

HOLROYD CITY COUNCIL
HOLROYD LOCAL ENVIRONMENTAL PLAN 1991
UNDER THE
ENVIRONMENTAL PLANNING AND ASSESSMENT ACT, 1979
NEW SOUTH WALES
(Composite Copy)

This copy of the Holroyd Local Environmental Plan 1991 is believed to be a true and accurate representation of the various provisions of the Plan as gazetted on 15th November, 1991, Government Gazette No. 159, and amended from time to time.

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Prepared by the
Environmental & Planning Services Department
of the Council of the City of Holroyd.

Holroyd City Council
December, 2008

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ENVIRONMENTAL PLANNING AND ASSESSMENT ACT, 1979

HOLROYD LOCAL ENVIRONMENTAL PLAN 1991

I, the Minister for Planning, in pursuance of section 70 of the Environmental Planning and Assessment Act, 1979, make the local environmental plan set out hereunder. (P91-00800)

Minister for Planning

Sydney, 12 November, 1991

PART 1 - PRELIMINARY

Citation

1. This plan may be cited as Holroyd Local Environmental Plan 1991.

Aims, objectives, etc.

2. The aims and objectives of this plan are:
 - (a) to promote and give effect to the objects of the Environmental Planning and Assessment Act 1979 within the City of Holroyd; and
 - (b) to repeal local environmental planning instruments which applied to the City of Holroyd immediately before this plan commenced and to replace those instruments with a comprehensive local environmental plan.

Land to which plan applies

3. (1) This plan applies to the whole of the land within the City of Holroyd.

Relationship to other planning instruments

4. (1) This plan repeals:
 - (a) the Holroyd Planning Scheme Ordinance; and
 - (b) such other local environmental plans and deemed environmental planning instruments as, immediately before the appointed day, applied to the land to which this plan applies, but to the extent only to which those plans and instruments applied to the land to which this plan applies.
- (2) Parts 1 (Preliminary), 2 (Primary Centre controls); 6 (Precinct 4 - Westmead Precinct) and 10 (Transport) of Sydney Regional Environmental Plan No 28 – Parramatta apply to land to which this plan applies if it is within the Parramatta Primary Centre, within the meaning of that plan.

Interpretation

5. (1) In this plan:

“abattoir” means a place where animals are slaughtered for human consumption, but does not include poultry processing;

“acid sulfate soils” means actual or potential acid sulfate soils, as defined in the *Acid Sulfate Soils Assessment and Management Guidelines*.

“Acid Sulfate Soils Assessment and Management Guidelines” means the *Acid Sulfate Soils Assessment and Management Guidelines* as published from time to time by the NSW Acid Sulfate Soils Management Advisory Committee and adopted by the Director.

“Acid Sulfate Soils Planning Map” means the map marked “Holroyd Local Environmental Plan 1991 (Amendment No. 32) – Acid Sulfate Soils Planning Map” kept in the office of the council.

“advertisement” means the display of symbols, messages and other devices for promotional purposes or for conveying information, instructions, directions or the like, whether or not the display includes the erection of a structure or the carrying out of work.

“advertising structure” means a structure used, or to be used principally, for the display of an advertisement.

“alter” in relation to a heritage item, means:

- (a) make structural changes to the outside of the item, or
- (b) make non-structural changes to the detail, fabric, finish or appearance of the outside of the item, not including changes that maintain the existing detail, fabric, finish or appearance of the outside of the item.

“animal establishment” means a building or place used for the purposes of intensive animal husbandry, boarding, training or keeping of animals, birds, fish, crustaceans, insects or the like, generally requiring the importation of feed other than feed produced on the land on which the establishment is conducted;

“apartment building” means a building containing three or more dwellings, but does not include a building specifically defined elsewhere in this plan;

“appointed day” means the day on which this plan is gazetted;

“archaeological site” means:

- (a) a site identified as an archaeological site in Part 1 of Schedule 1B (Known or potential archaeological sites), or
- (b) the site of one or more relics.

“brothel” means a building or place habitually used by one or more persons for the purpose of prostitution;

“building work” has the same meaning as in the *Environmental Planning and Assessment Act 1979*;

“bushfire hazard reduction” means the reduction or modification by burning, or by chemical, mechanical or manual means, of material that constitutes a bushfire hazard;

“change of building use” has the same meaning as in the *Environmental Planning and Assessment Act 1979*;

“child care centre” means a building or place used for the purpose of caring for children and includes:

- (a) a dwelling-house or part of a dwelling-house;
- (b) a public hall used for that purpose; or
- (c) part of a shop, office or factory used for that purpose;

“community use” means a land that benefits the community and includes the usual land uses carried out by charities and community support groups;

“conservation management plan” means a document prepared in accordance with the requirements of the NSW Heritage Office that establishes 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.

“council” means the Council of the City of Holroyd;

“demolish” a heritage item, or a building, work, archaeological site, tree or place within a heritage conservation area, means wholly or partly destroy, dismantle or deface the heritage item or the building, work, archaeological site, tree or place.

“demolition” means the complete or partial dismantling or removal of a building or other structure, by pre-planned and controlled means and procedures;

“doctors surgery” means a room or a number of rooms forming either the whole or part of a building and used by not more than three legally qualified medical practitioners who practise therein the profession of medicine, and who employ not more than three employees in connection with that practice;

“dual occupancy” means 2 dwellings on a single allotment of land, whether or not the dwellings are attached, where:

- (a) the dwellings have the general external appearance, character and scale of a dwelling-house or dwelling-houses; and

- (b) the area of the allotment on which the dwellings are not situated is available for recreational use by the residents;

“floor space ratio” in relation to a building, means the ratio of the gross floor area of the building to the area of the allotment on which the building is or is proposed to be erected.

“floor space ratio map – Merrylands Town Centre” means the map marked “Holroyd Local Environmental Plan 1991 (Amendment No 43 - Floor Space Ratio)”.

“gas holder” means a container or vessel built or adapted for use for the storage of gas but does not include liquefied petroleum gas facilities having a capacity of less than 15 kilolitres;

“hazardous industry” means an undertaking (whether or not forming part of a larger undertaking) which, when in operation and when all measures proposed to reduce or minimise its impact have been employed, the Council considers should still be required to be in a location isolated from other development for either of the following reasons:

- (a) because such isolation is necessary as an additional specific safety precaution; or
- (b) because it represents a significant hazard to human health or life or property or the bio-physical environment;

“hazardous storage establishment” means any establishment where goods, materials or products are stored which, when in operation and when all measures proposed to reduce or minimise its impact have been employed, the Council considers should still be required to be in a location isolated from other development for either of the following reasons:

- (a) because such isolation is necessary as an additional specific safety precaution; or
- (b) because it represents a significant hazard to human health or life or property or the bio-physical environment;

“height map – Merrylands Town Centre” means the map marked “Holroyd Local Environmental Plan 1991 (Amendment No 43 - Height Map)”.

“height map – Neil Street Precinct” means the map marked “Holroyd Local Environmental Plan 1991 (Amendment No 42 – Height Map)”.

“heritage conservation area”:

- (a) means an area of land that is shown edged heavy black on the maps marked, “Heritage Conservation Area 1”, “Heritage Conservation Area 2” and “Heritage Conservation Area 3”, and

- (b) includes an area of land specified in Schedule 1A (Heritage conservation areas), and
- (c) includes buildings, works, archaeological sites, trees and places situated on or within the land.

“heritage impact statement” means a document consisting of a statement demonstrating the heritage significance of a heritage item or heritage conservation area, or of a building, work, archaeological site, tree or place within a heritage conservation area, an assessment of the impact that proposed development will have on that significance and proposals for measures to minimise that impact.

“heritage item” means:

- (a) a building, work, archaeological site or place specified in an inventory of heritage items that is available at the office of the Council and the site of which is described in Schedule 1 (Heritage items), or
- (b) a place specified in an inventory of heritage items available at the office of the Council and described in the inventory as a place of Aboriginal heritage significance.

“heritage significance” means historical, scientific, cultural, social, archaeological, architectural, natural or aesthetic value.

“integrated housing” means development that consists of:

- (a) the subdivision of land into 5 or more allotments; and
- (b) the erection of a single detached dwelling-house on each of the allotments created by that subdivision,

where the application for consent for the subdivision and other development is submitted and considered concurrently;

“maintenance” means the ongoing protective care of a heritage item or a building, work, archaeological site, tree or place within a heritage conservation area. It does not include alterations, such as carrying out extensions or additions, or the introduction of new materials or technology.

“medium density housing” means two or more dwellings of one or two storey construction, where each dwelling has an individual entrance and direct private access to private open space at natural ground level for the exclusive use of the occupants of the dwelling, and includes semi-detached houses, villas, cluster homes, townhouses and the like;

“Merrylands Town Centre” means the area of land shown edged in heavy black on the map marked “Holroyd Local Environmental Plan 1991 (Amendment No 43) – Merrylands Town Centre Precinct Map”.

“mixed use development” means one or more dwellings attached to, or on the same parcel of land as, a building intended to be used for non-residential purposes (being non-residential purposes that are permissible on the land on which the building is located).

“Neil Street Precinct” means the area of land shown edged in heavy black on the map marked “Holroyd Local Environmental Plan 1991 (Amendment No 42)”.

“offensive industry” means an undertaking (whether or not forming part of a larger undertaking) which, when in operation and when all measures proposed to reduce or minimise its impact have been employed, the council considers should still be required to be in a location isolated from other development because of the emission of any polluting discharge of any kind from the undertaking;

“offensive storage establishment” means any establishment where goods, materials or products are stored which, when in operation and when all measures proposed to reduce or minimise its impact have been employed, the council considers should still be required to be in a location isolated from other development because of the emission of any polluting discharge of any kind from the establishment;

“place of Aboriginal heritage significance” means:

- (a) 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 site, 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 contemporary cultural significance.

“pole sign” means an advertising structure that consists of a sign erected on a pole or pylon that does not depend for support on any building or other structure.

“potential archaeological site” means a site:

- (a) identified as a potential archaeological site in Part 2 of Schedule 1B (Known or potential archaeological sites), or
- (b) that, in the opinion of the consent authority, has the potential to be an archaeological site, even if it is not so identified.

“potential place of Aboriginal heritage significance” means a place:

- (a) that is specified in an inventory of heritage items available at the office of the Council and described in the inventory as a potential place of Aboriginal heritage significance, or

- (b) that, in the opinion of the consent authority, has the potential to have Aboriginal heritage significance, even if it is not so specified.

“professional consulting rooms” means a room, or a number of rooms forming part of, attached to, or within an existing or proposed dwelling house and used or intended for use at any one time by one legally qualified medical practitioner, or by one dentist within the meaning of the Dentists Act, 1989, or by one health care practitioner who practises his or her profession therein as a sole practitioner and who employs not more than one employee in connection with that practice;

“prostitution” means the offering by a person of his or her body to a person of the same or different sex for sexual gratification in return for payment or other reward and includes:

- (a) sexual intercourse as defined in section 61H of the Crimes Act 1900; or
- (b) masturbation by one person on another;

“recreation area” means:

- (a) a children’s playground;
- (b) an area used for sporting activities or sporting facilities;
- (c) an area used by the council to provide recreational facilities for the physical, cultural or intellectual welfare of the community; or
- (d) an area used by a body of persons associated for the purpose of the physical, cultural or intellectual welfare of the community to provide recreational facilities for that purpose,

but does not include a racecourse or a showground;

“relic” means:

- (a) any deposit, object or material evidence (which may consist of human remains) that is more than 50 years old relating to the use or settlement, not being Aboriginal habitation, of the City of Holroyd local government area, and that is a fixture or is wholly or partly within the ground, or
- (b) any deposit, object or material evidence (which may consist of human remains) of any age relating to Aboriginal habitation of the City of Holroyd local government area.

“residential flat building” means a building containing 2 or more dwellings that has not more than 3 residential storeys, whether above parking or not, and includes buildings that have not more than 3 residential storeys commonly known as walk-up flats or home units;

“restricted premises” means a building or place:

- (a) in, or on, which restricted publications within the meaning of the Indecent Articles and Classified Publications Act, 1975, are exposed, exhibited, displayed, sold or otherwise rendered accessible or available to the public;
- (b) in, or on, which a business to which section 10 of the Indecent Articles and Classified Publications Act, 1975 applies, or is conducted; or
- (c) in, or on, which a business is conducted, an object of which is the display or exhibition of any article, within the meaning of the Indecent Articles and Classified Publications Act, 1975, that is primarily concerned with sexual behaviour, but which is not printed matter,.

but does not include a building or place where the business of a newsagency or registered pharmacy is carried on;

“self storage units” means a building or place used or intended for use for the storage of goods, merchandise or materials in small compartments;

“storey” means a floor other than:

- (a) a floor used principally for storage; or
- (b) a floor used wholly or partly for parking;

“subdivision of land” has the same meaning as in the *Environmental Planning and Assessment Act 1979*;

“telecommunications facility” means:

- (a) any part of the infrastructure of a telecommunications network (such as a network being a system, or series of systems, that carries or is capable of carrying, communications by means of guided or unguided electromagnetic energy), or
- (b) any line, equipment, apparatus, tower, antenna, tunnel, duct, hole, pit, pole or other structure or thing used, or intended for use, in or in connection with a telecommunications network,

but does not include:

- (c) a facility used for an activity that a carrier is authorised to do by a facility installation permit issued by the Australian Communications and Media Authority under Division 6 of Part 1 of Schedule 3 to the *Telecommunications Act 1997* of the Commonwealth, or
- (d) a facility determined to be a low-impact facility for the purposes of clause 6 of Schedule 3 to the *Telecommunications Act 1997* of the Commonwealth, or

- (e) a facility which is a temporary facility for use by, or on behalf of, a defence organisation for defence purposes.

