

Botany Local Environmental Plan 1995

As at 22 February 2013

Part 1 – Preliminary

1 Name of plan

This plan is called *Botany Local Environmental Plan 1995*.

2 Land to which this plan applies

- (1) This plan applies to land within the local government area of Botany Bay City as shown on the map.
- (2) This plan does not apply to the land marked "Deferred" on the map, being land excluded from the operation of this plan under the Act.

3 How this plan relates to other environmental planning instruments

- (1) This plan:
 - (a) repeals all environmental planning instruments (other than State environmental planning policies and regional environmental plans) that immediately before the appointed day applied to the land to which this plan applied, but only to the extent to which those instruments applied to the land to which this plan applies, and
 - (b) amends *Interim Development Order No 19--Municipality of Botany* in the manner set out in subclause (2).
- (2) *Interim Development Order No 19--Municipality of Botany* is amended by inserting at the end of clause 1A the following words:

Land to which *Botany Local Environmental Plan 1995* applies.

4 The aims of this plan

- (1) The aims of this plan are:
 - (a) to provide planning controls for the local government area of Botany Bay City which update and consolidate into a single local environmental plan the various local planning controls that currently apply to the local government area of Botany Bay City,
 - (b) to give the Council greater responsibility in environmental planning by creating broad controls in this plan,
 - (c) to rationalise and simplify zoning and development controls, and
 - (d) to provide direction and guidance to the community concerning desired growth and change in the local government area of Botany Bay City and the manner in which growth and change are proposed to be managed.

5 The objectives of this plan

- (1) the objectives of this plan in relation to the form and function of the local government area of Botany Bay City are:
 - (a) to recognise the importance of the local government area of Botany Bay City as a gateway to Sydney, given its proximity to Sydney (Kingsford-Smith) Airport and Port Botany,
 - (b) to ensure, as far as practicable, that land uses are compatible with each other in terms of environmental and aesthetic amenity,
 - (c) to make the local government area of Botany Bay City a more attractive and pleasant place in which to live, work and visit,
 - (d) to improve the image of the local government area of Botany Bay City by ensuring that developments are of a good standard of design, form and function,

- (e) to protect areas from inappropriate development and to ensure that, in particular, residential amenity, health and safety is maintained or improved, where necessary, and
- (f) to provide for an appropriate balance and distribution of land for residential, commercial, retail, industrial, advanced technology enterprises, tourism, port-related and airport-related development and recreation, entertainment and community facilities.

(2) The objectives of this plan in relation to residential development are:

- (a) to maintain, protect and increase the local government area's permanent residential population,
- (b) to encourage, where appropriate, the renovation and upgrading of existing dwellings, while ensuring that dwelling forms, including alterations and additions, are in sympathy with the amenity of surrounding residences,
- (c) to ensure the conservation of buildings and structures of architectural or historic significance and that any additions or alterations are in sympathy with the existing building or structure,
- (d) to ensure the protection and improvement of the amenity of residential areas,
- (e) to provide for a range of housing types to cater for all socio-economic groups without adverse effects on the character and amenity of the local government area of Botany Bay City,
- (e1) to provide for affordable housing without adverse effects on the character and amenity of the local government area of Botany Bay City,
- (f) to maintain and increase the availability of land for residential use and to prevent the further alienation of residential areas in the local government area of Botany Bay City, and
- (g) to permit the use or re-use of existing non-residential buildings in residential areas where such uses improve the amenity of adjoining residents.

(3) The objectives of this plan in relation to retailing and commerce are:

- (a) to enhance the convenience, viability and general amenity of all commercial centres and encourage a greater diversity in the range of goods and services offered to cater for the retail, commercial, entertainment, welfare and recreational needs of residents, the workforce and visitors,
- (b) to encourage developments which will contribute to the economic growth and employment opportunities within the commercial and neighbourhood centres so that they remain commercially attractive and viable,
- (c) to improve the pedestrian environment, access and movement in all commercial centres, and
- (d) to ensure that new development in the commercial centres does not unduly affect the amenity of adjoining residential areas by virtue of the use, design, bulk and scale of the development and any traffic generation.

