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APPENDIX D

State Environmental Planning Policy (Precincts – Western Parkland City) Amendments

Prepared for
INGHAM PROPERTY GROUP

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PROPOSED AMENDMENTS TO STATE ENVIRONMENTAL PLANNING POLICY (PRECINCTS - WESTERN PARKLAND CITY) 2021

WPC SEPP Provisions	Proposed Changes
Chapter 1 – Preliminary	No changes unless deemed necessary by DPHI
Chapter 2 – State Significant Precincts	No change
Chapter 3 – Sydney Region Growth Centres	
Part 3.1 Preliminary	No change unless deemed necessary by DPHI
Part 3.2 Land use and other development controls resulting from precinct planning	See details below
Section 3.10 Controls applying to growth centre precincts after finalisation of precinct planning	The North Appin (part) Precinct Planning Proposal is proposing to amend clause (1) to establish a new table for the Greater Macarthur Growth Area (Table 4). Under Table 4, insert as follows: *Table 4 – Greater Macarthur Growth Area* *Column 1* *Column 2* *North Appin (Part) Precinct* *Appendix 9*
Section 3.11 Controls applying to Colebee, Edmondson Park, Bingarra Gorge, Menangle Park, Mount Gilead and Glenlee Precincts	No change.
Section 3.12 Development in growth centres under other environmental planning instruments	No change
Part 3.3 Land Use – Environment Conservation and Recreation Zones	No change
Part 3.4 Development controls – general	No change
Part 3.5 Development controls – flood prone and major creeks land	No change
Part 3.6 Development controls – vegetation	No change
Chapter 4 Western Sydney Aerotropolis	No change
Chapter 5 Penrith Lakes Scheme	No change
Chapter 6 St Marys	No change
Chapter 7 Western Sydney Parklands	No change

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WPC SEPP Provisions	Proposed Changes
Appendices	Insert new appendix as follows – *Appendix 9 North Appin (part) Precinct* Refer to proposed appendix drafting below
Schedules	Insert Schedule 1 – Additional Permitted Uses under Appendix 9 North Appin (part) Precinct

PROPOSED APPENDIX 9 DRAFTING

The following drafting is indicative only and is subject to further review by DPHI and legal drafting by the Parliamentary Counsel.

Appendix 9 North Appin (Part) Precinct Plan

Note –

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

1.1 Name of Precinct Plan

This Precinct Plan is the North Appin (part) Precinct Plan 2025.

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 generally envisaged by the North Appin (part) Precinct Structure Plan,

(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 nature and scale of future development within the North Appin (part) Precinct to be generally consistent with the North Appin (part) Structure Plan,

(d) to protect and enhance conservation areas and areas of significant native vegetation and habitat, as well as to establish development controls requiring the assessment of the impact of development on native flora and fauna, including koalas,

(e) to rezone land to allow for retail, commercial and other suitable non-residential uses to meet the needs of future residents of the North Appin (part) Precinct,

(f) to give effect to the Greater Macarthur 2040 Interim Plan, Structure Plan and Accompanying Guide (2022),

(g) To protect and enhance Aboriginal cultural heritage and environmental heritage.

1.3 Land to which Precinct Plan applies.

This Precinct Plan applies to land within the North Appin (part) Precinct as shown on the Land Application Map.

1.4 Definitions

In this Precinct Plan –

North Appin (part) Precinct means the land identified as *"North Appin (part) Precinct"* on the Land Application Map.

Council means Wollondilly Shire Council unless specified as Campbelltown City Council.

1.5 Notes

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

1.6 Consent authority

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

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1.7 Repeal of other local planning instruments applying to land

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

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

Note –

Wollondilly Local Environmental Plan 2011 and *Campbelltown Local Environmental Plan 2015* cease to apply to the land to which this Precinct Plan applies.

(3) This section does not affect the operation of Chapter 3 of this precinct plan.