“the map” means the series of maps marked “Holroyd Local Environmental Plan 1991”, as amended by the maps (or if any sheets of maps are specified, by the specified sheets of the maps) marked as follows:-

Holroyd Local Environmental Plan 1991 (Amendment No. 1)
 Holroyd Local Environmental Plan 1991 (Amendment No. 2)
 Holroyd Local Environmental Plan 1991 (Amendment No. 3)
 Holroyd Local Environmental Plan 1991 (Amendment No. 4)
 Holroyd Local Environmental Plan 1991 (Amendment No. 5)
 Holroyd Local Environmental Plan 1991 (Amendment No. 6)
 Holroyd Local Environmental Plan 1991 (Amendment No. 7)
 Holroyd Local Environmental Plan 1991 (Amendment No. 8)
 Holroyd Local Environmental Plan 1991 (Amendment No. 9)
 Holroyd Local Environmental Plan 1991 (Amendment No. 10)
 Holroyd Local Environmental Plan 1991 (Amendment No. 11)
 Holroyd Local Environmental Plan 1991 (Amendment No. 12)
 Holroyd Local Environmental Plan 1991 (Amendment No. 13)
 Holroyd Local Environmental Plan 1991 (Amendment No. 14)
 Holroyd Local Environmental Plan 1991 (Amendment No. 16)
 Holroyd Local Environmental Plan 1991 (Amendment No. 18) (Sheet 1)
 Holroyd Local Environmental Plan 1991 (Amendment No. 19)
 Holroyd Local Environmental Plan 1991 (Amendment No. 21)
 Holroyd Local Environmental Plan 1991 (Amendment No. 22)
 Holroyd Local Environmental Plan 1991 (Amendment No. 23) (Sheets 1-6)
 Holroyd Local Environmental Plan 1991 (Amendment No. 24)
 Holroyd Local Environmental Plan 1991 (Amendment No. 27)
 Holroyd Local Environmental Plan 1991 (Amendment No. 28)
 Holroyd Local Environmental Plan 1991 (Amendment No. 34)
 Holroyd Local Environmental Plan 1991 (Amendment No. 35)
 Holroyd Local Environmental Plan 1991 (Amendment No. 36)
 Holroyd Local Environmental Plan 1991 (Amendment No. 38)
 Holroyd Local Environmental Plan 1991 (Amendment No. 39) (Sheets 1-3)
 Holroyd Local Environmental Plan 1991 (Amendment No. 40)
 Holroyd Local Environmental Plan 1991 (Amendment No. 42)
 Holroyd Local Environmental Plan 1991 (Amendment No. 43) – Zoning Alteration
 Holroyd Local Environmental Plan 1991 (Amendment No. 48)
 Holroyd Local Environmental Plan 1991 (Amendment No. 51)
 Holroyd Local Environmental Plan 1991 (Amendment No. 52)
 Holroyd Local Environmental Plan 1991 (Amendment No. 53)

- (2) The letters and symbols “W S & D” where appearing on the map mean Water Board purposes.

- (3) In this plan:

- (a) a reference to a building or place used for a purpose includes a reference to a building or place intended to be used for the purpose;

- (b) a reference to a map is a reference to a map deposited in the office of the council; and
- (c) a reference to land within a zone specified in the Table to clause 9 is a reference to land shown on the map in the manner identified in clause 8 as the means of identifying land of the zone so specified.

Adoption of Model Provisions

- 6. (1) The Environmental Planning and Assessment Model Provision 1980 (except for the definitions of “child care centre”, “general store”, “map”, “professional consulting rooms”, “residential flat building”, “rural industry” and “rural workers dwelling” in clause 4(1) and clauses 5(2), 5(3) and 5(5), 6, 8, 14-17, 19-28, 32 and 33(2)) are adopted for the purposes of this plan.
- (2) If a definition adopted by subclause (1) is expressed so as not to include a building or place (or a building or place used for a purpose) separately defined in those provisions then, for the purpose of Part 2, the definition does not include a building or place (or a building or place used for a purpose) separately defined in this clause.

Consent authority

- 7. The Council is the consent authority for the purposes of this plan.

PART 2 - GENERAL RESTRICTIONS ON DEVELOPMENT OF LAND

Zones indicated on the map

8. For the purposes of this plan, land to which this plan applies shall be within a zone specified hereunder if the land is shown on the map in the manner specified hereunder in relation to the zone:

Zone No. 2(a) (Residential “A” Zone) - coloured light scarlet

Zone No. 2(c) (Higher Density Residential Zone) - coloured light scarlet, edged red and letter “2(c)”.

Zone No. 2(d) (Residential “D” Zone) – coloured pink, edged red and lettered “2(d)”

Zone No. 3(a) (Business General Zone) - coloured light blue.

Zone No. 3(b) (Neighbourhood Business Zone) - coloured dark blue.

Zone No. 4(a) (Industrial General Zone) - coloured purple.

Zone No. 4(b) (Industrial Light Zone) - coloured purple, edged red and lettered “4(b)”.

Zone No. 4(c) (Industrial Special Zone) - coloured purple, edged red and letter “4(c)”.

Zone No. 4(d) (Industrial Extractive Zone) - coloured purple, edged red and letter “4(d)”.

Zone No. 5(a) (Special Uses Zone) - coloured yellow and lettered red.

Zone No. 5(b) (Special Uses Railways Zone) - coloured blue/purple.

Zone No. 6(a) (Public Open Space Zone) - coloured dark green.

Zone No. 6(b) (Proposed Open Space Zone) - coloured light green.

Zone No. 6(c) (Special Purposes Open Space Zone) - coloured dark green and edged red.

Zone No. 7(a) (Proposed Arterial Road Zone) - broken red band between a firm black line.

Zone No. 7(b) (Proposed Public Transport Corridor Zone) - broken red band between a firm black and a broken black line.

Zone objectives and development control table

9. (1) The objectives of a zone are set out in the Table to this clause under the heading “Objectives of zone” appearing in the matter relating to the zone.
- (2) Except as otherwise provided by this plan, in relation to land within a zone specified in the Table to this clause, the purposes (if any) for which:
- (a) development may be carried out without development consent;
 - (b) development may be carried out only with development consent; and
 - (c) development is prohibited,
- are specified under the headings “Without development consent” “Only with development consent” and “Prohibited”, respectively, appearing in the matter relating to the zone.
- (3) Except as otherwise provided by this plan, the council shall not grant consent to the carrying out of development on land to which this plan applies unless the council is of the opinion that the carrying out of the development is consistent with the objectives of the zone within which the development proposed is to be carried out.

TABLE**ZONE NO. 2(a) (RESIDENTIAL “A” ZONE)****1. Objectives of zone**

The objectives of this zone are:

- (a) to provide and maintain the amenity of a predominantly low density living area and to enable sensitive infill of medium density housing styles;
- (b) to allow people to carry out a reasonable range of activities from their homes while maintaining neighbourhood amenity;
- (c) to enable development for purposes other than residential only if it is compatible with the character of the living area and has a domestic scale and character; and
- (d) to restrict development which is of a traffic generating, offensive, hazardous, noisy, intrusive or environmentally inappropriate nature.

2. Without development consent

Nil.

3. Only with development consent

Any purpose other than a purpose included in Item 4.

4. Prohibited

Abattoirs; advertising structures; apartment buildings; boarding houses; brothels; bulk stores; car repair stations; clubs; commercial premises; doctor's surgeries; gas holders; hazardous industries; hazardous storage establishments; heliports; hotels; industries (other than home industries); institutions; junk yards; liquid fuel depots; mines; mixed use development; motels; motor showrooms; offensive industries; offensive storage establishments; places of assembly; recreation facilities; refreshment rooms; residential flat buildings (other than medium density housing); roadside stalls; sawmills; service stations; shops; stock and sale yards; taverns; telecommunications facilities; tourist facilities; transport terminals; warehouses.

ZONE No. 2(c) (HIGHER DENSITY RESIDENTIAL ZONE)

1. **Objectives of Zone**

The objectives of this zone are:

- (a) to facilitate the development of residential flat buildings;
- (b) to ensure and protect, in terms of adequate residential amenity, solar access, visual character, open space, privacy and street and road serviceability; and
- (c) to permit non-residential development within the zone where such development is compatible with the residential character of the locality.

2. **Without development consent**

Nil.

3. **Only with development consent**

Any purpose other than a purpose included in Item 4.

4. **Prohibited**

Abattoirs; advertising structures; apartment buildings; brothels; bulk stores; car repair stations; clubs; commercial premises; doctor's surgeries; gas holders; hazardous industries; hazardous storage establishments; heliports; hotels; industries (other than home industries); institutions; junk yards; liquid fuel depots; mines; mixed use development; motor showrooms; offensive industries; offensive storage establishments; places of assembly; recreation facilities; refreshment rooms; roadside stalls; sawmills; service stations; shops; stock and sale yards; taverns; telecommunications facilities; timber yards; tourist facilities; transport terminals; warehouses.

ZONE No. 2(d) (RESIDENTIAL “D” ZONE)

1. **Objectives of zone**

The objectives of this zone are:

- (a) to facilitate the development of residential flat buildings;
- (b) to ensure and protect, in terms of adequate residential amenity, solar access, visual character, open space, privacy and street and road serviceability; and
- (c) to permit non-residential development within the zone where such development is compatible with the residential character of the locality.

2. **Without development consent**

Nil.

3. **Only with development consent**

Any purpose other than a purpose included in Item 4.

4. **Prohibited**

Abattoirs; advertising structures; apartment buildings; brothels; bulk stores; car repair stations; clubs; commercial premises; doctor’s surgeries; gas holders; hazardous industries; hazardous storage establishments; heliports; hotels; industries (other than home industries); institutions; junk yards; liquid fuel depots; mines; mixed use development; motor showrooms; offensive industries; offensive storage establishments; places of assembly; recreation facilities; refreshment rooms; roadside stalls; sawmills; service stations; shops (other than those referred to in Schedule 3); stock and sale yards; taverns; telecommunications facilities; timber yards; tourist facilities; transport terminals; warehouses.

ZONE No. 3(a) (BUSINESS GENERAL ZONE)

1. Objectives of zone

The objectives of this zone are:

- (a) to provide and foster the economic well-being of existing and proposed business;
- (b) to permit non-commercial development within the zone where such development is compatible with the commercial character of the locality;
- (c) to encourage the development and expansion of business activities which will contribute to the economic growth of and employment opportunities within, the City of Holroyd;
- (d) to ensure that there is adequate provision for car parking facilities in the vicinity of commercial centres; and
- (e) to minimise conflicts between pedestrian and vehicular movement systems within commercial areas.

2. Without development consent

Nil

3. Only with development consent

Any purpose other than a purpose included in Item 4.

4. Prohibited

Apartment buildings; brothels; dual occupancies; dwellings (other than a single dwelling attached to or used in conjunction with shops or commercial premises); hazardous industries; hazardous storage establishments; industries (other than light industries); institutions; integrated housing; junk yards; liquid fuel depots; medium density housing; mines; mixed use development; offensive industries; offensive storage establishments; residential flat buildings (other than a residential flat building attached to or used in conjunction with shops or commercial premises or otherwise permitted under clause 32); road transport terminals; warehouses.

ZONE No. 3(b) (NEIGHBOURHOOD BUSINESS ZONE)

1. **Objectives of zone**

The objective of this zone is to provide for the establishment of retail, commercial and professional services for local residents in convenient locations within residential neighbourhoods so that the scale and type of development is compatible with the character and amenity of the surrounding residential areas.

2. **Without development consent**

Nil.

3. **Only with development consent**

Any purpose other than a purpose included in Item 4.

4. **Prohibited**

Abattoirs; animal establishments; apartment buildings; boarding houses; brothels; bulk stores; bus depots; car repair stations; clubs; dual occupancies; dwellings (other than a single dwelling attached to or used in conjunction with shops or commercial premises); extractive industries; gas holders or generating works; hazardous industries; hazardous storage establishments; heliports; hospitals; industries; institutions; integrated housing; junk yards; liquid fuel depots; medium density housing; mines; mixed use development; motels; motor showrooms; offensive industries; offensive storage establishments; recreation establishments; recreation facilities; residential flat buildings (other than a residential flat building attached to or used in conjunction with shops or commercial premises); restricted premises; roadside stalls; road transport terminals; sawmills; stock and sale yards; taverns; warehouses.

ZONE No. 4(a) (INDUSTRIAL GENERAL ZONE)

1. Objectives of zone

The objectives of this zone are:

- (a) to encourage the development and expansion of a wide range of industrial activities which will contribute to the economic growth of, and create employment opportunities within, the City of Holroyd;
- (b) to ensure that industrial development creates areas which are pleasant to work in, and safe and efficient in terms of transportation, land utilisation and services distribution; and
- (c) to allow commercial or retail uses only where they are associated with, ancillary to or supportive of, industrial development.

2. Without development consent

Nil.

3. Only with development consent

Any purpose other than a purpose included in Item 4.

4. Prohibited

Abattoirs; apartment buildings; boarding houses; brothels; commercial premises (other than those ordinarily incidental or subsidiary to and situated on the same land as the industry); dual occupancies; dwellings (other than a single dwelling used in conjunction with an industry and situated on the same land as the industry); educational establishments; extractive industries; hazardous industries; hazardous storage establishments; hospitals; institutions; integrated housing; medium density housing; mines; mixed use development; motels; offensive industries; offensive storage establishments; places of public worship; residential flat buildings (other than a residential flat building used in conjunction with an industry and situated on the same land as the industry); roadside stalls; self-storage units; shops (other than those referred to in Schedule 3); stock and sale yards; timber yards; tourist facilities.

ZONE No. 4(b) (INDUSTRIAL LIGHT ZONE)

1. Objectives of zone

The objectives of this zone are:

- (a) to encourage the development and expansion of a wide range of light industrial activities which will contribute to the economic growth of, and create employment opportunities within, the City of Holroyd;
- (b) to ensure that industrial development creates areas which are pleasant to work in, and safe and efficient in terms of transportation, land utilisation and services distribution; and
- (c) to allow commercial or retail uses only where they are associated with, ancillary to or supportive of, industrial development.

2. Without development consent

Nil.

3. Only with development consent

Any purpose other than a purpose included in Item 4.

4. Prohibited

Abattoirs; amusement parks; apartment buildings; boarding houses; brothels; commercial premises (other than those ordinarily incidental or subsidiary to and situated on the same land as the industry); dual occupancies; dwellings (other than a single dwelling used in conjunction with an industry and situated on the same land as the industry); educational establishments; extractive industries; hazardous industries; hazardous storage establishments; hospitals; hotels; institutions; industries referred to in Schedule 2; integrated housing; junk yards; liquid fuel depots; medium density housing; mines; mixed use development; motels; offensive industries; offensive storage establishments; residential flat buildings (other than a residential flat building used in conjunction with an industry and situated on the same land as the industry); roadside stalls; self-storage units; shops (other than those referred to in Schedule 3); stock and sale yards; timber yards; tourist facilities.

ZONE No. 4(c) (INDUSTRIAL SPECIAL ZONE)

1. Objectives of zone

The objectives of this zone are:

- (a) to encourage light industrial development, including a range of commercial and retail uses; and
- (b) to allow commercial and retail development only for:
 - (i) a use ancillary to the main use of land within the zone;
 - (ii) the display and sale of bulky goods; or
 - (iii) motor orientated activities.