(4) The objectives of this plan in relation to industry are:

- (a) to restrict industrial uses to defined zoned areas,
- (b) to encourage new developments with a high standard of design and form that are compatible with adjoining developments, whilst ensuring a high level of environmental amenity,
- (c) to minimise the adverse environmental effects of industries,
- (d) to restrict the development and expansion of hazardous and offensive industries,
- (e) to improve the environmental quality of the local government area of Botany Bay City by minimising disturbances caused by any form or type of pollutant,
- (f) to ensure that industries conform to strict hazard minimisation and environmental guidelines, and

(g) to ensure adequate buffers between industries and other land uses, particularly residential, are provided.

(5) The objectives of this plan in relation to traffic and transport are:

(a) to provide an efficient and safe system of transport movement for motor vehicles and trucks, cyclists and pedestrians within and through the local government area of Botany Bay City, while also providing residential amenity,

(b) to provide a hierarchy of roads throughout the local government area of Botany Bay City which provides for the clear delineation of light and heavy traffic and includes local area traffic management plans in residential areas,

(c) to designate a truck route network, including routes for the road transport of dangerous goods,

(d) to encourage the use of public transport and, in particular, railways as a means of transport for passengers and goods, and

(e) to minimise the impact on adjoining residential areas of traffic and parking generated by commercial areas.

(6) The objectives of this plan in relation to the environment, the landscape and the heritage are:

(a) to restrict and control development which could adversely affect the ecosystem, habitat, landscape or scenic quality of environmentally sensitive lands, such as the Botany Wetlands,

(b) to protect and enhance the natural and cultural landscapes, including bushland, wetlands, creeks and foreshores, in the local government area of Botany Bay City through appropriate management and conservation measures,

(c) to improve the environmental amenity of the local government area of Botany Bay City through tree planting, landscaping works and other appropriate measures,

(d) to maintain and increase the programs of tree planting and landscaping works throughout the local government area of Botany Bay City,

(e) to ensure that the individual and cumulative effects of development upon the local water table are assessed and any adverse effects reduced to an acceptable level,

(f) to conserve the environmental heritage of the local government area of Botany Bay City,

(g) to integrate heritage conservation into the planning and development control processes,

(h) to provide for public involvement in the conservation of environmental heritage, and

(i) to ensure that any development does not adversely affect the heritage significance of heritage items and heritage conservation areas and their settings, and

(j) to identify and conserve wetlands and their associated riparian vegetation, threatened species and endangered ecological communities within the City of Botany Bay, and

(k) to promote the restoration of degraded habitats, the protection of aquatic, riparian and terrestrial habitats and the retention of natural hydrological and geomorphological regimes.

(7) The objectives of this plan in relation to tourism, and recreational and community services and facilities, are:

(a) to provide opportunities for tourism and recreational development in appropriate locations,

(b) to develop tourism as an industry for the purpose of gaining employment and for economic, cultural, social and recreational benefits for the community,

