

Title	Effective date	Year	No
<a href="#">State Environmental Planning Policy (Biodiversity and Conservation) 2021</a>	18/08/2023	2021	722
<a href="#">State Environmental Planning Policy (Exempt and Complying Development Codes) 2008</a>	30/10/2023	2008	572
<a href="#">State Environmental Planning Policy (Housing) 2021</a>	26/09/2023	2021	714
<a href="#">State Environmental Planning Policy (Industry and Employment) 2021</a>	01/11/2023	2021	723
<a href="#">State Environmental Planning Policy No 65—Design Quality of Residential Apartment Development</a>	16/12/2022	2002	530
<a href="#">State Environmental Planning Policy (Planning Systems) 2021</a>	01/09/2023	2021	724
<a href="#">State Environmental Planning Policy (Precincts—Central River City) 2021</a>	01/11/2023	2021	725
<a href="#">State Environmental Planning Policy (Precincts—Eastern Harbour City) 2021</a>	01/11/2023	2021	726
<a href="#">State Environmental Planning Policy (Precincts—Regional) 2021</a>	01/11/2023	2021	727
<a href="#">State Environmental Planning Policy (Precincts—Western Parkland City) 2021</a>	01/11/2023	2021	728
<a href="#">State Environmental Planning Policy (Primary Production) 2021</a>	30/10/2023	2021	729
<a href="#">State Environmental Planning Policy (Resilience and Hazards) 2021</a>	04/08/2023	2021	730
<a href="#">State Environmental Planning Policy (Resources and Energy) 2021</a>	21/11/2022	2021	731
<a href="#">State Environmental Planning Policy (Sustainable Buildings) 2022</a>	22/09/2023	2022	521
<a href="#">State Environmental Planning Policy (Transport and Infrastructure) 2021</a>	01/11/2023	2021	732
<a href="#">Strathfield Local Environmental Plan 2012</a>	01/11/2023	2013	115
<a href="#">Sutherland Shire Local Environmental Plan 2006</a>	01/11/2023	2006	669
<a href="#">Sutherland Shire Local Environmental Plan 2015</a>	01/11/2023	2015	319
<a href="#">Sydney Local Environmental Plan 2005</a>	01/11/2023	2005	810
<a href="#">Sydney Local Environmental Plan 2012</a>	03/11/2023	2012	628
<a href="#">Sydney Local Environmental Plan (Glebe Affordable Housing Project) 2011</a>	01/11/2023	2011	335
<a href="#">Sydney Local Environmental Plan (Green Square Town Centre) 2013</a>	01/11/2023	2013	541
<a href="#">Sydney Local Environmental Plan (Green Square Town Centre—Stage 2) 2013</a>	01/11/2023	2013	525
<a href="#">Sydney Local Environmental Plan (Harold Park) 2011</a>	01/11/2023	2011	683

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# Wakool Local Environmental Plan 2013

Current version for 1 November 2023 to date (accessed 17 November 2023 at 9:23)

Status information



New South Wales

## Status Information

### Currency of version

Current version for 1 November 2023 to date (accessed 17 November 2023 at 9:23)

Legislation on this site is usually updated within 3 working days after a change to the legislation.

### Provisions in force

The provisions displayed in this version of the legislation have all commenced.

### About this plan

This Plan is a [standard instrument local environmental plan](#) under the [Environmental Planning and Assessment Act 1979](#).

### Authorisation

This version of the legislation is compiled and maintained in a database of legislation by the Parliamentary Counsel's Office and published on the NSW legislation website, and is certified as the form of that legislation that is correct under section 45C of the [Interpretation Act 1987](#).

File last modified 1 November 2023

## Part 1 Preliminary

### 1.1 Name of Plan

This Plan is [Wakool Local Environmental Plan 2013](#).

#### 1.1AA Commencement

This Plan commences on the day on which it is published on the NSW legislation website.

### 1.2 Aims of Plan

- (1) This Plan aims to make local environmental planning provisions for land in that part of the Murray River local government area to which this Plan applies (in this Plan referred to as “Wakool”) in accordance with the relevant standard environmental planning instrument under section 3.20 of the Act.
- (2) The particular aims of this Plan are as follows—
  - (aa) to protect and promote the use and development of land for arts and cultural activity, including music and other performance arts,
  - (a) to reinforce the strong rural character of Wakool,



- (c) to avoid the unnecessary fragmentation of rural land,
- (d) to encourage sustainable economic growth and development within Wakool,
- (e) to identify, protect, conserve and enhance Wakool's natural assets,
- (f) to identify and protect Wakool's built and cultural heritage assets for future generations,
- (g) to encourage and support growth in the townships of Barham, Wakool, Koraleigh, Tooleybuc, Moulamein and Murray Downs within the servicing catchment for sewer and water,
- (h) to protect environmentally sensitive land and conserve native vegetation habitats and threatened species,
- (i) to give priority to the protection, conservation and enhancement of indigenous and non-indigenous cultural heritage,
- (j) to encourage non-agricultural enterprises by permitting a wide range of urban land uses consistent with the imperative to support economic growth, employment creation and business opportunities.