2. Without development consent

Nil.

3. Only with development consent

Any purpose other than a purpose included in Item 4.

4. Prohibited

Amusement parks; apartment buildings; boarding houses; brothels; commercial premises (other than those ordinarily incidental or subsidiary to and situated on the same land as an industry); doctor's surgeries; dual occupancies; dwellings (other than a single dwelling used in conjunction with an industry and situated on the same land as the industry); education establishments; extractive industries; hazardous industries; hazardous storage establishments; hospitals; hotels; institutions; industries referred to in Schedule 2; integrated housing; junk yards; liquid fuel depots; medium density housing; mines; mixed use development; motels; offensive industries; offensive storage establishments; recreation facilities; residential flat buildings (other than a residential flat building used in conjunction with an industry and situated on the same land as the industry); roadside stalls; stock and sale yards; tourist facilities.

ZONE No. 4(d) (INDUSTRIAL EXTRACTIVE ZONE)

1. **Objectives of zone**

The objectives of this zone are:

- (a) to preserve land for extractive industrial purposes;
- (b) to permit a range of ancillary and associated industrial activities; and
- (c) to ensure the protection of the amenity of adjoining landusers.

2. **Without development consent**

Nil.

3. **Only with development consent**

Advertising structures; any industry directly associated with or dependent on extractive industries; building works; change of building use; extractive industries; roads; telecommunications facilities; utility installations (other than gas holders or generating works).

4. **Prohibited**

Any purpose other than a purpose included in Item 3.

ZONE No. 5(a) (SPECIAL USES ZONE)

1. **Objectives of zone**

The objective of this zone is to designate lands which are now developed or are intended to be developed for uses which provide a service or facility, usually of a public nature, the protection of which is considered to be in the public interest.

2. **Without development consent**

Nil.

3. **Only with development consent**

Advertising structures; building works; change of building use; drainage; recreation areas; roads; telecommunications facilities; the particular purpose indicated by scarlet lettering on the map or any purpose ordinarily incidental to the designated purpose; utility installations (other than gas holders or generating works).

4. **Prohibited**

Any purpose other than a purpose included in Item 2 or 3.

ZONE No. 5(b) (SPECIAL USES RAILWAYS ZONE)

1. **Objectives of zone**

The objectives of this zone are:

- (a) to recognise existing railway land and to enable future development for railway and associated purposes; and
- (b) to permit development for purposes permissible in adjoining zones where the land is suitable for use for those purposes in addition to or instead of railway and associated purposes.

2. **Without development consent**

Nil.

3. **Only with development consent**

Advertising structures; building works; change of building use; railway purposes; purposes permissible in adjoining zone; telecommunications facilities; utility installations.

4. **Prohibited**

Any purpose other than a purpose included in Item 3.

ZONE No. 6(a) (PUBLIC OPEN SPACE ZONE)

1. Objectives of zone

The objectives of this zone are:

- (a) to identify land which is currently used or is intended to be used for the purposes of open space or public recreation; and
- (b) to allocate sufficient open space to serve the present and future recreational needs of residents and visitors; and
- (c) to enable development associated with, ancillary to or supportive of public recreational use.

2. Without development consent

Works for the purposes of landscaping, gardening or bushfire hazard reduction.

3. Only with development consent

Advertising structures; agriculture; building works; buildings for the purposes of landscaping; caravan parks; change of building use; child care centres; children's playgrounds; community uses; drill grounds; forestry; public baths; public reserves; racecourses; recreation areas and facilities; showgrounds; sportsgrounds; telecommunications facilities; tourist facilities; utility installations; uses or buildings associated with those purposes which are under the care, control and management of the Council.

4. Prohibited

Any purpose other than a purpose included in Item 2 or 3.

ZONE No. 6(b) (PROPOSED OPEN SPACE ZONE)

1. **Objectives of zone**

The objectives of this zone are:

- (a) to reserve land which will be dedicated to the council or acquired by the council for open space or public recreational purposes; and
- (b) to prevent the development of the land within this zone for purposes that may jeopardise its future use as open space; and
- (c) to enable development associated with, ancillary to or supportive of public recreational use.

2. **Without development consent**

Works for the purposes of landscaping, gardens or bushfire hazard reduction.

3. **Only with development consent**

Advertising structures; agriculture; building works; buildings for the purposes of landscaping; caravan parks; change of building use; child care centres; children's playgrounds; drill grounds; forestry; public baths; public reserves; racecourses; recreation areas and facilities; showgrounds; telecommunications facilities; tourist facilities; utility installations; uses or buildings associated with those purposes which are under the care, control and management of the council.

4. **Prohibited**

Any purpose other than a purpose included in Item 2 or 3.

ZONE No. 6(c) (SPECIAL PURPOSES OPEN SPACE ZONE)

1. **Objectives of zone**

The objective of this zone is to designate land, whether in public or private ownership, which is or may be used for active or passive recreation or tourist purposes.

2. **Without development consent**

Works for the purposes of landscaping, gardening or bushfire hazard reduction.

3. **Only with development consent**

Advertising structures; building works; buildings for the purposes of landscaping, cemeteries; change of building use; child care centres; children's playgrounds; clubs; drainage; educational establishments; golf courses; public reserves; public baths; public buildings; recreation areas; recreation facilities; refreshment rooms; retail plant nurseries; roads; telecommunications facilities; tourist facilities; utility installations (other than generating works); use of buildings for the provision of community services (whether or not by a public authority); uses or buildings associated with these purposes which are under the care, control and management of the council.

4. **Prohibited**

Any purpose other than a purpose included in Item 2 or 3.

ZONE No. 7(a) (PROPOSED ARTERIAL ROAD ZONE)

1. **Objectives of zone**

The objective of this zone is to reserve those lands which are required for the purposes of main roads or main road widening.

2. **Without development consent**

Roads; road widening.

3. **Only with development consent**

Advertising structures; agriculture; building works; change of building use; drainage; open space; telecommunications facilities; utility installations (other than gas holders or generating works).

4. **Prohibited**

Any purpose other than a purpose included in Item 2 or 3.

ZONE No. 7(b) (PROPOSED PUBLIC TRANSPORT CORRIDOR ZONE)

1. **Objectives of zone**

The objective of this zone is to set aside land being land that a Government instrumentality intends to acquire for various transport purposes.

2. **Without development consent**

Nil.

3. **Only with development consent**

Building works; change of building use; drainage; open space; railway purposes; roads; telecommunications facilities; utility installations.

4. **Prohibited**

Any purpose other than a purpose included in Item 3.

PART 3 - SPECIAL PROVISIONS

Advertising of certain development applications

10. (1) This clause applies to the following development:
 - (a) the demolition of a heritage item or a building, work, tree or place within a heritage conservation area,
 - (b) the erection of medium density housing, a dual occupancy, integrated housing, a residential flat building, an apartment building or a mixed use development;
 - (c) the erection or use of a building for the purposes of a home industry; or
 - (d) development allowed by clause 50 (Conservation incentives).
- (2) Where a development application is made for consent to carry out any development to which this clause applies, the council shall, before determining the application, forthwith:
 - (a) give written notice of that development application to such persons as appear to it to own or occupy the land adjoining the land to which the application relates and, where practicable, to such persons as appear to it to own or occupy land the use and enjoyment of which, in the opinion of the council, may be detrimentally affected if that development is carried out; and
 - (b) cause notice to be exhibited on the land to which that development application relates; and
 - (c) cause notice of that development application to be published in a newspaper circulating in the locality.
- (3) Each notice referred to in subclause (2) shall contain a statement to the effect that the development application referred to in the notice and the documents accompanying the application and in the custody of the council may be inspected at the office of the council, at any time during normal office hours, within a specified period of no less than 14 days after the notice of that development application is published in a newspaper in accordance with subclause (2)(c).
- (4) After expiry of the period allowed by subclause (3), the council shall consider the development application having regard to any submissions lodged in response to any notice referred to in subclause (2).

Community use of certain facilities

11. (1) This clause applies to all land where development for the purposes of an educational establishment may be carried out.
- (2) Notwithstanding any other provision of this plan, the council may consent to:
 - (a) the community use of the facilities and sites of an educational establishment; and
 - (b) the commercial operation of those facilities and sites; and
 - (c) the development of those facilities or sites for the purpose of community uses, whether or not the development is ancillary to the use of those facilities and sites for the purposes of an educational establishment.

Acquisition and development on land zoned 7(a)

Note. Nothing in this clause is to be construed as requiring a public authority to acquire land – see section 27 (3) of the Act.

12. (1) The owner of any vacant land within Zone No. 7(a) may, by notice in writing, require:
 - (a) the RTA - in the case of land that is included in the 5 year works program of the RTA current at the time of receipt of the notice; or
 - (b) the Corporation - in any other case, to acquire the land.
- (2) The owner of any land within the Zone No. 7(a) that is not vacant may, by notice in writing, require the RTA to acquire the land if:
 - (a) the land is included in the 5 year works program of the RTA current at the time of the receipt of the notice; or
 - (b) the RTA has decided not to give concurrence to an application for consent to the carrying out of development on the land; or
 - (c) the RTA is of the opinion that the owner of the land will suffer hardship if the land is not acquired within a reasonable time.
- (3) One receipt of a notice under this clause, the RTA or the Corporation, as the case may be, must acquire the land unless the land might reasonably be required to be dedicated for public roads.
- (4) A person may, with the consent of the council, carry out a development on land within Zone No 7 (a):
 - (a) for a purpose for which development may be carried out on land in an adjoining zone; or

- (b) for any purpose that is compatible with development that may be carried out on land in an adjoining zone.
- (5) *Omitted*
- (6) Land acquired under this clause may be developed, with the consent of the Council, for any purpose, until such time as it is required for the purpose for which it was acquired.
- (7) In this clause:

“**the Corporation**”, means the Corporation constituted by section 8(1) of the Act;

“**the RTA**” means the Roads and Traffic Authority constituted under the Transport Administration Act 1988;

“**vacant land**” means land on which, immediately before the day on which a notice under subclause (1) is given, there were no buildings other than fences or the following buildings, namely, greenhouses, conservatories, garages, summer houses, private boat houses, fuel sheds, tool houses, cycle sheds, aviaries, milking bails, hay sheds, stables, fowl houses, pig sties, barns or the like.

Acquisition and development of land zone 6(b)

- 13. (1) If it appears to the council that the purpose for which land within Zone No. 6(b) is reserved cannot be carried into effect within a reasonable time after the appointed day, the owner of the land may, with the consent of the council, carry out development on the land for any other purpose.
- (2) The owner of any land within Zone No. 6(b) may, by notice in writing, require the council to acquire that land.
- (3) Subject to subclause (4), upon receipt of such a notice, the Council shall acquire the land.
- (4) Nothing in this plan shall require the council to acquire any land within Zone No. 6(b):
 - (a) where the land may be required to be provided as a condition of consent to the carrying out of development on land in the vicinity and in the same ownership; or
 - (b) if, in the opinion of the council, the need for the open space has not yet been created by residential development within the vicinity.

Development of Land zoned 3(f)

- 14. *Omitted*

Acquisition and development of land reserved for public transport corridor

Note. Nothing in this clause is to be construed as requiring a public authority to acquire land – see section 27 (3) of the Act.

15. (1) The owner of any land within Zone No. 7(b) may, by notice in writing, require the Corporation to acquire the land.
- (2) On receipt of such a notice, the Corporation must acquire the land if:
 - (a) the land is included in a current priority program for acquisition determined by the Corporation; or
 - (b) the Corporation has decided not to give concurrence to an application for consent to the carrying out of development on the land; or
 - (c) the Corporation is of the opinion that the owner of the land will suffer hardship if the land is not acquired within a reasonable time, but the Corporation is not required to acquire the land if it might be reasonably be required to be dedicated as a condition of consent to a development application.
- (3) A person may, with the consent of the council, carry out development on land within Zone No. 7(b), not being land that is included in a priority programme referred to in subclause (2)(a):
 - (a) for a purpose for which development may be carried out on land in an adjoining zone;
 - (b) for any purpose which is compatible with development which may be carried out on land in an adjoining zone; or
 - (c) for any purpose of a temporary nature.
- (4) In deciding whether to grant consent to proposed development under this clause, the council must take the following matters into consideration:
 - (a) the need to carry out development on the land for the purpose for which the land is reserved;
 - (b) the imminence of acquisition;
 - (c) the likely additional cost of acquisition resulting from the carrying out of the proposed development.
- (5) Land acquired under this clause may be developed, with the consent of the council, for any purpose, until such time as it is required for the purpose for which it was acquired.

Development along public transport corridors

16. Notwithstanding any other provision of this plan:

- (a) a person shall not carry out development on land within a public transport corridor; and
- (b) the council shall not consent to the carrying out of development on land within, or in the immediate vicinity of, a public transport corridor, otherwise than in accordance with the provisions of Sydney Regional Environmental Plan No. 18 - Public Transport Corridors.

Uncoloured Land

- 17. (1) No development shall be carried out, without the consent of the council, on any land to which this plan applies shown uncoloured on the map.
- (2) Before determining an application made to it pursuant to subclause (1), the council shall take into consideration the development standards and objectives applying to adjoining lands which are shown coloured on the map.

Preservation of trees

- 18. (1) If it appears to the council that it is expedient for the purpose of securing amenity or of preserving existing amenity, it may, for that purpose and by resolution, make an order (a "tree preservation order") and may, by resolution, rescind or vary any such order.
- (2) A tree preservation order may prohibit the ringbarking, cutting down, topping, lopping, removing, injuring or wilful destruction of any tree or trees specified in the order except with the consent of the council and any such consent may be given subject to such conditions as the council thinks fit.
- (3) A tree preservation order may relate to any tree or trees or to any specified class, type or description of trees on land described particularly or generally by reference to the City of Holroyd or any divisions of that City.
- (4) The council shall forthwith upon the making of a tree preservation order cause notice of the making of the order to be published in the Gazette and in a newspaper circulating in the area in which the land described in the order is situated.
- (5) A person must not contravene or cause or permit a contravention of a tree preservation order.
- (6) A person does not contravene or cause or permit a contravention of a tree preservation order if the person establishes that the tree ringbarked, cut down, topped, lopped, removed, injured or wilfully destroyed was dying or dead or had become dangerous.
- (7) The power conferred on the council in pursuance of this clause shall not apply to trees in a State forest or on land reserved as a timber reserve within the meaning of the Forestry Act, 1916.

- (8) A tree preservation order made and in force in respect of the land to which this plan applies, immediately before the appointed day, shall be deemed to be a tree preservation order made in pursuance of this clause.

