), Sch 1 [10]; 2014 (511), Sch 1 [106] [107].

Maps

Am 2010 (117), cl 3; 2010 (192), cl 3; 2010 (635), cl 3; 2011 (550), cl 3; 2011 (601), cl 3; 2012 (30), cl 4; 2012 (189), cl 3; 2013 (44), cl 4; 2013 (97), cl 3; 2013 (118), cl 3; 2013 (119), cl 3; 2013 (137), cl 4; 2013 (211), cl 3; 2013 (707), cl 3; 2014 (98), cl 4; 2014 (503), cl 4; 2014 (507), cl 3; 2014 (511), cl 3; 2014 (717), cl 4; 2015 (128), cl 3; 2015 (129), cl 3.