- (c) to encourage the provision of open space in a manner which meets the community's diverse recreational needs, and
- (d) to facilitate the provision and equitable distribution of community services and facilities to meet the needs of the local residents and the non-resident workforce.
- (8) The objectives of this plan in relation to the greenhouse effect are:
 - (a) to promote energy conservation measures and take account of global warming effects by providing appropriate controls and guidelines in the planning and development of the local government area of Botany Bay City, and
 - (b) to promote the adoption of waste minimisation and recycling principles and practices in the planning and development of the local government area, and
 - (c) to promote the growing and growth of trees to counter the greenhouse effect.
- (8A) The objectives of this plan in relation to outdoor advertising are:
 - (a) to ensure advertisers' messages and images are conveyed in a way that complements and respects the location and character of the locality in which they are displayed, and
 - (b) to promote compatibility between outdoor advertising and the streetscape and character of the locality including in terms of appearance and design, size and scale, and placement, of the advertising, and
 - (c) to reduce visual clutter caused by the proliferation of signs.
- (9) The objectives of this plan in relation to other matters are:
 - (a) to provide guidelines on the rehabilitation and control of use of known or possible contaminated sites,
 - (b) to encourage and improve the visual amenity of the local government area of Botany Bay City by providing controls on advertising signs and structures, and
 - (c) to ensure that the effects of development upon drainage, water quality and stormwater management are considered, and
 - (d) to permit development that is compatible with the conservation of biological diversity, the protection of the Botany Sands Aquifer and surface water quality, and
 - (e) to improve water quality and promote ecologically sustainable development and ecologically sustainable water and land management practices.

6 Adoption of the Environmental Planning and Assessment Model Provisions 1980

The *Environmental Planning and Assessment Model Provisions 1980* are adopted for the purposes of this plan, except for the following:

- (a) the definitions of "**gross floor area**", "**health care professional**", "**hotel**", "**industry**", "**light industry**", "**recreation facility**", "**residential flat building**", "**service station**" and "**warehouse**" in clause 4 (1),
- (b) clause 15.

7 Definitions

- (1) In this plan:
 - (a) the terms used (other than those within the *Environmental Planning and Assessment Model Provisions 1980* adopted by clause 6) have the meanings given to them in Schedule 1,
 - (b) 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, and
 - (c) a reference to land within a zone specified in the table to clause 10 is a reference to land shown on the map in the manner indicated in clause 9 as the means of identifying land of the zone so specified, and
 - (d) a reference to a map is a reference to a map deposited in the office of the Council.
- (2) Notes included in this plan do not form part of this plan.

8 Consent authority for development

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

Part 2 – General restrictions on development of land

9 Zones indicated on the map

For the purposes of this plan, land to which this plan applies is within a zone specified below if the land is shown on the map in the manner specified below in relation to that zone.

Zone No 2 (a) Residential "A"--edged heavy black and lettered "2 (a)",

Zone No 2 (b) Residential "B"--edged heavy black and lettered "2 (b)",

Zone No 3 (a) General Business--edged heavy black and lettered "3 (a)",

Zone No 3 (b) Business--Restricted--edged heavy black and lettered "3 (b)",

Zone No 4 (a) Industrial--edged heavy black and lettered "4 (a)",

Zone No 4 (b) Mixed Industrial--edged heavy black and lettered "4 (b)",

Zone No 4 (b1) Mixed Industrial--Restricted--edged heavy black and lettered "4 (b1)",

Zone No 4 (c1) Industrial Special--Airport Related--edged heavy black and lettered "4 (c1)",

Zone No 4 (c2) Industrial Special--Airport Related--Restricted--edged heavy black and lettered "4 (c2)",

Zone No 5 (a) Special Uses--edged heavy black and lettered "5 (a)" with a particular land use indicated by lettering on the map or edged heavy black with a black band between the lines,

Zone No 6 (a) Open Space and Recreation--edged heavy black and lettered "6 (a)" with a particular land use indicated by lettering on the map,

Zone No 6 (b) Private Open Space and Recreation--edged heavy black and lettered "6 (b)",

Zone No 6 (c) Open Space--Recreation--Restricted--edged heavy black and lettered "6 (c)",

Zone No 10 (a) Mixed Uses--Commercial/Residential--edged heavy black and lettered "10 (a)",

Zone No 10 (b) Mixed Uses--Commercial/Warehouse--edged heavy black and lettered "10 (b)".

10 Zone objectives and development control table

(1) The objectives of each zone are set out in the Table to this clause under the heading "Objectives of the 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:

(a) the development that may be carried out without development consent,

(b) the development that may be carried out only with development consent, and

(c) the development that is prohibited,

is specified under the headings "Development which may be carried out without development consent", "Development which may be carried out only with development

consent", and "Development which is prohibited", respectively, appearing in the matter relating to that zone.