Suspension of certain laws, etc.

19. (1) For the purpose of enabling development to be carried out in accordance with this plan (as in force at the time the development is carried out) or in accordance with a consent granted under the Act, any agreement, covenant or instrument imposing restrictions as to the erection or use of buildings for certain purposes or as to the use of land for certain purposes, to the extent necessary to serve that purpose, shall not apply to any such development.
- (2) Pursuant to section 28 of the Act, before the making of this plan, the Governor approved of sub-clause (1).

20 - 24 Repealed

Subdivision of land generally

25. A person shall not subdivide land to which this plan applies except with the consent of the council.

Subdivision in Zone No. 6(b)

26. (1) The council shall not consent to the subdivision of land within Zone No. 6(b) unless the land within that zone is included in the plan as a separate allotment.
- (2) Notwithstanding subclause (1), the council may, where the topography of the land to be subdivided makes it necessary, consent to a subdivision in which the boundaries of the separate allotment required by that subclause do not correspond precisely with the boundaries of the land within Zone No. 6(b) as shown on the map, where the council considers that the departure from those boundaries is minor.

Demolition within Zones Nos 4 (d), 5(a), 5(b), 6(a), 6 (b), 6 (c), 7 (a) and 7(b)

- 26A. (1) A person must not demolish and structure (including a building) on land within Zone No 4 (d), 5(a), 5(b), 6(a), 6 (b), 6 (c), 7 (a) and 7(b) except with the consent of the council.
- (2) In this clause, *demolish* means to completely or partially dismantle or remove a building or other structure, by pre-planned and controlled means or procedures.

Use of open space

27. The council shall not consent to the carrying out of development on land within Zone No. 6(a), 6(b) or 6(c), being land owned or controlled by the council, unless it has considered:
- (a) the need for the proposed development on that land;
 - (b) the impact of the proposed development on the existing or likely future use of the land; and
 - (c) the need to retain the land for its existing or likely future use.

Roads, drainage, recreation areas, parking, etc.

28. (1) Nothing in this plan shall restrict or prohibit, or require the council to obtain its own consent for, the carrying out of development by the council on land within any zone for the purposes of roads, stormwater drainage, recreation areas, landscaping, gardening, public amenities, parking or cycleways.
- (2) A person other than the council may, with the consent of the council, carry out development on land within any zone for the purposes referred to in subclause (1), but in the case of parking only if the parking is associated with a purpose permitted in the zone.

Retail of bulky goods

29. (1) This clause applies to land within Zone 4(c)
- (2) In this clause, “bulky goods” means large goods which, in the opinion of the council, by reason of their shape and size require:
- (a) a large area for handling, storage and display; and
 - (b) easy and direct vehicular access for the unloading and loading of delivery and customer vehicles.
- (3) Subject to subclause (4), nothing in this plan shall prevent a person with the consent of the council from carrying out on land to which this clause applies of development for the purposes of the retail sale of bulky goods from a building or site on which those goods are stored, manufactured, displayed or processed.
- (4) The council shall not consent to an application for a consent referred to in subclause (3) unless it is satisfied that:
- (a) suitable land for the development is unavailable in any nearby business centre; and
 - (b) the proposed development will not affect:
 - (i) the existing and future development within the zone in which the development is carried out; and

- (ii) the range of services offered by existing retail outlets located within the nearby business centre.

Medium density housing in Zone No. 2(a)

30. The council shall not grant consent to development for the purposes of medium density housing on land within Zone No. 2(a) unless it is satisfied that:
- (a) the development will not unreasonably deprive adjoining buildings of sunlight or privacy;
 - (b) the development will generally be compatible with its setting, having regard to the nature and use of adjoining buildings and to the streetscape;
 - (c) the design of the development will be compatible with the existing character of the neighbourhood; and
 - (d) the development will make a necessary contribution to the supply of housing in the City of Holroyd.

Exhibition Homes

31. A dwelling-house within Zone No. 2(a) or 2(c) may, with the consent of the council, be used as an exhibition home.

Development for the purpose of residential flat buildings on certain land within Zone No. 3(a)

32. The Council may consent to the carrying out of development for the purpose of a residential flat building, whether or not the building also contains a commercial component, on land within Zone No. 3(a) directly adjoining and contiguous with Guildford, Pendle Hill, Wentworthville and Toongabbie railway stations.

Land fronting Greystanes Road

33. (1) This clause applies to land within Zone No. 4(d) having a frontage to Greystanes Road.
- (2) The council shall not consent:
- (a) to the erection on land to which this clause applies of a building any part of which will be closer than 30 metres to Greystanes Road; or
 - (b) to the use of any such land for the purposes of an extractive industry or mine within 80 metres from the western alignment of Greystanes Road.

Development of land known as 377-383 Great Western Highway, Wentworthville

- 33A. (1) This clause applies to land, being Lot 5, D.P. 8257, Lots C & D, DP 322405 and Lot 15, D.P. 800551, known as 377-383 Great Western Highway,

Wentworthville, as shown edged heavy black on the map marked “Holroyd Local Environmental Plan 1991 (Amendment No. 17)”.

- (2) Subject to subclause (3), nothing in this plan prevents a person, with the consent of the council, from carrying out development on the land to which this clause applies for the purpose of a motel.
- (3) The Council shall not grant consent to development referred to in subclause (2) after the expiration of 2 years from the day on which Holroyd Local Environmental Plan 1991 (Amendment No. 17) took effect or such later date as the Minister may, before expiration of that date, notify by order published in the Gazette.
- (4) Nothing in subclause (3) shall prevent the Council from granting consent to the carrying out of alterations or extensions to or the rebuilding of a building or place being used for the purpose of a motel for which consent has been granted in accordance with this clause.

Land marked “No Development”

34. Notwithstanding any other provisions of this plan, a person shall not, on land marked “No Development” on the map, erect or use a building or carry out or use a work for any purpose other than for landscaping, drainage or installation of utility services.

Classification or reclassification of public land as operational land

- 34.A (1) The public land described in Schedule 5 is classified, or reclassified, as operational land for the purpose of the Local Government Act, 1993.
- (2) In accordance with section 30 of the *Local Government Act 1993*, a parcel of land described in Part 2 of Schedule 5, to the extent (if any) that it is a public reserve, ceases to be a public reserve on the commencement of the relevant amending plan and, by the operation of that plan, is discharged from any trusts, estates, interests, dedications, conditions, restrictions and covenants affecting the land or any part of the land except for:
 - (a) any reservations that except land out of a Crown grant relating to the land, and
 - (b) reservations of minerals (within the meaning of the *Crown Lands Act 1989*)
- (3) Before the relevant amending plan that inserted the description of a parcel of land into Part 2 of Schedule 5 was made, the Governor approved of subclauses (2) and (4) applying to the land.
- (4) In this Clause, *the relevant amending plan*, in relation to a parcel of land described in Part 2 of Schedule 5, is the local environmental plan cited at the end of the description of the parcel.

- (5) Land described in Part 1 of Schedule 5 is not affected by the amendments made by the *Local Government (Community Land Management) Act 1998* to section 30 of the *Local Government Act 1993*.

Development of land at 74 Sherwood Road, Merrylands

34.B (1) This clause applies to the land shown edged heavy black on the map marked “Holroyd Local Environmental Plan 1991 (Amendment No. 16)”, being the land known as Lot 7, D.P. 732058, 74 Sherwood Road, Merrylands.

(2) A person shall not, on the land to which this clause applies:

- (a) disturb or excavate any land for any purpose;
- (b) carry out any land filling;
- (c) clear trees or other vegetation from the land;
- (d) carry out any work; or
- (e) alter the landscape or carry out any landscaping,

except with the consent of the Council. The purpose of this subclause is to ensure that an assessment is made of natural drainage systems, geotechnical conditions and the sustainability of existing vegetation.

(3) The Council shall not grant consent to the carrying out of development on the land to which this clause applies unless it is satisfied that:

- (a) the height, scale, bulk and massing of any proposed buildings are of a scale, character and diversity appropriate to the locality and the characteristics of the site; and
- (b) the siting of development will be such that areas or items of significant vegetation and natural or built heritage are conserved.

Development standards - floor space ratios

35. (1) This clause imposes development standards in the form of floor space ratios for certain development within Zone No. 2(a), 2(c), 3(a), 3(b) and 3(f).

(2) *Omitted*

(3) *Omitted*

(4) *Omitted*

(5) A building shall not be erected on land within Zone No. 3(a) where the building will have a floor space ratio in excess of 2:1.

(6) A building shall not be erected on land within Zone No. 3(b) or 3(f) where the building will have a floor space ratio in excess of 1:1.

- (7) A building shall not be erected or used for non-residential purposes within Zone No. 2(a) or 2(c) where the building would have a floor space ratio in excess of 0.5:1.
- (8) A building shall not be erected on land within Zone No. 2(d) where the building will have a floor space ratio in excess of 1.5:1.

Development near zone boundaries

35A. Development that (in the absence of this clause) would be prohibited in a zone may be carried out with development consent within 25 metres of the boundary between that zone and another zone if it is permitted in the other zone either with or without development consent.

Development for certain additional purposes

- 36. (1) Nothing in this plan prevents a person, with the consent of the council, from carrying out development, on land referred to in Schedule 4, for a purpose specified in relation to that land in that Schedule, subject to such conditions, if any, as are so specified.
- (2) Sub-clause (1) does not affect the application, to or in respect of development to which that subclause applies, of such of the provisions of this plan as are not inconsistent with that subclause or with a consent granted by the council in respect of the development.

Development within the Neil Street Precinct

- 37. (1) The consent authority must not consent to the carrying out of any development within the Neil Street Precinct unless it is satisfied that the proposed development is consistent with such of the following objectives for the redevelopment of the Precinct as are relevant to the development:
 - a. provision of drainage for stormwater and the provision of overland flow paths to manage existing flooding constraints within the Precinct,
 - b. the provision of residential development that is adjacent to the Merrylands Transport Interchange and supports revitalisation of the Merrylands Town Centre,
 - c. the provision of road links that provide for the following:
 - (i) improved circulation of vehicular and pedestrian traffic throughout the precinct and Merrylands Town Centre,
 - (ii) direct and efficient vehicular access and pedestrian connectivity that provide a high level of amenity and links to Holroyd Gardens, Merrylands Town Centre and Merrylands Transport Interchange,
 - (iii) an integrated cycleway network from the railway station to Parramatta, and
 - (iv) an overland flow path for stormwater to provide an opportunity to reduce flood levels in the Precinct,
 - d. in the case of development comprising the erection of a building—that consideration has been given, in the design of the development, to the principles referred to in Part 2 of *State Environmental Planning Policy No*

- 65–Design Quality of Residential Flat Development (SEPP 65)*, whether or not the development is development to which SEPP 65 applies,
- e. the provision of the following (other than in the vegetated riparian zone referred to in paragraph (k)):
 - (i) an integrated cycleway network from the Merrylands Transport Interchange to Parramatta,
 - (ii) the extension of regional cycle and pedestrian networks connecting Parramatta and Merrylands Town Centres,
 - f. the provision of a variety of dwelling sizes within apartment buildings to encourage community diversity,
 - g. that any proposed development responds to the following:
 - (i) site opportunities and constraints,
 - (ii) the need for high quality public spaces,
 - h. that proposed development does not:
 - (i) detract from potential future economic development within the Precinct or of land adjoining the Precinct, or
 - (ii) hinder the attainment of a mixed residential and commercial Precinct,
 - i. the redevelopment of the Precinct in a way that promotes the principles of ecologically sustainable development,
 - j. that redevelopment downstream of Neil Street Bridge supports the achievement of the following:
 - (i) a creek system that behaves as, and has the appearance of, a natural creek system,
 - (ii) the carrying of dry weather flows by the creek.
 - k. that the land on either side of A’Becketts Creek is to comprise a vegetated riparian zone, having a width, as measured from one side of the Creek to the other, of at least 19 metres, with the vegetation replicating, as far as is possible, the density, species diversity and community structure of locally indigenous vegetation alongside the Creek.
- (2) The consent authority must not consent to the carrying out of any development within the Precinct, unless a contributions plan has been approved for the Precinct under section 94B of the Act.
 - (3) Despite subclause (2), nothing in this plan prevents the consent authority from consenting to the carrying out of the following kinds of development within the Precinct:
 - a. complying development,
 - b. demolition,
 - c. development for the purpose of any of the following if the consent authority is of the opinion that the development is necessary to enable, or appropriate to, the facilitation of the redevelopment of the Precinct in accordance with this plan:
 - (i) roads,
 - (ii) stormwater drainage,
 - (iii) recreation areas,
 - (iv) landscaping,
 - (v) gardening,
 - (vi) public art,
 - (vii) public amenities,
 - (viii) parking,
 - (ix) footpaths or cycleways

- (4) The consent authority must not consent to the erection of a building or the carrying out of works within the Precinct if the consent authority is of the opinion that the erection of the building or the carrying out of those works would increase the impact of flooding on people or property (or both) within, or in the vicinity of, the Precinct.
- (5) The consent authority must not consent to the erection of a building within the Precinct unless it is satisfied that the building will not cause any significant overshadowing of:
 - a. public open spaces, or
 - b. any part of a building that is intended (or has been designed to be converted) for residential use.
- (6) Clause 35 (Development standards–floor space ratios) does not apply to land within the Precinct.
- (7) The maximum number of storeys for buildings, excluding any basement used for car parking, laundries or storerooms, within the Precinct is identified on the height map – Neil Street Precinct.
- (8) In this clause:

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).

ground level (existing) means the existing level of a site at any point.

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.