1.8 Savings provision relating to pending development applications

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

1.9 Application of SEPPs

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

Note –

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

(2) 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 Greater Macarthur Growth Area Precinct.

1.10 Suspension of covenants, agreements, and instruments

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

(2) This section does not apply to –
(a) a covenant imposed by the Council or that the Council requires to be imposed, or

(b) a biodiversity certification conferred under Part 8 of the *Biodiversity Conservation Act 2016*, or

(c) a private land conservation agreement within the meaning of the *Biodiversity Conservation Act 2016*, or

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

(e) the relevant provisions of a land management (native vegetation) code (and the necessary mandatory code compliant certificate) with respect to a set aside area under the *Local Land Services Act 2013*, Part 5A,

(f) a conversation agreement within the meaning of the *National Parks and Wildlife Act 1974,*

(g) a Trust agreement within the meaning of the *Nature Conservation Trust Act 2001* that is continued in force by the *Biodiversity Conservation (Savings and Transitional) Regulation 2017*,or

(h) a property vegetation plan within the meaning of the *Native Vegetation Act 2003* that is continued in force by the *Biodiversity Conservation (Savings and Transitional) Regulation 2017*, or

(i) a planning agreement within the meaning of Division 7.1 of the Act.

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

(4) Under section 3.16 of the Act, the Governor, before the making of this section approved of subsections (1)-(3).

Part 2 Permitted or prohibited development

2.1 Land use zones

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

Urban Development Zone –

UD Urban Development

Environment Protection Zones –

C2 Environment 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) 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, despitea definition in this policy, Chapter 3 or this precinct plan, a reference toa type of building or other thing referred to separately in the Table in relation to the same zone.

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(4) This section is subject to the other provisions of this Precinct Plan.
Note 1— This precinct plan, Schedule 1 sets out additional permitted uses for particular land.
Note 2— This precinct plan, section 2.6 requires consent for the subdivision of land.
Note 3— This precinct plan, Part 5 contains other provisions that require consent for particular development.

2.4 Additional permitted uses for particular land

(1) Development on particular land that is described or referred to in Schedule 1 to this Appendix may be carried out with consent in accordance with the conditions (if any) specified in that schedule in relation to that development
(2) This section 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.

2.5 Subdivision – consent requirements

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

Note 1 – If a subdivision is specified as **exempt development** in an applicable environmental planning instrument, such as this Precinct Plan or *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008,* the Act enables it to be carried out without development consent.

Note 2 Part 6 of *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008* provides that the strata subdivision of a building in certain circumstances is **complying development**.

2.6 Demolition

(1) 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 the *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008* as exempt development.

2.8 Temporary use of land

(1) The objective of this section 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 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 land will, as far as is practicable, be restored to the condition in which it was before the commencement of the use.

(4) Despite subsection (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 subsection.
(5) Subsection (3)(d) does not apply to the temporary use of a dwelling as a sales office mentioned in subsection (4).

Land Use Table

Zone 1 Urban Development

1 **Objectives of Zone**

- To manage the transition of land from non-urban uses to urban uses.
- To encourage the development of well-planned and well-serviced new urban communities in accordance with the North Appin (part) Structure Plan.
- To ensure a range of uses, and uses located in a way, that are consistent with the strategies planning for the North Appin (part) Precinct.
- To safeguard land used for non-urban purposes from development that could prejudice the use of the land for future urban purposes.
- To ensure that land adjacent to environmental conservation area is developed in a way that enhances biodiversity outcomes for the Precinct.