(3) The Council may only grant consent to the carrying out of development of land to which this plan applies if the Council is of the opinion that the carrying out of the development is consistent with the primary objective of the zone in which the development is proposed to be carried out. In granting consent, the Council must take into account other relevant objectives of the plan and the zone in which the development is proposed to be carried out.

Table

Zone No 2 (a) Residential "A"

1 Objectives of the zone The primary objective is to provide for the development and use of detached dwelling-houses and semi-detached dwellings as the predominant built form, together with community and service uses of a type and scale appropriate to the enjoyment of such housing. The secondary objectives are:

- (aa) to promote detached dwelling-houses,
- (a) to ensure that building form, including alterations and additions, is in character with surrounding development and does not detract from the amenity of surrounding residents or the existing quality of the environment,
- (b) to allow community facilities and purposes which are compatible with residential use,
- (c) to encourage the preservation and improvement of buildings which are of architectural or heritage significance,
- (d) to allow certain non-residential development which provides services for residents and which is of a type and scale which does not interfere with the amenity of surrounding residential uses, and
- (e) to encourage energy efficiency and energy conservation in all forms of development permissible within the zone.

2 Development which may be carried out without development consent
Development for the purpose of:

home occupations.

Exempt development.

3 Development which may be carried out only with development consent
Development for the purpose of:

bed and breakfast accommodation; building identification signs; business identification signs; Child care centres; community facilities; detached dwelling-houses; educational establishments; home industries; hospitals; local shops; nursing homes; places of worship; professional consulting rooms; semi-detached dwellings; subdivision; swimming pools; units for aged persons; utility installations.

Demolition of any building or work, archaeological site, potential archaeological site shown on the map, place of Aboriginal heritage significance, or potential place of Aboriginal heritage significance shown on the map.

4 Development which is prohibited Any development other than development included in item 2 or 3.

Zone No 2 (b) Residential "B"

1 Objectives of the zone The primary objective is to provide for the development and use of housing, other than detached housing, in appropriate locations, together with community and service uses of a type

and scale appropriate to the enjoyment of such housing. The secondary objectives are:

- (a) to provide scope for high-quality residential development in innovative forms on identified sites,
- (b) to improve the quality of the residential amenity by encouraging landscaping and good design in both new developments and renovations,
- (c) to encourage the revitalisation and improvement of older established residential areas by rehabilitation and suitable development,
- (d) to allow non-residential development which provides services or employment for residents and which is of a type and scale which does not interfere with the amenity of surrounding residential areas,
- (e) to encourage the preservation of buildings which are of heritage significance and within a heritage conservation area, and
- (f) to encourage energy efficiency and energy conservation in all forms of development permissible within the zone.

2 Development which may be carried out without development consent
Development for the purpose of:

home occupations.

Exempt development.

3 Development which may be carried out only with development consent
Development for the purpose of:

bed and breakfast accommodation; building identification signs; business identification signs; Child care centres; community facilities; detached dwelling-houses; educational establishments; home industries; hospitals; local shops; multi unit housing; nursing homes; places of worship; professional consulting rooms; residential flat buildings; semi-detached dwellings; subdivision; swimming pools; units for aged persons; utility installations.

Demolition of any building or work, archaeological site, potential archaeological site shown on the map, place of Aboriginal heritage significance, or potential place of Aboriginal heritage significance shown on the map.