Development within the Merrylands Town Centre

- 37A (1) The objectives for the redevelopment of the Merrylands Town Centre (the **Town Centre**) are as follows:
- (a) the provision of an active town centre where walking is encouraged by requiring future development to activate the street with quality design and provide for at grade pedestrian connectivity,
 - (b) the promotion of public transport use and cycling, and the reduction of reliance on private car travel,
 - (c) the provision of clear and direct pedestrian linkages within the Town Centre and to the Merrylands Transport Interchange, the Neil Street Precinct, the neighbouring residential areas, and Holroyd Gardens,
 - (d) the maintenance and enhancement of a primary north-south pedestrian corridor, from Memorial Avenue through to Neil Street,
 - (e) the facilitation of mixed use development (in addition to retail, commercial and other permitted development) within the Town Centre that comprises
 - (i) retail and commercial uses at grade, and
 - (ii) residential or commercial development (or both) above that development,
 - (f) the improvement of traffic flow through the Town Centre by:
 - (i) restricting the egress and ingress of vehicular traffic onto Merrylands Road from private properties (including from private parking places or areas), and

- (ii) requiring the provision of laneways and rear private access ways for sites fronting Merrylands Road,
 - (g) the provision of a variety of dwelling sizes within the residential component of buildings to encourage community diversity,
 - (h) that any proposed development responds to:
 - (i) site opportunities and constraints, and
 - (ii) the need for high quality public spaces,
 - (i) any proposed building in the Town Centre, regardless of its use, being of a quality design, such that the design:
 - (i) responds and contributes to its context, being the key natural and built features of the area, and
 - (ii) provides an appropriate scale in terms of the bulk and height that suits the scale of the street and the surrounding buildings, and
 - (iii) achieves an appropriate built form for the site and the building's purpose, in terms of building alignments, proportions, building type and the manipulation of building elements, and
 - (iv) has a density appropriate for the site and its context, in terms of floor space yields (or numbers of units or residents), and
 - (v) makes efficient use of natural resources, energy and water throughout the building's full life cycle, including construction, and
 - (vi) recognises that together landscape and buildings operate an integrated and sustainable system, resulting in greater aesthetic quality and amenity for both occupants and the adjoining public domain, and
 - (vii) provides amenity through the physical, spatial and environmental quality of the development, and
 - (viii) optimises safety and security, both internal to the development and for the public domain, and
 - (ix) responds to the social context and needs of the local community in terms of lifestyles, affordability, and access to social facilities, and
 - (x) provides quality aesthetics that:
 - (A) require an appropriate composition of building elements, textures, materials and colours, and
 - (B) reflect the use, internal design and structure of the development,
 - (j) that the proposed development does not:
 - (i) detract from the potential future economic development within the Town Centre or of land adjoining the Town Centre, or
 - (ii) hinder the attainment of mixed use development in the Town Centre,
 - (k) the redevelopment of the Town Centre is undertaken in a way that promotes the principles of ecologically sustainable development,
 - (l) the proposed development will maintain the concentration of civic and public uses within the Town Centre,
 - (m) the proposed redevelopment of the Town Centre provides opportunities for and attract the clustering of commercial offices and professional suites close to the train station.
- (2) The consent authority must not consent to the carrying out of any development within the Town Centre unless it has considered each of the objectives for the

- redevelopment of the Town Centre (as set out in subclause(1)) that are relevant to the development.
- (3) Clause 35 (Development standards –floor space ratios) does not apply to land within the Town Centre.
 - (4) Clause 35A (Development near zone boundaries) does not apply to land within the Town Centre.
 - (5) The consent authority must not consent to the erection of a building within the Town Centre unless it is satisfied that the building will not cause significant overshadowing, such that:
 - (a) shopfronts (existing or potential) on the southern sides of Merrylands Road or McFarlane Street receive at least two hours of direct sunlight between 12pm and 3pm on 21 June (as measured up to a height of 1.5m), and
 - (b) the north facing sides, above the third storey, of buildings (existing or potential) receive at least three hours of direct sunlight between 9am and 5pm on 21 June.
 - (6) The height of a building or structure on any land within the Town Centre is not to exceed the maximum height shown for the land on the height map - Merrylands Town Centre.
 - (7) A building must not be erected in land within the Town Centre if the building will have a floor space ratio in excess of that identified for the land on the floor space ration map – Merrylands Town Centre.

Brothels

38. Despite the other provisions of this plan, the Council may grant consent to the carrying out of development for the purpose of a brothel on land shown edged heavy black on the map marked “Holroyd Local Environmental Plan 1991 (Amendment No. 20)”.

Pole signs

39. (1) This clause applies to land within Zone No. 6 (a) that directly adjoins the M4 Motorway.
- (2) That council may consent to the erection and display of a pole sign on land to which this clause applies only if:
 - (a) the display panels of the sign face towards the M4 Motorway, and
 - (b) where the council has prepared a plan of management for community land under Division 2 of Part 2 of Chapter 6 of the Local Government Act 1993 that relates to the land on which the sign is to be erected, the plan of management permits a pole sign to be erected or displayed on that land.
- (3) Despite subclause (2), carrying out the following development on land to which this clause applies is prohibited:
 - (a) the erection of a pole sign that includes an animated, rotating or mechanical sign that contains moving displays or variable messages, or
 - (b) the display of a highly reflective or illuminated advertisement that is of such an intensity as to significantly impair a driver’s vision or is reasonably likely to distract a driver’s attention.

What is exempt and complying development?

40. (1) Development of minimal environmental impact listed as exempt development in Part 1 of *Holroyd DCP 2007* is **exempt development**, despite any other provisions of this plan.
- (2) Development listed as complying development in Part 1 of *Holroyd DCP 2007* is **complying development** if:
- (a) it is local development of a kind that can be carried out with consent on the land on which it is proposed, and
- (b) it is not an existing use, as defined in section 106 of the Act.
- (3) Development is exempt or complying development only if it complies with the development standards development standards and other requirements applied to the development by Part 1 of *Holroyd DCP 2007*.
- (3A) Part 1 of *Holroyd DCP 2007* does not prevent development that is of minimal environmental impact being carried out on the site of a heritage item as exempt development except where consent is required by clause 44.
- (4) A complying development certificate issued for any complying development is to be subject to the conditions for development specified in Part 1 of *Holroyd DCP 2007* adopted by the council, as in force when the certificate is issued.
- (5) In this clause, *Holroyd DCP 2007* means *Holroyd Development Control Plan 2007* adopted by the Council on 4 September 2007 and, in subclause (4), includes *Holroyd Development Control Plan (DCP) No 32–Guidelines for Exempt and Complying Development* adopted by the council on 7 September 1999, but only in relation to matters arising before 4 September 2007.

Development on land identified on Acid Sulfate Soils Planning Map

41. (1) **Consent usually required**

A person must not, without consent of the Council, carry out works described in the following table on land of the class specified for those works, except as provided by subclause (3).

Class of land as shown on Acid Sulfate Soils Planning Maps	Works
4	Works beyond 2 metres below natural ground surface Works by which the watertable is likely to be lowered beyond 2m below natural ground surface
5	Works within 500m of adjacent Class 4 land which are likely to lower the watertable below 1 metre AHD on adjacent Class 4 land

- (2) For the purposes of the table to subclause (1), **works** includes:
- (a) any disturbance of more than one (1) tonne of soil (such as occurs in carrying out the construction or maintenance of drains, the construction of artificial waterbodies including detention basins) or foundations, or flood mitigation works), or
 - (b) any other works that are likely to lower the watertable.
- (3) **Exception following preliminary assessment**

This clause does not require consent for the carrying out of those works if:

- (a) a copy of a preliminary assessment of the proposed works undertaken in accordance with the *Acid Sulfate Soils Assessment and Management Guidelines* has been given to the council, and
- (b) the council has provided written advice to the person proposing to carry out works confirming that results of the preliminary assessment indicate the proposed works need not be carried out pursuant to an acid sulfate soils management plan prepared in accordance with the *Acid Sulfate Soils Assessment and Management Guidelines*.

(4) **Considerations for consent authority**

The council must not grant a consent required by this clause unless it has considered:

- (a) the adequacy of an acid sulfate soils management plan prepared for the proposed development in accordance with the *Acid Sulfate Soils Assessment and Management Guidelines*, and
- (b) the likelihood of the proposed development resulting in the discharge of acid water, and
- (c) *Omitted*

(5) **Public authorities not excepted**

This clause requires consent for development to be carried out by councils, county councils or drainage unions despite:

- (a) clause 35 and items 2 and 11 of Schedule 1 of the *Environmental Planning and Assessment Model Provisions 1980*, as adopted by this plan and
- (b) clause 10 of *State Environmental Planning Policy No 4 – Development Without Consent*.

Remediation of land

42. (1) This clause applies to the following land:

- (a) Lots 22–25, DP 3642 and known as 2–6 Peel Street, Holroyd, as shown edged heavy black on the map marked “Holroyd Local Environmental Plan 1991 (Amendment No 38)”,
 - (b) The Neil Street Precinct.
 - (c) Lot 1, DP 789290 and known as 139 Burnett Street, Merrylands, as shown edged heavy black on the map marked “Holroyd Local Environmental Plan 1991 (Amendment No 48)”.
- (2) The consent authority must not consent to the carrying out of development on any land to which this clause applies unless it has considered whether the land is contaminated and, if it is of the opinion that the land is contaminated, it is satisfied that:
- (a) the land is suitable in its contaminated state for the purpose for which the development is proposed to be carried out, or
 - (b) the land will be suitable after remediation for the purpose for which the development is proposed to be carried out and that the land will be remediated before the land is used for that purpose.
- (3) The consent authority may refuse to consent to the carrying out of development on any land to which this clause applies unless it has been provided with, and has considered, a report setting out the findings of a detailed investigation in relation to the land if the consent authority is of the opinion that the findings of a preliminary investigation in relation to the land warrant the carrying out of such a detailed investigation.
- (4) In this clause:
- detailed investigation*** means a detailed investigation referred to in the contaminated land planning guidelines (within the meaning of Part 7A of the Act).
- preliminary investigation*** means a preliminary investigation referred to in the contaminated land planning guidelines (within the meaning of Part 7A of the Act).

PART 4 - HERITAGE CONSERVATION

Heritage objectives

43. The objectives of this plan in relation to heritage are:
- (a) to conserve the environmental heritage of the City of Holroyd local government area, and
 - (b) to conserve existing significant fabric, relics, settings and views associated with the heritage significance of heritage items and heritage conservation areas, and
 - (c) to ensure that any development does not adversely affect the heritage significance of heritage items and heritage conservation areas and their settings, and
 - (d) to ensure that archaeological sites and places of Aboriginal heritage significance are conserved, and
 - (e) to allow for the protection of places that have the potential to have heritage significance but are not identified as heritage items, and
 - (f) to ensure that the heritage conservation areas throughout the City of Holroyd local government area retain their heritage significance, and
 - (g) to require, when considered necessary, the consideration of a heritage impact statement or a conservation management plan before consent is granted for development relating to a heritage item or heritage conservation area.

Protection of heritage items, heritage conservation areas and relics

44. (1) **When is consent required?**

The following development may be carried out only with development consent:

- (a) demolishing or moving a heritage item or a building, work, relic, tree or place within a heritage conservation area,
- (b) altering a heritage item or a building, work, relic, tree or place within a heritage conservation area by making structural or non-structural changes to its exterior, such as to its detail, fabric, finish or appearance,
- (c) altering a heritage item by making structural changes to its interior,
- (d) disturbing or excavating a place of Aboriginal heritage significance or an archaeological site while knowing, or having reasonable cause to suspect, that the disturbance or excavation will or is likely to result in a relic being discovered, exposed, moved, damaged or destroyed,
- (e) moving the whole or a part of a heritage item,

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

(2) **What exceptions are there?**

Development consent is not required by this clause if:

- (a) the consent authority is of the opinion that the proposed development is of a minor nature or consists of maintenance of the heritage item or of a building, work, archaeological site, tree or place within a heritage conservation area, and
- (b) the consent authority is of the opinion that the proposed development would not adversely affect the significance of the heritage item or heritage conservation area, and
- (c) the proponent has notified the consent authority in writing 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 will comply with this subclause and that development consent is not otherwise required by this plan.

(3) Development consent is not required by this clause for the following development in a cemetery or burial ground if there will be no disturbance to human remains, to relics in the form of grave goods or to a place of Aboriginal heritage significance:

- (a) the creation of a new grave or monument,
- (b) an excavation or disturbance of land for the purpose of carrying out conservation or repair of monuments or grave markers.

(4) **What must be included in assessing a development application?**

Before granting a consent required by this clause, the consent authority must assess the extent to which the carrying out of the proposed development would affect the heritage significance of the heritage item or heritage conservation area concerned.

(5) The assessment is to include (but is not limited to) consideration of:

- (a) for development that would affect a heritage item:
 - (i) the heritage significance of the item as part of the environmental heritage of the City of Holroyd local government area, and
 - (ii) the impact that the proposed development will have on the heritage significance of the item and its setting, including any landscape or horticultural features, and
 - (iii) the measures proposed to conserve the heritage significance of the item and its setting, and

- (iv) whether any archaeological site or potential archaeological site would be adversely affected by the proposed development, and
 - (v) the extent to which the carrying out of the proposed development would affect the form of any historic subdivision, and
 - (vi) the issues raised by any submission received in relation to the proposed development in response to the notification or advertising of the application.
- (b) for development that would be carried out in a heritage conservation area:
- (i) the heritage significance of the heritage conservation area and the contribution that any building, work, relic, tree or place affected by the proposed development makes to this heritage significance, and
 - (ii) the impact that the proposed development would have on the heritage significance of the heritage conservation area, and
 - (iii) the compatibility of any proposed development with nearby original buildings and the character of the heritage conservation area, taking into account the size, form, scale, orientation, pitch of any roof, setbacks, materials and detailing the proposed development, and
 - (iv) the measures proposed to conserve the significance of the heritage conservation area and its setting, and
 - (v) whether any landscape or horticultural features would be affected by the proposed development, and
 - (vi) whether any archaeological site, potential archaeological site or place of Aboriginal heritage significance would be affected by the proposed development, and
 - (vii) the extent to which the carrying out of the proposed development in accordance with the consent would affect any historic subdivision pattern, and
 - (viii) the issues raised by any submission received in relation to the proposed development in response to the notification or advertising of the application.

(6) What extra documentation is needed?

Before granting a consent required by this clause, the consent authority must consider a heritage impact statement that includes an assessment of the matters raised in subclause (5) (a) or (5) (b), as the case may require.

- (7) The consent authority may decline to grant a consent required by this clause until it has considered a conservation management plan, if it considers the development proposed should be assessed with regard to such a plan.

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

Notice of demolition to Heritage Council

45. *Omitted*

Development affecting places or sites of known or potential Aboriginal heritage significance

46. Before granting consent for development that is likely to have an impact on a place of Aboriginal heritage significance or a potential place of Aboriginal heritage significance, or that will be carried out on an archaeological site that has Aboriginal heritage significance, the consent authority must:

- (a) consider a heritage impact statement explaining how the proposed development would affect the conservation of the place or site and any relic known or reasonably likely to be located at the place or site, and
- (b) except where the proposed development is integrated development, notify the local Aboriginal communities (in such way as it thinks appropriate) of its intention to do so and take into consideration any comments received in response within 21 days after the relevant notice is sent.