2 Permitted without consent

Home occupations

3 Permitted with consent

Any development not specified in item 2 or 4

4 Prohibited

Air transport facilities; Animal boarding or training establishments; Boat building and repair facilities; Camping grounds; Caravan parks; Cemeteries; Charter and tourism boating facilities; Correctional centres; Crematoria: Depots; Electricity generating works; Extractive industries; Farm buildings; Forestry; Freight transport facilities; Heavy industrial storage establishments; Heavy industries; Home occupations (sex services); Mooring pens; Moorings; Open cut mining; Port facilities; Resource recovery facilities; Rural industries

Zone C2 Environmental Conservation

1 Objectives of zone

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

2 Permitted without consent

Nil

3 Permitted with consent

Environmental facilities: Environmental protection works;

Note – In this Precinct Plan an ***environmental facility*** means a place that provides for the recreational uses or scientific study of natural system, and includes walking tracks, seating, shelters, board walks, observation decks, bird hides or the like, and associated display structures

4 Prohibited

Any other development not specified in item 2 or 3

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Part 4 Principal Development Standards

4.1 Minimum subdivision lot size

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

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

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

(2) This section applies to a subdivision of 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 a lot resulting from a subdivision of land to which this section applies must not be less than the minimum size shown on the Lot Size Map in relation to the land.

(4) This section does not apply to a subdivision—

(a) in a strata plan, or

(b) that results in a lot that is to be reserved or dedicated for a public purpose.

4.2 Residential Density

(1) Development consent must not be granted for development resulting in more than 3,000 dwellings in the North Appin (part) Precinct.

4.3 Exceptions to development standards

(1) The objectives of this section 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) Subject to this section, development consent may be granted for development even though the development would contravene a development standard imposed by this or another environmental planning instrument, other than a development standard expressly excluded from the operation of this section.

(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 seeking to justify the contravention of the development standard by demonstrating—

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

(b) there are sufficient environmental planning grounds to justify the contravention.

(4) Development consent must not be granted for development that contravenes a development standard unless the consent authority is satisfied—

(a) the applicant's written request has adequately addressed the matters required to be demonstrated by subsection (3), and

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

(5) Development consent must not be granted for a subdivision under this sectionof land in Zone C2 Environmental Conservation if—

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

(b) the subdivision will result in 1 or more lots with less than 90% of the minimum area specified for the lots by a development standard.

(6) After determining a development application for development that contravenes a development standard, 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 subsection (3).

(7) This section does not allow development consent to be granted for development that would contravene 1 or more of the following—
(a) a development standard for complying development,
(b) a development standard arising, 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 (Sustainable Buildings) 2022 applies or for the land on which the building is situated,
(c) section 4.2
(d) section 5.1
(e) section 6.5

Part 5 Miscellaneous provisions

5.1A Consideration of development applications

(1) Development consent must not be granted to the carrying out of development on land within Zone 1 Urban Development unless the consent authority –

(a) has considered any submission made by the Planning Secretary to the consent authority about the proposed development, and

(b) is satisfied that the development is generally consistent with the North Appin (part) Precinct Structure Plan.

(2) If the Planning Secretary fails to make a submission to the consent authority within 14 days of being notified of the proposed development, the consent authority may determine the development application without complying with subsection (1)(b).

5.1 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 provided to guests must consist of no more than 3 bedrooms.

Note— Development providing 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 50m^2 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 50m^2 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 the lesser of the following—
(a) 43% of the gross floor area of the industry or rural industry located on the same land as the retail outlet,
(b) 400m^2.

(5) Farm stay accommodation

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If development for the purposes of farm stay accommodation is permitted under this precinct plan, the accommodation provided to guests must consist of no more than 5 bedrooms.

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

(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 400m^2.

(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 75m^2.

(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 an area used for parking, must not exceed the greater of the following—
(a) 60m^2
(b) 25% of the total floor area of the principal dwelling.

5.2 Conversion of fire alarms

(1) This section applies to a fire alarm system that can be monitored by Fire and Rescue NSW or by a private service provider.

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

(a) converting a fire alarm system from connection with the alarm monitoring system of Fire and Rescue NSW to connection with the alarm monitoring system of a private service provider,

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

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

(3) Development to which subsection (2) applies is complying development if it consists only of—

(a) internal alterations to a building, or

(b) internal alterations to a building together with the mounting of an antenna, and a support structure, on an external wall or roof of a building so as to occupy a space of not more than 450mm × 100mm × 100mm.