### 1.3 Land to which Plan applies

This Plan applies to the land identified on the [Land Application Map](#).

### 1.4 Definitions

The Dictionary at the end of this Plan defines words and expressions for the purposes of this Plan.

### 1.5 Notes

Notes in this Plan are provided for guidance and do not form part of this Plan.

### 1.6 Consent authority

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

### 1.7 Maps

- (1) A reference in this Plan to a named map adopted by this Plan is a reference to a map by that name—
  - (a) approved by the local plan-making authority 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 local plan-making authority when the instruments are made.
- (1AA) (Repealed)
- (2) Any 2 or more named maps may be combined into a single map. In that case, a reference in this Plan 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.
- (4) For the purposes of this Plan, a map may be in, and may be kept and made available in, electronic or paper form, or both.

#### Note—

The maps adopted by this Plan are to be made available on the NSW Planning Portal. Requirements relating to the maps are set out in the documents entitled *Standard technical requirements for LEP maps* and *Standard requirements for LEP GIS data* which are available on the website of the Department of Planning and Environment.

### 1.8 Repeal of planning instruments applying to land

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

#### Note—

The following local environmental plans are repealed under this provision—

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

### 1.8A Savings provision relating to development applications

If a development application has been made before the commencement of this Plan in relation to land to which this Plan applies and the application has not been finally determined before that commencement, the application must be determined as if this Plan had not commenced.

#### Note—

However, under Division 3.5 of the Act, a development application may be made for consent to carry out development that may only be carried out if the environmental planning instrument applying to the relevant development is appropriately amended or if a new instrument, including an appropriate principal environmental planning instrument, is made, and the consent authority may consider the application. The Division requires public notice of the development application and the draft environmental planning instrument allowing the development at the same time, or as closely together as is practicable.

### 1.9 Application of SEPPs

- (1) This Plan is subject to the provisions of any State environmental planning policy that prevails over this Plan as provided by section 3.28 of the Act.
- (2) The following State environmental planning policies (or provisions) do not apply to the land to which this Plan applies—

### 1.9A Suspension of covenants, agreements and instruments

- (1) For the purpose of enabling development on land in any zone to be carried out in accordance with this Plan or with a consent granted under the Act, any agreement, covenant or other similar instrument that restricts the carrying out of that development does not apply to the extent necessary to serve that purpose.
- (2) This clause does not apply—
- (a) to a covenant imposed by the Council or that the Council requires to be imposed, or
  - (b) to any relevant instrument within the meaning of section 13.4 of the [\*Crown Land Management Act 2016\*](#), or
  - (c) to any conservation agreement within the meaning of the [\*National Parks and Wildlife Act 1974\*](#), or
  - (d) to any Trust agreement within the meaning of the [\*Nature Conservation Trust Act 2001\*](#), or
  - (e) to any property vegetation plan within the meaning of the [\*Native Vegetation Act 2003\*](#), or
  - (f) to any biobanking agreement within the meaning of Part 7A of the [\*Threatened Species Conservation Act 1995\*](#), or
  - (g) to any planning agreement within the meaning of Subdivision 2 of Division 7.1 of the Act.
- (3) This clause does not affect the rights or interests of any public authority under any registered instrument.
- (4) Under section 3.16 of the Act, the Governor, before the making of this clause, approved of subclauses (1)–(3).

## Part 2 Permitted or prohibited development

### 2.1 Land use zones

The land use zones under this Plan are as follows—

#### Rural Zones

RU1 Primary Production

RU3 Forestry

RU5 Village

#### Residential Zones

R1 General Residential



E1 Local Centre

E3 Productivity Support

E4 General Industrial

#### **Special Purpose Zones**

SP2 Infrastructure

#### **Recreation Zones**

RE1 Public Recreation

RE2 Private Recreation

#### **Conservation Zones**

C1 National Parks and Nature Reserves

C2 Environmental Conservation

#### **Waterway Zones**

W1 Natural Waterways

W2 Recreational Waterways

## **2.2 Zoning of land to which Plan applies**

For the purposes of this 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 development consent, and
- (c) development that may be carried out only with development 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 Plan) a reference to a type of building or other thing referred to separately in the Land Use Table in relation to the same zone.

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

#### **Notes—**

- 1 Schedule 1 sets out additional permitted uses for particular land.
- 2 Schedule 2 sets out exempt development (which is generally exempt from both Parts 4 and 5 of the Act). Development in the land use table that may be carried out without consent is nevertheless subject to the environmental assessment and approval requirements of Part 5 of the Act.
- 3 Schedule 3 sets out complying development (for which a complying development certificate may be issued as an alternative to obtaining development consent).
- 4 Clause 2.6 requires consent for subdivision of land.
- 5 Part 5 contains other provisions which require consent for particular development.



# **WAKOOL SHIRE DEVELOPMENT CONTROL PLAN 2013**

**OCTOBER 2013**

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