Development affecting other known or potential archaeological sites

47. (1) Before granting consent for development that will be carried out on any archaeological site or potential archaeological site (whether or not it is, or has the potential to be, also the site of a relic of Aboriginal heritage significance), the consent authority must:

- (a) consider a heritage impact statement explaining how the proposed development will affect the conservation of the site and any relic known or reasonably likely to be located at the site, and
- (b) be satisfied that any necessary excavation permit required by the *Heritage Act 1977* has been granted.

(2) This clause does not apply if the proposed development:

- (a) does not involve disturbance of below-ground deposits and the consent authority is of the opinion that the heritage significance of any above-ground relics would not be adversely affected by the proposed development, or
- (b) is integrated development.

Development in the vicinity of a heritage item

48. (1) Before granting consent to development in the vicinity of a heritage item, the consent authority must assess the impact of the proposed development on the heritage item and of any heritage conservation area within which it is situated.
- (2) This clause extends to development:
- (a) that may have an impact on the setting of a heritage item (for example, by affecting a significant view to or from the item or by overshadowing), or
 - (b) that may undermine or otherwise cause physical damage to a heritage item, or
 - (c) that will otherwise have an adverse impact on the heritage significance of a heritage item or of any heritage conservation area within which it is situated.
- (3) The consent authority may refuse to grant any such consent unless it has considered a heritage impact statement that will help it assess the impact of the proposed development on the heritage significance, visual curtilage and setting of the heritage item.
- (4) The heritage impact statement should include details of the size, shape and scale of, setbacks for, and the materials to be used in, any proposed buildings or works and details of any modification that would reduce the impact of the proposed development on the heritage significance of the heritage item.

Development in heritage conservation areas

49. (1) Before granting consent for development within a heritage conservation area, the consent authority must be satisfied that the features of the proposed development will be compatible with the heritage significance of the heritage conservation area, having regard to the form of, and materials used in, buildings that contribute to the heritage significance of the heritage conservation area.
- (2) In satisfying itself about those features, the consent authority must have regard to the pitch and form of the roof (if any), the style, size, proportion and position of the openings for windows or doors (if any), the colour, texture, style, size and type of finish of the materials to be used on the exterior of the building, building setbacks, height, fencing style and any other matters that the consent authority considers relevant.
- (3) The consent authority may refuse to grant any such consent unless it has considered a heritage impact statement that will help it assess the impact of the proposed development on the heritage significance, visual curtilage and setting of buildings within the heritage conservation area.
- (4) The heritage impact statement should include details of the size, shape and scale of, setbacks for, and the materials to be used in, any proposed buildings or works and details of any modification that would reduce the impact of the proposed development on the significance of the conservation area.

Conservation incentives

50. (1) The consent authority may grant consent to the use for any purpose of a building that is a heritage item, or the land on which a heritage item is erected, even though the use would otherwise not be allowed by this plan, if:
- (a) it is satisfied that the retention of the heritage item depends on the granting of consent, and
 - (b) the proposed use is in accordance with a conservation management plan which has been endorsed by the consent authority, and
 - (c) the granting of consent to the proposed use would ensure that all necessary conservation work identified in the conservation management plan is carried out, and
 - (d) the proposed use would not adversely affect the heritage significance of the heritage item or its setting, and
 - (e) the proposed use would not adversely affect the amenity of the surrounding area otherwise than to an insignificant extent.
- (2) When considering an application for consent to erect a building on land on which there is situated a heritage item, the consent authority may:
- (a) for the purpose of determining the floor space ratio, and
 - (b) for the purpose of determining the number of car parking spaces to be provided on the site,

exclude from its calculation of the gross floor area of the buildings erected on the land part or all of the gross floor area of the heritage item, but only if the consent authority is satisfied this will facilitate the conservation of the heritage item.

Schedule 1 Heritage items

(Clause 5(1))

Note. “SHR” denotes that the property is listed on the State Heritage Register.

Item No	Address	Description	Real property description
1	Albert Street, Guildford	Footbridge over Lower Prospect Canal	Lot 2 DP 865978
2	48 Albert Street, Guildford	Victorian/Georgian cottage	Lot 6 DP 27045
3	Main Western Railway, Alexandra Avenue, Westmead	Railway Electrical Section Hut	N/A
4	10 Alfred Street, Merrylands	“Hampden”, Federation Period cottage	Lot 18 DP 976883 Sec B
5	12 Amherst Street, Guildford	Federation /Queen Anne cottage	Lot C DP 949414
6	1A Apia Street, Guildford	Guildford Public School, c 1915	Lots 69, 69A and 70 DP 5018 Sec A, Lots 1-6 DP 797894 and Lot 415 DP 820561
7	3 Arcadia Street, Merrylands	Former Council Chambers, c 1914	Lot 3-8 DP 220890
8	48 Arthur Street (cnr Arcadia Street), Merrylands West	Memorial reserve, historic memorial and canon	Lot 17 DP 2733 Sec E
9	27-33 Aurelia Street, Toongabbie	St. Enda’s Church Hall, Inter-War hall, c 1929	Lots 42-45 DP 10697 Sec C
10	15 Austral Avenue, Westmead	Inter-War bungalow	Lot 192 DP 13731
11	17 Austral Avenue, Westmead	Inter-War bungalow	Lot 191 DP 13731
12	19 Austral Avenue, Westmead	Inter-War bungalow	Lot 190 DP 13731
13	9 Banks Street, Mays Hill	“Webber”, late Victorian cottage	Lot 12 DP 934 Sec 35
14	10/11-15 Banks Street, Mays Hill	Late Victorian Georgian cottage	Lot 1 DP 1033321
15	15 Bayfield Road, Greystanes	Late Victorian/Federation cottage	Lot 33 DP 250266
16	3 Bennet Street, Wentworthville	Federation bungalow	Lot 43 DP 7330
17	67 Berwick Street, Guildford	“Kelvin”, Federation Queen Anne bungalow	Lot 7 DP 734 Sec 10
18	77 Berwick Street, Guildford	Federation bungalow	Lots 31 and 32 DP 734 Sec 5

Item No	Address	Description	Real property description
19	21 Boundary Street, Granville	"Harbourne", Victorian Georgian residence, garden setting and trees	Lot 10, DP 16645
20	45 Boundary Street, Granville	Victorian cottage	Lot 1 DP 736349
21	69 Boundary Street, Granville	Late Victorian cottage	Lot 10 DP 582471
22	71 Boundary Street, Granville	Late Victorian cottage	Lot 11 DP 582471
23	8 Bridge Road, Wentworthville	"Essington", Late Victorian/Federation residence, garden setting and trees SHR	Lot 57B, DP 357142; Lot 58 DP 33085 and Lot 1 DP 34635.
24	54 Bridge Road, Wentworthville	"Yoorooga", late Victorian cottage	Lot 1 DP 418951
25	11 Byron Road, Guildford	"Linnwood", Victorian Italianate residence, outbuildings and garden setting.	Lot 1 DP 169485 and Lot 1 DP 183017
26	1 Calliope Street, Guildford	Guildford School of Arts, community building, c 1901-1925	Lot 46 DP 9748
27	83 Cardigan Street, Guildford	Electricity substation	Lot 34 DP 734 Sec 3
28	Cornelia Road, Toongabbie	Toongabbie Railway Station	N/A
29	14 Cornelia Road, Toongabbie	CWA Hall, c 1926-1959	Pt Lot 2 DP 450060
30	58 Crimea Street, Parramatta	Federation Period cottage	Lot 14 DP 6803
31	Damien Avenue, Greystanes	Public Reserve, remnant tree stands	Lot 10 DP 216141, Lot 75 DP 218384, Lot 8 DP 212933 and Lot 183 DP 209054
32	2 Drew Street, Westmead	Late Victorian cottage	Lot 32 DP 976885
33	63 Dunmore Street, Wentworthville	Former Post Office, c 1926	Lots 8-10 DP 9296
34	190-220 Dunmore Street, Wentworthville	Bonds administrative building; storage, cutting room, former cotton bale room, former bobbin mill (Malvern Starr warehouse)	Lot 1 DP 735207
35	211-215 Dunmore Street, Pendle Hill	Former Bonds administrative building façade	Lot 65 DP 881163
36	222-266 Dunmore Street, Pendle Hill	"Dunmore", Victorian Italianate residence and garden setting	Lot 3 DP 554208

Item No	Address	Description	Real property description
37	282 Dunmore Street, Pendle Hill	“ Ashwood House”, Inter-War Georgian Revival residence	Lot 1 DP 205839 and Lot 5 DP 24728
38	62 Fowler Road, Merrylands	Merrylands Public School	Lots 299-318 DP 628
39	138 Fowler Road, Guildford	“Kia Ora”, Federation Queen Anne cottage	Lot 43 DP 9006
40	Franklin Street, Mays Hill	Mays Hill Reserve, Fort Macquarie cannon and Mays Hill Cemetery	Lot 1 DP 119247, Lot 1 DP 795277, Crown Land 318- 730 and Lot 370 DP 752058
41	14 Franklin Street, Mays Hill	Late Victorian cottage	Lot 4 DP 934 Sec 35
42	59b Franklin Street, Mays Hill	Former Headmaster’s house; Parramatta West Public School	Lot 408 DP 729082
43	6 Fullagar Road, Wentworthville	Inter-War bungalow	Lot 54 DP 10054
44	7 Fullagar Road, Wentworthville	Late Victorian cottage	Lot 239 DP 7383
45	8 Fullagar Road, Wentworthville	Inter-War bungalow	Lot 53 DP 10054
46	10 Fullagar Road, Wentworthville	Inter-War bungalow	Lot 52 DP 10054
47	12 Fullagar Road, Wentworthville	Inter-War bungalow	Lot 51 DP 10054
48	14 Fullagar Road, Wentworthville	Inter-War bungalow	Lot 50 DP 10054
49	16 Fullagar Road, Wentworthville	Inter-War bungalow	Lot 49 DP 10054
50	18 Fullagar Road, Wentworthville	Inter-War bungalow	Lot 48 DP 10054
51	20 Fullagar Road, Wentworthville	Inter-War bungalow	Lot 47 DP 10054
52	22 Fullagar Road, Wentworthville	Inter-War bungalow	Lot 46 DP 10054
53	24 Fullagar Road, Wentworthville	Inter-War bungalow	Lot 45 DP 10054
54	26 Fullagar Road, Wentworthville	Inter-War bungalow	Lot 44A DP 10054
55	30 Fullagar Road, Wentworthville	Inter-War bungalow	Lot 43 DP 10054
56	32 Fullagar Road, Wentworthville	Inter-War bungalow	Lot 42 DP 10054
57	38 Fullagar Road, Wentworthville	Inter-War bungalow	Lot 39 DP 10054
58	17 Garfield Street, Wentworthville	Federation Arts and Crafts shop building	Lot 31A DP 305323

Item No	Address	Description	Real property description
59	26 Garfield Street, Wentworthville	Masonic Temple	Lot 19 DP 7330
60	32 Garfield Street, Wentworthville	Inter-War bungalow	Lot 2 DP 565430
61	34 Garfield Street, Wentworthville	Federation Period bungalow	Lot 36 DP 7330
62	38 Garfield Street, Wentworthville	Federation Period/Queen Anne style bungalow	Lot 38 DP 7330
63	41 Garfield Street, Wentworthville	Inter-War cottage	Lot 29C DP 325228
64	42 Garfield Street, Wentworthville	"Nelyambo", Federation Period bungalow	Lot 40 DP 7330
65	45 Garfield Street, Wentworthville	Federation Period residence	Lot 101 DP 830675
66	24 Good Street, Westmead	"The Firs", Victorian Picturesque Gothic residence	Lot 1 DP 215621
67	245 Great Western Highway, South Wentworthville	"The Wattles", Victorian/Georgian residence	Lot 100 DP 878926
68	Great Western Highway, Greystanes	Milestone group, Parramatta to Greystanes	N/A
69	Great Western Highway, Prospect	Prospect Hill	N/A
70	Greystanes Road, Prospect	Boral Main Gate, formerly known as the Greystanes Gates, c 1830	Lot 51 DP 1003345
71	379 Guildford Road West, Guildford	"Hazeldene", late Victorian/ Federation Queen Anne cottage	Lot 3 DP 212724
72	486 Guildford Road West, Guildford	George McCredie Memorial Church, Federation church, c 1905	Lot 78 DP 2403
73	128 Harris Street, Guildford	"Carsons", Federation Period cottage	Lot 247 DP 628
74	43 Hassall Street, Westmead	Westmead Progress Association Hall	Lots 31 and 32 Section C DP 1409
75	41-43 Hawkesbury Road, Westmead	"Deskford", Cabrini Nursing Home, c 1876-1900	Lots 6 and 7 DP 15726
76	Hawkesbury Road, Westmead	Westmead Public School, c 1917	Lots 1 and 2 DP 850403
77	121 Hawksview Street, Guildford	Late Victorian cottage	Lot 22 DP 24620
78	17 High Street, Granville	Federation Period cottage	Lot 13 DP 976 Sec 2
79	19 High Street, Granville	Late Victorian cottage	Lot 12 DP 976 Sec 2

Item No	Address	Description	Real property description
80	24 High Street, Granville	Late Victorian cottage	Lot C DP 350858 and Lot 1 DP 400652
81	34 High Street, Parramatta	Federation Period cottage	Lot B DP 949735
82	11 Hilltop Road, Merrylands	Late Victorian Period cottage	Lot X DP 405801
83	29 Holroyd Road, Merrylands	Greek Orthodox Church	Lots 30, 31 and 32 Sec 10 DP 2020
84	43 Houison Street, Westmead	Victorian/Georgian cottage	Lot 6 DP 22224
85	2 Hyland Road, Greystanes	House and farm buildings	Lot 2 DP 232228
86	50 Jersey Road, South Wentworthville	“Rosedale”, late Victorian cottage/Cumberland Model Farms Estate	Lot 2 DP 553544
87	70 Jersey Road, South Wentworthville	Late Victorian cottage/Cumberland Model Farms Estate	Lot 2 DP 717979
88	130 Jersey Road, Merrylands	Late Victorian cottage/Cumberland Model Farms Estate	Lot 3 DP 213691
89	26 Jordan Street, Wentworthville	Federation Period cottage	Lot 91B DP 373242
90	102 Kenyons Road (also known as 74 Sherwood Road), Merrylands West	“Sherwood Scrubs”, residence and service wing, summer house, garden, setting and outbuildings	Lot 2 DP 1002887
91	42 Lane Street, Wentworthville	Federation cottage	Lot 17 DP 963 Sec 1
92	86 Lane Street, Wentworthville	Electricity substation	Lot A DP 10168
93	8 Ledger Road, Parramatta	“Carrington”, Victorian Italianate residence and grounds	Lot 1 DP 613256
94	20 Ledger Road, Merrylands	“Boori”, Victorian Italianate residence and grounds	Lot 10 DP 712035
95	20 Lichen Place, (also known as 20 The Park) Westmead	Federation residence	Lot 2 DP 523943
96	12 McKern Street, Wentworthville	St Andrew’s Presbyterian Church, Federation Carpenter Gothic Church, c 1923	Lot 17 DP 7330
97	14 Meehan Street, Granville	Federation Period cottage	Lot 1 DP 998905
98	7 Memorial Avenue, Merrylands	Merrylands Uniting Church, Inter-War church, c 1928	Lot 9B DP 321378
99	285 Merrylands Road, Merrylands	Electrical substation	Lot 501 DP 1032775