(4) A complying development certificate for complying development under this section is subject to a condition that building work may only be carried out between 7am and 6pm on Monday to Friday and between 7am and 5pm on Saturday, and must not be carried out on a Sunday or a public holiday

(5) In this section—
private service provider means a person or body that has an agreement in force with Fire and Rescue NSW to monitor fire alarm systems

5.3 Heritage Conservation

(1) **Objectives** The objectives of this section are as follows –

(a) to conserve the environmental heritage of the North Appin (part) Precinct,

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

(c) to conserve archaeological sites,

(d) to conserve aboriginal objectives 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 the change 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 objective 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 an Aboriginal place of heritage significance,

ii. on which an Aboriginal object is located or that is within an Aboriginal place of heritage significance.

(3) **When consent not required**

Development consent under this section 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

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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 development on heritage significance**

The consent authority must, before granting consent under this section 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 subsection applies regardless of whether a heritage management document is prepared under subsection (5) or a heritage conservation management plan is submitted under subsection (6), consider the effect of the development on the heritage significance of the item or area.

(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 section.

(7) **Archaeological sites**

The consent authority must, before granting consent under this section 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 section 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 section 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 development is in accordance with a heritage management document that has been approved by the consent authority, and

(c) the consent to the development would require that all necessary conservation work identified in the heritage management document is carried out, and

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

5.4 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.

5.5 Infrastructure development and use of existing building 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 (Transport and Infrastructure) 2021*.

(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.

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Part 6 Additional Local Provisions

6.1 Structure Plan

(1) Development consent must not be granted to the carrying out of development on land within the North Appin (Part) Precinct unless:

(a) the North Appin (Part) Precinct Structure Plan has been adopted by the Planning Secretary and published on the Department's website.

(2) The final adopted Structure Plan is to show the general location of the following:

(a) the location of at least a minimum of 25.75ha open space, of which 12.33ha is for active open space, and which is not located in any Koala Corridor. Should less than 3,000 dwellings be constructed, open space is to be delivered at the following rate:

(i) 2.83 ha per 1,000 people for open space, of which 1.37 ha per 1,000 people is to be allocated for active open space; where the population for the development is calculated as follows:

— Low density dwelling: 3.1 ppl per dwelling
— Medium density dwelling: 2.6 ppl per dwelling

(b) the land proposed to be used for medium and low density residential development,
(c) Koala Corridor E and other areas of Environmental Conservation,
(d) local centre,
(e) school site,
(f) koala underpass at Appin Road,
(g) the Transit Corridor,
(h) measures to enhance native vegetation within the urban development zone,
(i) any other information considered relevant.

(3) A structure plan may contain other matters the Planning Secretary considers appropriate.

(4) A structure plan must be consistent with this precinct plan and the growth centre structure plan for the Greater Macarthur Growth Area.

(5) A structure plan approved by the Planning Secretary must be published on the Department's website and takes effect on the day it is published.

(6) A structure plan may be amended and this section applies to the amendment of the structure plan in the same way it applies to a structure plan.

(7) Development consent must not be granted to development unless the consent authority is satisfied that the development is generally consistent with the structure plan.

(8) Subsection (7) does not apply to development for the following purposes—
(a) a subdivision for the purpose of a realignment of boundaries that does not create additional lots,
(b) a subdivision of land if any of the lots proposed to be created is to be reserved or dedicated for public open space, public roads or any other public or environment protection purpose,
(c) a subdivision of land in a zone in which the erection of structures is prohibited,
(d) development on land that is of a minor nature only, if the consent authority is of the opinion that the carrying out of the development would be consistent with the objectives of the zone in which the land is situated.

