

1992—No. 371

ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979

**SYDNEY REGIONAL ENVIRONMENTAL PLAN No. 27—
WOLLONDILLY REGIONAL OPEN SPACE**

NEW SOUTH WALES



[Published in Gazette No. 87 of 10 July 1992]

I, the Minister for Planning, in pursuance of section 51 of the Environmental Planning and Assessment Act 1979, make the regional environmental plan set out hereunder.

ROBERT WEBSTER
Minister for Planning.

Sydney, 29th June, 1992.

Citation

1. This plan may be cited as Sydney Regional Environmental Plan No. 27—Wollondilly Regional Open Space.

Aims, objectives etc

2. (1) The principal aims of this plan are:

- (a) to set aside certain land of regional significance for acquisition by the State Government as regional open space; and
- (b) to create a reservation zone for regional open space in the Wollondilly Shire.

(2) The other aims of this plan are:

- (a) to enhance and protect the unique natural and scenic environment of the Wollondilly Shire;
- (b) to provide increased opportunities for passive recreation in the Wollondilly Shire;
- (c) to enhance the open space network within the Sydney Region; and

- (d) to provide increased opportunities for the preparation, by Wollondilly Shire Council, of management strategies for open space of regional significance.

Land to which plan applies

3. This plan applies to the land shown edged heavy black on the map marked “Sydney Regional Environmental Plan No. 27—Wollondilly Regional Open Space” deposited in the office of the Department and a copy of which is deposited in the office of the Council.

Relationship to other environmental planning instruments

4. This plan amends Wollondilly Local Environmental Plan 1991 in the manner set out in clause 5.

Amendment of Wollondilly Local Environmental Plan 1991

5. Wollondilly Local Environmental Plan 1991 is amended:

- (a) by inserting at the end of the definition of “the map” in clause 6 the following words:

Sydney Regional Environmental Plan No. 27—Wollondilly Regional Open Space;

- (b) by inserting at the end of clause 9 the following matter:

Zone No. 9 (e) (Regional Open Space Reservation Zone)—black edging and lettered “R”.

- (c) by inserting at the end of the Table to clause 10 the following matter:

ZONE No. 9 (e) (REGIONAL OPEN SPACE RESERVATION ZONE)

1. Objectives of zone

The objectives of this zone are:

- (a) to ensure that land required for future regional open space is clearly identified and reserved;
- (b) to provide for the acquisition of reserved land;
- (c) to permit limited development of reserved land where acquisition is not immediately required; and
- (d) to ensure that any development of reserved land does not reduce its significance as regional open space.

2. Without development consent

Bushfire hazard reduction works; gardening and landscaping (not involving the erection of a building); public parks; weed eradication.

3. Only with development consent

Agriculture; gardening and landscaping (involving the erection of a building); picnic facilities; recreation areas; roads; utility installations (other than gas holders or generating works).

4. Prohibited

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

(d) by inserting after clause 12 the following clause:

Subdivision of land—Zone No. 9 (e)

12A. A person shall not subdivide land within Zone No. 9 (e).

(e) by omitting from clause 18 (1) (b) the word “Authority,” and by inserting instead the following words and paragraph:

Authority; or

(c) in the case of land within Zone No. 9 (e)—the Corporation,

(f) by inserting after clause 18 (3) the following subclause:

(3A) On receipt of a notice referred to in subclause (1) relating to land within Zone No. 9 (e), the Corporation shall acquire the land, but the Corporation is not required to acquire the land if it might reasonably be required to be dedicated under section 94 of the Act as a condition of consent to a development application.

(g) by inserting after clause 18 the following clauses:

Buildings and works in Zone No. 9 (e)

18A. (1) Except as provided by subclause (3), a person shall not, on land within Zone No. 9 (e), erect any building or carry out or alter any work which, in the opinion of the council is of a permanent character or make or alter any excavation which, in the opinion of the council, is of a permanent character (not being a building or a work of a permanent character or a permanent excavation required for, or incidental to, the purpose for which the land is zoned).

(2) A person shall not carry out any development on land within Zone No. 9 (e) so as to render it unfit for the purpose for which it is reserved.

(3) Nothing in this clause shall operate to prohibit the erection of a fence on land within Zone No. 9 (e) or the erection or construction on the land, with the consent of the council, of any utility installation.

Assessment of development in Zone No. 9 (e)

18B. (1) The council shall not consent to the carrying out of development on land within Zone No. 9 (e) unless in addition to those matters listed in section 90 of the Act, it has made an assessment of:

- (a) the extent to which the land will be disturbed or modified by works and vehicular access associated with the development;
 - (b) the extent to which the land has been previously disturbed or modified with particular regard to:
 - (i) weed infestation;
 - (ii) drainage;
 - (iii) clearing; and
 - (iv) construction;
 - (c) the adequacy of measures to safeguard and rehabilitate the environment;
 - (d) whether consideration has been given to an alternative site for the development;
 - (e) whether consideration has been given to an alternative method of carrying out the development;
 - (f) whether adequate measures have been or will be taken with respect to the proper disposal of sewage; and
 - (g) land capability and soil erosion hazard.
- (h) by inserting after clause 37 the following clause:

Assessment of the impact of development adjacent to Zone No. 9 (e)

38. The council shall, when considering an application to carry out development on land adjacent to land within Zone No. 9 (e), make an assessment of the impact of that development on the aesthetic, historical, natural, scenic and scientific attributes of the land within that zone.