Item No	Address	Description	Real property description
100	289 Merrylands Road, Merrylands	Merrylands School of Arts, community building, c 1917-1925	Lot 1 DP 534341
101	340 Merrylands Road, Merrylands	Fire Station (Inter-War Period)	Lot 62 DP 628 Sec 41
102	Military Road, Guildford	Guildford Railway Station SHR	N/A
103	Military Road, Merrylands	Merrylands Railway Station	N/A
104	Military Road, Guildford	Viaduct carrying main pipelines	Lot 1 DP 225813
105	8 Miller Street, Merrylands	Baby health care centre, c 1947	Lot 2 DP 417659
106	30 Monash Street, Wentworthville	Federation Period cottage	Lot 64 DP 963 Sec 4
107	5 Moree Avenue, Westmead	Inter-War bungalow	Lot 135 DP 13731
108	7 Moree Avenue, Westmead	Inter-War bungalow	Lot 134 DP 13731
109	9 Moree Avenue, Westmead	“Silver Grove”, Inter-War bungalow	Lot 133 DP 13731
110	11 Moree Avenue, Westmead	“Girraween”, Inter-War bungalow	Lot 132 DP 13731
111	13 Moree Avenue, Westmead	“Maxville”, Inter-War bungalow	Lot 131 DP 13731
112	15 Moree Avenue, Westmead	Inter-War bungalow	Lot 130 DP 13731
113	19 Moree Avenue, Westmead	Inter-War bungalow	Lot 128 DP 13731
114	29 Moss Place (also known as 29 The Park), Westmead	Attached residence	Lot 1 DP 37436
115	30 Moss Place (also known as 30 The Park), Westmead	Attached residence	Lot 2 DP 37436
116	4 Myall Street, Merrylands	Federation Period cottage	Lot Y DP 102677
117	Myee Street, Merrylands	Merrylands East Primary School, c 1928	Lots 6 and 7 DP 4652
118	Nelson Road, Yennora	Yennora Railway Station	N/A
119	1 Oakes Street, Westmead	Federation Period cottage	Lot 1 DP 846379
119A	11 O’Connor Street, Guildford	Fibro and weatherboard cottage, c 1938-1946	Lots 56-58, DP 886
120	45 O’Neill Street, Guildford	“Myrnville”, late Victorian Period cottage	Lots 13 and 14 DP 875 Sec 32
121	63 O’Neill Street, Guildford	Late Victorian cottage	Lot 7B DP 350173

Item No	Address	Description	Real property description
122	284-286 Parramatta Road (also known as 284-286 Sydney Road), Granville	Vauxhall Inn, c 1938-9	Lot 1 DP 126833
123	42 Paton Street, Merrylands West	Late Victorian cottage	Lot 2 DP 816722
124	Pendle Way, Pendle Hill	Pendle Hill Railway Station	N/A
125	Pitt Street, Merrylands	St Peter's Anglican Church, c 1906- 1929	Lot 1 DP 77927 and Lot 5 DP 1011093
126	114 Pitt Street, Granville	"Pitt Cottage", late Victorian cottage	Lot A DP 377100
127	Portico Parade, Toongabbie	Portico Park	N/A
128	Portico Parade, Toongabbie (Toongabbie Railway Station)	Railway Viaduct	N/A
129	Price Street, Merrylands	Lawson Square Reserve	Lot 379 DP 628 and Lots 1 and 2 DP 250732
130	(From) Prospect to Albert Street, Guildford West	Boothtown Aqueduct (previously Greystanes Aqueduct), Aqueduct Valve House No 1, Aqueduct Valve House No 2, Culvert No 1 under Aqueduct, Culvert No 2 under Aqueduct, Lower Prospect Canal Reserve and garden	N/A
131	128-130 Railway Street, Parramatta	Stone boundary marker	Lot 100 DP 713636
132	Railway Street, Granville	Parramatta West Public School, c 1887	Lots 407 and 408 DP 729082
133	Ringrose Avenue, Greystanes	Ringrose Primary School	Lot 11 DP 832083
134	Roseberry Street (cnr Myall Street), Merrylands	Electricity substation	Lot 1 DP 609686
135	56 St Ann Street, Merrylands	Federation Period bungalow	Lot 3 DP 236496
90	74 Sherwood Road (also known as 102 Kenyons Road), Merrylands West	"Sherwood Scrubs", residence and service wing, summer house, garden, setting and outbuildings	Lot 2 DP 1002887
136	2 and 4 Station Street, Wentworthville	Inter-War Period shopfront with Federation influences	Lots G and H DP 393510
137	6 and 8 Station Street, Wentworthville	"Dobsen House", Federation/ Inter-War Period shopfront	Lots 1 and 2 DP 803586

Item No	Address	Description	Real property description
138	Steele Street (cnr Great Western Highway), Mays Hill	Boundary marker - Parramatta	Lot 1 DP 119247
122	284-286 Sydney Road (also known as 284-286 Parramatta Road) Granville	Vauxhall Inn, c 1938-9	Lot 1 DP 126833
139	156 Targo Road, Girraween	“Targo Mahal”, Federation bungalow	Lots 3113 and 3114 DP 849493
140	9 Tennyson Parade, Guildford	Late Victorian/Federation residence	Lot 13 DP 516727
141	33 Tennyson Parade (also known as 33 Woodpark Road), Guildford	Inter-War bungalow	Lot 3 DP 786707
142	20 The Esplanade, Guildford	Federation Period cottage	Lots 44 and 45 DP 3088 Sec A
143	The Kingsway, Wentworthville	Wentworthville Railway Station	N/A
144	The Kingsway, Wentworthville	Memorial Fountain	N/A
145	14 The Park (also known as 1 Thomas May Place), Westmead	“Allengreen”, Federation bungalow	Lot 4 DP 15214
146	15-17 The Park (also known as 15-17 Thomas May Place), Westmead	Inter-War (Mediterranean influences) apartment block	Lot 765 DP 884317
95	20 The Park (also known as 20 Lichen Place), Westmead	Federation residence	Lot 2 DP 523943
114	29 The Park (also known as 29 Moss Place), Westmead	Attached residence	Lot 1 DP 37436
115	30 The Park (also known as 30 Moss Place), Westmead	Attached residence	Lot 2 DP 37436
145	1 Thomas May Place (also known as 14 The Park), Westmead	“Allengreen”, Federation bungalow	Lot 4 DP 15214
146	15-17 Thomas May Place (also known as 15-17 The Park), Westmead	Inter-War (Mediterranean influences) apartment block	Lot 765 DP 884317
147	8 Tottenham Street, Granville	Federation Period cottage	Lot 28 DP 976 Sec 2
148	10 Tottenham Street, Granville	Federation Period attached cottage	Lot 2 DP 205808
149	11 Tottenham Street, Granville	Federation Period attached cottage	Lot 1 DP 205808

Item No	Address	Description	Real property description
150	12 Tottenham Street, Granville	Federation Period cottage	Lot 31 DP 976 Sec 2
151	14 Tottenham Street, Granville	"Gladstone", Federation Period cottage	Lot 33 DP 976 Sec 2
152	16 Tottenham Street, Granville	Federation Period cottage	Lots 34 and 35 DP 976 Sec 2
153	18 Tottenham Street, Granville	Federation Period cottage	Lot 37 DP 976 Sec 2
154	19 Tottenham Street, Granville	Federation Period cottage	Lot 38 DP 976 Sec 2
155	20 Tottenham Street, Granville	Federation Period cottage	Lot 401 DP 874493
156	26 Tungarra Road, Toongabbie	"Urana", late Victorian/Federation bungalow	Lot 236 DP 8768
157	16 Veron Street, Wentworthville	Inter-War bungalow	Lot 34A DP 302430
158	44 Veron Street, Wentworthville	"Dalremos", Federation/Queen Anne bungalow	Lot 26B DP 321872
159	57 Veron Street, Wentworthville	Federation/Queen Anne bungalow	Pt Lot 21 DP 7383
160	7 Villiers Street, Merrylands	Federation Period (Art Nouveau detailing) residence	Lots 35B, 36, 37 and 38 DP 2628 Sec 2
161	33 Walker Street, Merrylands	Federation Period cottage	Lot A DP 435743
162	2 Walpole Street, Holroyd	Goodlet & Smith (brickmaking plant and chimney and Hoffman kiln and chimney)	Lot 2 DP 600621
163	(From) Widemere Road, Prospect to Military Road, Guildford	Pipehead (water supply headworks complex) including rotor screen and deck area (decommissioned), canal section, former residence (now offices), travelling jib cranes, 1917 Ryde Valve House, Nos 1, 2 and 3 water supply pipelines SHR	N/A
141	33 Woodpark Road (also known as 33 Tennyson Parade), Guildford	Inter-War bungalow	Lot 3 DP 786707
164	Woodville Road (cnr Crescent Street), Granville	Railway Memorial	N/A

Schedule 1A

Heritage conservation areas

(Clause 5(1))

Area No	Name	Location	Real property description
HCA 1	Tottenham Street Conservation Area	1 Tottenham Street, Granville	Lot 21 DP 976 Sec 2
		2 Tottenham Street	Lot 5 DP 808671
		5-7 Tottenham Street	Lot 47 DP 1036672
		8 Tottenham Street	Lot 28 DP 976 Sec 2
		9 Tottenham Street	Lot 29 DP 976 Sec 2
		10 Tottenham Street	Lot 2 DP 205808
		11 Tottenham Street	Lot 1 DP 205808
		12 Tottenham Street	Lot 31 DP 976 Sec 2
		13 Tottenham Street	Lot 32 DP 976 Sec 2
		14 Tottenham Street	Lot 33 DP 976 Sec 2
		16 Tottenham Street	Lot 34 DP 976 Sec 2
		16 Tottenham Street	Lot 35 DP 976 Sect 2
		17 Tottenham Street	Lot 36 DP 976 Sec 2
		18 Tottenham Street	Lot 37 DP 976 Sec 2
		19 Tottenham Street	Lot 38 DP 976 Sec 2
		20 Tottenham Street	Lot 401 DP 874493
		13-15 Raymond Street, Granville	Lot 400 DP 874493
HCA 2	Fullagar Road Conservation Area	6 Fullagar Road, Wentworthville	Lot 54 DP 10054
		8 Fullagar Road	Lot 53 DP 10054

Area No	Name	Location	Real property description
		10 Fullagar Road	Lot 52 DP 10054
		12 Fullagar Road	Lot 51 DP 10054
		14 Fullagar Road	Lot 50 DP 10054
		16 Fullagar Road	Lot 49 DP 10054
		18 Fullagar Road	Lot 48 DP 10054
		20 Fullagar Road	Lot 47 DP 10054
		22 Fullagar Road	Lot 46 DP 10054
		24 Fullagar Road	Lot 45 DP 10054
		26 Fullagar Road	Lot 44A DP 10054
		28 Fullagar Road	Lot 106 DP 14951
		30 Fullagar Road	Lot 43 DP 10054
		32 Fullagar Road	Lot 42 DP 10054
		34 Fullagar Road	Lot 41 DP 10054
		36 Fullagar Road	Lot 40 DP 10054
		38 Fullagar Road	Lot 39 DP 10054
HCA 3	Toohey's Palm Estate Group Conservation Area	5 Moree Avenue, Westmead	Lot 135 DP 13731
		7 Moree Avenue	Lot 134 DP 13731
		9 Moree Avenue	Lot 133 DP 13731
		11 Moree Avenue	Lot 132 DP 13731
		13 Moree Avenue	Lot 131 DP 13731
		15 Moree Avenue	Lot 130 DP 13731
		17 Moree Avenue	Lot 129 DP 13731

Area No	Name	Location	Real property description
		19 Moree Avenue	Lot 128 DP 13731

Schedule 1B Known or potential archaeological sites

(Clause 5(1))

Part 1 Archaeological sites

Item No	Address	Name/Description	Real Property description
1	190-220 Dunmore Street, Pendle Hill	Bonds site	Lot 1 DP 735207
2	Franklin Street, Mays Hill	Mays Hill Cemetery	Lot 1 DP 795277
3	Great Western Highway	Boral Quarry Site	N/A
4	Hyland Road, Greystanes	Former Farm, Hyland Road Inn and former Post Office	Lot 2 DP 232228
5	Macquarie Road, Greystanes	Boothtown Aqueduct	Lot 1 DP 225808
6	Merrylands Road, Merrylands	Central Gardens	Lots 9A and 9B DP 315747, Pt Lot 8 DP 2138, Lot 1 DP 723964 and Lot 2 DP 230342
7	1-7 Neil Street, Merrylands	Millmaster Feeds site	Lot 11 DP 228782
8	Portico Parade, Toongabbie (Toongabbie Railway Station)	Railway Viaduct site	N/A

Part 2 Potential archaeological sites

(Clause 9)

SCHEDULE 2 – INDUSTRIES

Abattoirs.
Asbestos cement products manufacture.
Bag and sack (textile) manufacture.
Boiler manufacture.
Brick, tile and pipe manufacture.
Cement manufacture.
Cement products manufacture.
Electrical machinery manufacture.
Fibrous plaster manufacture.
Glass products manufacture.
Grain milling.
Hardboard manufacture.
Heavy engineering.
Hot mix (bitumen) manufacture.
Machinery manufacture (heavy).
Match manufacture.
Metal founding.
Motor body building.
Motor vehicle manufacture and assembly.
Plastics manufacture.
Ready mixed concrete manufacture.
Sawmilling.
Steel products manufacture (heavy).
Stone cutting and crushing.
Wire manufacture.
Wool scouring.

(Clause 9)

SCHEDULE 3 – SHOPS

Chemist's shop.
Confectionery shop and milk bar.
Fruit shop.
Newsagent's shop.
Smallgoods shop.
Take-away food shop.
Tobacconist's and hairdresser's shop.