6.2 Development Control Plan

(1) The objective of this section is to ensure that development occurs—

(a) in a logical and cost-effective manner, in accordance with a staging plan, and
(b) only after a development control plan that includes specific controls has been prepared for the land.

(2) Development consent must not be granted to development on land in the North Appin (Part) Precinct unless a development control plan that complies with subsection (3) has been prepared for the land and which is generally consistent with the structure plan.

(3) The development control plan must provide for the following—

(a) a staging plan for the timely and efficient release of urban land, in accordance with provision for necessary infrastructure and sequencing,

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

(c) an overall landscaping strategy for the protection of environmental conservation land and the Ousedale Creek riparian corridor, and landscaping requirements for both residential and non-residential development,

(d) a network of active and passive recreation areas,

(e) stormwater and water quality management controls,

(f) where relevant, provisions for the amelioration of natural and environmental hazards, including bush fire, flooding and site contamination,

(g) measures to encourage higher density living around transport, open space and service nodes,

(h) measures to accommodate and control appropriate neighbourhood commercial and retail uses,

(i) suitably located public facilities and services, including provision for appropriate traffic management facilities and parking.

(4) Subsection (2) does not apply to development for the following purposes—

(a) a subdivision for the purpose of a realignment of boundaries that does not create additional lots,
(b) a subdivision of land if any of the lots proposed to be created is to be reserved or dedicated for public open space, public roads or any other public or environment protection purpose,
(c) a subdivision of land in a zone in which the erection of structures is prohibited,
(d) development on land that is of a minor nature only, if the consent authority is of the opinion that the carrying out of the development would be consistent with the objectives of the zone in which the land is situated.

6.3 Concurrence of Planning Secretary – Koala corridor

(1) This clause applies to development on land identified as “Koala Corridor E” on the Koala Corridor Map.

(2) Development consent to development to which this clause applies must not be granted unless the consent authority has obtained the concurrence of the Planning Secretary.

(3) In deciding whether to grant concurrence, the Planning Secretary must consider the impact of the development on —

(a) the protection of the Campbelltown and Wollondilly Koala population, and

(b) the maintenance and delivery of the “Koala Corridor”.

Note – In this clause Koala Corridor E means the habitat corridor referred to as Koala Corridor E in the document titled Appendix D SEPP Planning Maps published by the Department of Planning & Environment

6.4 Concurrence of Transport for NSW

(1) Development consent must not be granted to the following development unless the consent authority has obtained the concurrence of Transport for NSW—

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(a) development with a capital investment value of more than $200,000 on transit corridor land,

(b) development that involves the penetration of ground to a depth of at least 2m below ground level (existing) on land within 25m, measured horizontally, of transit corridor land.

(2) In deciding whether to grant concurrence, Transport for NSW must consider the following—

(a) the appropriateness of the development in relation to planned infrastructure on transit corridor land, including the service capability of planned infrastructure and the provision of sustainable transport options,

(b) the timing of the carrying out of the proposed development and the timing for constructing infrastructure on transit corridor land,

(c) the effect of the development on planned infrastructure, including the additional costs of constructing infrastructure on transit corridor land if the development is carried out.

6.5 Public utility infrastructure

(1) Development consent must not be granted to development in the North Appin (part) Precinct unless the consent authority is satisfied—

(a) public utility infrastructure that is essential for the development is available, or

(b) adequate arrangements have been made to make the infrastructure available when it is required.

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

(3) In this section—

public utility infrastructure includes infrastructure for the following—

(a) the supply of water,
(b) the supply of electricity,
(c) the disposal and management of sewage.

6.6 Development in Zone C2

(1) This section applies to land in Zone C2 Environmental Conservation, other than land owned by a public authority.

(2) Development consent must not be granted to development on land to which this section applies unless the consent authority has considered a vegetation management plan that relates to all of the land.