(Clause 36)

SCHEDULE 4 - ADDITIONAL USES

Lot 2, D.P. 525167, Public Reserve land on the northern side of Hyland Road, Greystanes - Arboretum and associated seedling display and holding areas; machinery shed and caretaker's residence; plant selling centre.

Lot 3, D.P. 588880, land bounded by Dennistoun Avenue, Byron Road, Military Road and Loftus Road, Yennora, known as the Yennora Wool Centre, Exhibitions.

Lot 2, D.P. 543402, Part Lot 3, D.P. 543402, Part of Lots 6 and 7, D.P. 248019, and Lots 9 and 10, D.P. 248019 - Commercial premises not exceeding 4300 square metres gross floor area.

Part Lot B, D.P. 333511 (being all the land contained in Certificate of Title Volume 13931 Folio 205) Great Western Highway, Westmead - Parking of motor vehicles in conjunction with a hire car depot on adjoining land.

Lot 7, D.P. 21843, Nos. 3-5 Hilltop Road, Merrylands - Commercial premises.

Lot 38, D.P. 69348 and Lot 1 D.P. 198585 and known as 10-12 Meehan Street, Granville, as shown edged heavy black on the map marked "Holroyd Local Environmental Plan 1991 (Amendment No. 30)" – carparking, in conjunction with an adjoining car dealership.

Lot 293, DP 13239, and known as 106 Burnett Street, Merrylands, as shown edged heavy black on the map marked "Holroyd Local Environmental Plan 1991 (Amendment No 40)" – Refreshment room.

Land within Zone No 2(d) (Residential "D" Zone) that is within the Neil Street Precinct – Apartment buildings, commercial premises, doctor's surgeries, mixed use development, refreshment rooms, shops.

Lot 10, DP 228782 and known as 13-15 Neil Street, Merrylands – Car repair station.

Land within Zone No 3(a) (Business General Zone) that is within the Merrylands Town Centre - Mixed use development.

(Clause 34A)

**SCHEDULE 5 - CLASSIFICATION OR RECLASSIFICATION
OF PUBLIC LAND AS OPERATIONAL LAND**

Part 1

Lots 34 and 35, D.P. 13009, Baby Health Care Centre, Billabong Street, Pendle Hill.
 Lot 29, D.P. 963, Council car park, Lane Street, Wentworthville.
 Part of Lot 1, D.P. 209516, Council parking area, Terminal Place, Merrylands.
 Lots 6-8, D.P. 361050, Council block, Newman Street, Merrylands.
 Lot 2, DP 215483, Lot 4, DP 213852, Lot 6, DP214513, Lot 8, DP 212769, Lot 11, DP 503420
 and Lot 13, DP 503087, Stapleton Street, Pendle Hill.
 Lot 2, DP 212851 and Lot 2, DP 264288, Dunmore Street, Wentworthville
 Lot 1, DP 511863, Adler Parade land, 60 Adler Parade, Wentworthville
 Lot 1, DP 202444, Vol. 734, Fol. 66, 15 Burford Street, Merrylands
 Lot 1, DP 182157, Centenary Road, Merrylands
 Lot 13B, DP 363764, O'Neill Street, Guilford
 Lot 17B, DP 406268 and Lot 18A, DP 350066, Merrylands Road, Merrylands
 Lot 10, DP 228101, Vol. 10214, Fol. 204, 2A Lyle Street, Girraween
 Lot 101, DP 569393 and Lot 9, DP 812246, 81 Girraween Road, Girraween
 Lot 1, DP 976423 and Lot 1, DP 534341, 289 and 291 Merrylands Road, Merrylands
 Lot 1, DP 846379, 1 Oakes Street, Westmead
 Lot 63, DP 752051, Clunies Ross Street, Greystanes
 Lot 1, DP 176538, Peel Street, Granville
 Lot 2, DP 229589, Pitt Street, Merrylands
 Lot 5, Section 5, DP 3642, Robert Street, Granville
 Lot E, DP 409438, The Kingsway, Wentworthville
 Lot 2, DP 572047, Vol. 7955, Fol. 141 Targo Road, Toongabbie
 Part of Lot 1, D.P. 794458, being part of McCredie Park, Guildford, as shown edged heavy black
 on the map marked "Holroyd Local Environmental Plan 1991 (Amendment No. 24)".

Part 2

Lot 2, DP 625813, corner of Woodpark and Percival Roads, Smithfield, as shown edged heavy
 black on Sheet 1 of the map marked "Holroyd Local Environmental Plan 1991 (Amendment
 No.34)"-*Holroyd Local Environmental Plan 1991 (Amendment No. 34)*.
 Lot 3, DP 238072, corner of Tait and Long Streets, Smithfield, as shown edged heavy black on
 Sheet 2 of the map marked "Holroyd Local Environmental Plan 1991 (Amendment No. 34)"-
Holroyd Local Environment Plan 1991 (Amendment No. 34)
 Part Lot 1, D.P. 600621, Holroyd Gardens Park, Walpole Street, Holroyd, as shown edged heavy
 black on the map marked "Holroyd Local Environmental Plan 1991 (Amendment No.35)" -
Holroyd Local Environment Plan 1991 (Amendment No. 35).
 Lot 1, DP 123063, Foray Street, Guildford West, as shown edged heavy black on the map marked
 "Holroyd Local Environmental Plan 1991 (Amendment No 37)" – *Holroyd Local Environmental
 Plan 1991 (Amendment No 37)*".

SCHEDULE 6 (Repealed)

AMENDMENTS TO HOLROYD LOCAL ENVIRONMENTAL PLAN 1991

Holroyd Local Environmental Plan 1991 (Amendment No. 1): gazetted 12.2.1993: 44 & 53 Fairfield Road; 27 & 25 Gardenia Parade and extension of Old Prospect Road.

Holroyd Local Environmental Plan 1991 (Amendment No. 2): gazetted 12.2.1993: 62 Stapleton Street, Wentworthville.

Holroyd Local Environmental Plan 1991 (Amendment No. 3): gazetted 2.9.1994: 8 Peel Street, Merrylands.

Holroyd Local Environmental Plan 1991 (Amendment No. 4): gazetted 17.9.1993: advertising in zone 7(a).

Holroyd Local Environmental Plan 1991 (Amendment No.5): gazetted 8.7.1994: all residential zones.

Holroyd Local Environmental Plan 1991 (Amendment No. 6): gazetted 19.11.1993: 1A Roseberry Street and 25 & 27 Gardenia Parade.

Holroyd Local Environmental Plan 1991 (Amendment No. 7) gazetted 5.11.1993: definition of professional consulting rooms and floor space ratio of 0.5:1 for non residential development in residential zones.

Holroyd Local Environmental Plan 1991 (Amendment No.8) gazetted 13.1.1995: 16 Duffy Street Merrylands to Residential 2(a).

Holroyd Local Environmental Plan 1991 (Amendment No.9) gazetted 16.11.1994: 3-5 Hilltop Road, Merrylands to permit commercial premises.

Holroyd Local Environmental Plan 1991 (Amendment No.10) gazetted 2.12.1994: 2-12 Civic Avenue, Pendle Hill from Residential 2(c) to General Business 3(a).

Holroyd Local Environmental Plan 1991 (Amendment No. 11) gazetted 16.4.1996: 90 Lane Street, Wentworthville from General Business 3(a) to Residential 2(c).

Holroyd Local Environmental Plan 1991 (Amendment No. 12) gazetted 1.2.1997: Special Uses Zone Amendment - various properties.

Holroyd Local Environmental Plan 1991 (Amendment No. 13) gazetted 12.9.1997: Crescent and Walpole Streets, Merrylands from Business Park 3(f) to Residential 2(d).

Holroyd Local Environmental Plan 1991 (Amendment No.14) gazetted 2.2.1997: 246 Old Prospect Road, Greystanes from Residential 2(a) to Open Space Special Uses 6(c).

Holroyd Local Environmental Plan 1991 (Amendment No. 15 - Heritage Conservation) gazetted 20.6.1997

Holroyd Local Environmental Plan 1991 (Amendment No. 16) gazetted 22.8.1997: 74 Sherwood Road, Merrylands from Special Uses 5(a) School to Residential 2(a).

Holroyd Local Environmental Plan 1991 (Amendment No. 17) gazetted 22.8.1997: 377-383 Great Western Highway, Wentworthville to permit motel development.

Holroyd Local Environmental Plan 1991 (Amendment No. 18) gazetted 19.12.1997: Rezoning and reclassification of various Council properties.

Holroyd Local Environmental Plan (Amendment No. 19) gazetted 14.12.1997: 285-289 Merrylands Road, Merrylands from 2(c) to 3(a).

Holroyd Local Environmental Plan (Amendment No. 20) gazetted 19.12.1997: Brothels.

Holroyd Local Environmental Plan (Amendment No. 21) gazetted 20.2.1998: Residential Development Strategy.

Holroyd Local Environmental Plan (Amendment No. 22) gazetted 27.2.1998: Treves Street, Merrylands from 5(a) to 3(a).

Holroyd Local Environmental Plan (Amendment No. 23) gazetted 11.12.1998: Various anomalies

Holroyd Local Environmental Plan (Amendment No. 24) gazetted 01.04.1999: Rezoning and reclassification of part of McCredie Park Guildford.

Holroyd Local Environmental Plan (Amendment No. 25) gazetted 14.05.1999: Advertising and Advertising Structures.

Holroyd Local Environmental Plan (Amendment No. 26) gazetted 23.07.1999: Lists 43 Hassall Street Westmead and 11 Hilltop Road Merrylands as Items of Environmental Heritage.

Holroyd Local Environmental Plan (Amendment No. 27) gazetted 16.07.1999: Rezones the Lower Prospect Canal to Open Space Public.

Sydney Regional Environmental Plan No. 28 - Parramatta gazetted 20.08.1999: makes reference to the relevant parts of the Parramatta Regional Environmental Plan.

Holroyd Local Environmental Plan (Amendment no. 28) Gazetted 24.09.1999: Rezones certain lands bounded by Merrylands Road, Military Road, Newman Street and Miller Street from Special Uses Parking, Special Uses Police and Residential "C" to Business General.

Holroyd Local Environmental Plan (Amendment No. 30) Gazetted 17.09.1999: Allows for carparking on land known as 10-12 Meehan Street Granville in conjunction with the adjoining car dealership.

Holroyd Local Environmental Plan (Amendment No. 31) gazetted 07.01.2000: Sets out the guidelines for exempt and complying development in the government area of Holroyd and should be read in conjunction with *Holroyd Development Control Plan (DCP) No. 32 – Guidelines for Exempt and Complying Development* adopted by Council on 7 September 1999.

Sydney Regional Environmental Plan No. 28 - Parramatta (Amendment No. 1) gazetted 25.02.2000: To correct minor drafting errors.

Holroyd Local Environmental Plan (Amendment No. 32) gazetted 14.04.2000: Provides environmental planning controls that will result in the management of any disturbance to acid sulfate soils in the Holroyd Local Government Area by requiring development consent and special assessment for certain activities on land in the Granville region identified by the *Acid Sulfate Soils Map*.

Holroyd Local Environmental Plan (Amendment No. 34) gazetted 10.11.2000: Rezoning and reclassification of Council owned properties, located in Smithfield, from Open Space-Public, to Industrial-General.

Holroyd Local Environmental Plan (Amendment No. 36) gazetted 01.12.2000: To include the Merrylands School of Arts Building (289 Merrylands Road, Merrylands) as an item of the environmental heritage.

Holroyd Local Environmental Plan (Amendment No. 35) gazetted 15.12.2000: Rezoning and reclassification of Council owned land, located at Holroyd Gardens Park, Walpole Street, Holroyd, from Special Purposes Open Space Zone to Residential "D" Zone, and from community land to operational.

Holroyd Local Environmental Plan (Amendment No. 37) gazetted 17.08.2001: Reclassification of Council owned land, located at Foray Street, Guildford West, from community land to operational.

Holroyd Local Environmental Plan (Amendment No. 38) gazetted 03.05.2002: Rezoning of part of a former Electricity Substation, Lots 22, 23, 24 & 25 DP 3642 known as 2-6 Peel Street, Holroyd.

Holroyd Local Environmental Plan (Amendment No. 40) gazetted on 15.08.2003: Rezoning of 106 Burnett Street, Merrylands to permit refreshment room.

Holroyd Local Environmental Plan (Amendment No. 39) gazetted on 12.09.2003: Heritage and Conservation provisions, heritage listings and conservation areas.

Holroyd Local Environmental Plan (Amendment No. 44) gazetted on 07.05.2004: Heritage listing of 11 O'Connor Street, Guildford.

Holroyd Local Environmental Plan (Amendment No. 42) gazetted on 12.11.2004: Development within the Neil Street Precinct.

Holroyd Local Environmental Plan (Amendment No. 48) gazetted on 17.06.2005: Rezoning of 139 Burnett Street, Merrylands from the Special Uses Zone to the Residential "A" Zone.

Statute Law (Miscellaneous Provisions) Act 2005 No. 64 gazetted on 8.7.2005: Amends minor typographical errors.

Holroyd Local Environmental Plan (Amendment No. 49) gazetted on 28.10.2005: Corrects a number of drafting anomalies to the zoning table. Effects minor law revision.

Holroyd Local Environmental Plan (Amendment No. 33) gazetted on 4.08.2006: Provides a definition for telecommunications facilities and permits them in all zones subject to Council's consent, other than in all residential zones, where such facilities are prohibited.

Holroyd Local Environmental Plan (Amendment No. 43) gazetted on 16.03.2007: Development within the Merrylands Town Centre.

Holroyd Local Environmental Plan (Amendment No. 51) gazetted on 27.07.2007: Corrects a zoning misdescription of Lot 82, DP 224467, also known as 3 Dawn Street, Greystanes, from the Open Space Public Zone to the Residential "A" Zone.

Holroyd Local Environmental Plan (Amendment No. 52) gazetted on 14.11.2008: Rezones 601 – 607A Great Western Highway, Greystanes from Zone No 2 (a) (Residential "A" Zone) to Zone No 4 (b) (Industrial Light Zone).

Holroyd Local Environmental Plan (Amendment No. 53) gazetted on 24.04.2008: Updates references in Holroyd Local Environmental Plan 1991 to the name and date of adoption of the Development Control Plan in relation to exempt and complying development.

State Environmental Planning Policy (Repeal of Concurrence and Referral Provisions) 2008 gazetted 12.12.2008: amends Holroyd Local Environmental Plan 1991 to omit provisions requiring Council to either refer certain matters to various authorities or obtain their concurrence, and to replace these provisions with matters for Council's consideration.