(3) The vegetation management plan must address, to the satisfaction of the consent authority, the following matters—

(a) the environmental values of the land,

(b) methods to be used to revegetate and rehabilitate the land,

(c) weed control,

(d) the monitoring and ongoing management of the land,

(e) other measures—

(i) to control threats to the health of remnant riparian vegetation on the land, and

(ii) to increase species diversification and riparian vegetation cover on the land, and

(iii) to improve the land's resistance to future weed colonisation.

(4) For subsection (2), a biodiversity stewardship agreement, within the meaning of the Biodiversity Conservation Act 2016, is taken to be a vegetation management plan.

6.7 Development on land adjoining Zone C2

(1) The objectives of this section are as follows –

(a) to ensure the environmental management of land in Zone C2 Environmental Conservation, other than land owned by a public authority,

(b) to ensure land in Zone C2 Environmental Conservation is managed and conserved in a holistic and sensitive way.

(2) This section applies to development carried out on an area of land that is in both Zone C2 Environmental Conservation and another zone.

(3) Development consent must not be granted to development on land to which this section applies unless the consent authority is satisfied arrangements have been made for the management of the land in Zone C2 Environmental Conservation that—

(a) provide for the ongoing monitoring and environmental management of the land, and

(b) will take effect before, or at the same as, the development

6.8 Earthworks

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

(a) to ensure earthworks for which development consent is required will not have a detrimental impact on environmental functions and processes, neighbouring uses, cultural or heritage items or features of the surrounding land,

(b) to allow earthworks of a minor nature without requiring separate development consent.

(2) Development consent is required for earthworks unless—

(a) the earthworks are exempt development under this precinct plan or another applicable environmental planning instrument, or

(b) the earthworks are ancillary to other development for which development consent has been given.

(3) In deciding whether to grant development consent to earthworks, the consentauthority must consider the following matters—

(a) the likely disruption of, or detrimental effect on, existing drainagepatterns and soil stability in the locality,

(b) the effect of the development on the likely future use or redevelopmentof the land,

(c) the quality of the fill or the soil to be excavated, or both,

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(d) the effect of the development on the existing and likely amenity of adjoining properties,

(e) the source of fill material and the destination of the excavated material,

(f) the likelihood of disturbing Aboriginal objects,

(g) the proximity to and potential for adverse impacts on a watercourse,drinking water catchment or environmentally sensitive area,

(h) appropriate measures proposed to avoid, minimise or mitigate theimpacts of the development.

Note— The *National Parks and Wildlife Act 1974*, particularly section 86, deals withdisturbing or excavating land and Aboriginal objects.

6.9 Location of sex services premises

(1) The objective of this section is to minimise land use conflicts and adverse amenity impacts by providing a reasonable level of separation between sex services premises, specified land uses and places regularly frequented by children.

(2) In deciding whether to grant development consent to development for the purposes of sex services premises, the consent authority must consider whether the premises will be located on land that adjoins, is directly opposite or is separated only by a road from land used for the purposes of a centre-based child care facility, community facility, school or place of public worship.

6.10 Environmental facilities prohibited in koala corridor

Development for the purposes of environmental facilities is prohibited on land in Zone C2 Environmental Conservation that is identified as “koala corridor” on the Koala Corridors Map if the development involves a building.

6.11 Affordable housing

(1) This section applies to development involving the erection of the following—

(a) residential flat buildings,
(b) shop top housing.

(2) Development consent must not be granted to the development unless the consent authority is satisfied—

(a) at least 5% of the gross floor area of a building resulting from the development will be used for the purposes of affordable housing, and
(b) each dwelling used for the purposes of affordable housing—

(i) will have a gross floor area of at least 50m^2, and
(ii) will be located within 400m walking distance of existing or proposed public transport, retail premises or public open space.

Schedule 1 Additional Permitted Uses

1 Use of particular land within the Zone C2 Conservation

(1) This section applies to land in Zone C2 Conservation and not marked as ‘Koala Corridor’.

(2) Development for the purpose of *water supply systems* and *roads* is permitted with consent.