4 Development which is prohibited Any development other than development included in item 2 or 3.

Zone No 3 (a) General Business

1 Objectives of the zone The primary objective is to reinforce the historical development of business and shopping locations in the local government area of Botany Bay City by providing for a range of retail, business and professional service activities which will provide services and employment opportunities for the community. The secondary objectives are:

- (a) to control the physical and functional characteristics of commercial areas in order to minimise their impact on adjoining residential areas,
- (b) to ensure adequate and accessible off-street car parking is provided for users of commercial areas,
- (c) to promote the vitality of commercial areas and to assist urban consolidation by permitting residential developments within commercial areas,

(d) to improve the environmental amenity of commercial areas for pedestrians and shoppers, and

(e) to encourage energy efficiency and energy conservation in all forms of development permissible within the zone.

2 Development which may be carried out without development consent
Exempt development.

3 Development which may be carried out only with development consent
Development for the purpose of:

Amusement centres; automotive uses; building identification signs; business identification signs; car parking facilities; car repair stations; child care centres; clubs; commercial premises; community facilities; convenience shops or facilities; educational establishments; general advertising (other than on land located in the Botany Township heritage conservation area, as identified in Schedule 3); hotels; light industries; mixed developments; motels; motor showrooms; places of assembly; places of worship; public buildings; refreshment rooms; service stations; serviced apartments; shops; subdivision; taverns; utility installations.

Demolition of any building or work, archaeological site, potential archaeological site shown on the map, place of Aboriginal heritage significance, or potential place of Aboriginal heritage significance shown on the map.

4 Development which is prohibited Any development other than development included in item 2 or 3.

Zone No 3 (b) Business--Restricted

1 Objectives of the zone The primary objective is to permit limited additional retail business opportunities in the City of Botany Bay. The secondary objectives are:

(a) to control the physical size and characteristics of the additional business localities to minimise their impact on the economic viability of the existing retail business centres in the City of Botany Bay, and

(b) to promote the patronage of businesses in the zone, predominately by local pedestrians, where appropriate, and

(c) to encourage development that provides a positive contribution to the streetscape and public domain, and

(d) to promote the vitality of the land in the zone by permitting residential development in the zone, and

(e) to encourage energy efficiency in all forms of development in the zone, and

(f) to encourage best practice stormwater management in the zone, and

(g) to capitalise on the location of transport facilities in or near the zone.

2 Development which may be carried out without development consent
Exempt development.

3 Development which may be carried out only with development consent
Development for the purpose of:

Building identification signs; business identification signs; car parking facilities; child care centres; commercial premises; community facilities; convenience shops or facilities; educational establishments; general advertising; hotels; motels; places of

assembly; places of public worship; public buildings; recreation areas; refreshment rooms; residential flat buildings; roads; shops; taverns; utility installations; utility undertakings.

Subdivision. Demolition of any building or work, archaeological site, potential archaeological site shown on the map, place of Aboriginal heritage significance, or potential place of Aboriginal heritage significance shown on the map.

4 Development which is prohibited Any development other than development included in item 2 or 3.

Zone No 4 (a) Industrial

1 Objectives of the zone The primary objective is to ensure that development for industrial purposes is carried out in a manner which contributes to the economic and employment growth of the area and, in so doing, improves amenity and does not affect adversely the environment or give rise to unacceptable levels of risk in the area. The secondary objectives are:

- (a) to encourage development which does not affect adversely the efficient operation of the local and regional road system,
- (b) to improve the environmental quality of the local government area by ensuring that industries conform to strict environmental and hazard reduction guidelines,
- (c) to provide for retail and non-residential development which provides direct services to the industrial activities and their workforce, and
- (d) to encourage energy efficiency and energy conservation in all forms of development permissible within the zone.

2 Development which may be carried out without development consent
Exempt development.

3 Development which may be carried out with development consent
Development for the purpose of:

Air freight forwarders; automotive uses; building identification signs; bulk stores; bus depots; business identification signs; car repair stations; child care centres; clubs; community facilities; container terminals; convenience shops or facilities; hotels; industries; light industries; materials recycling yard; motor showrooms; motor vehicle repair workshops; places of worship; recreation facilities; refreshment rooms; retail plant nurseries; road transport terminal; service stations; subdivision; taverns; utility installations; warehouses or distribution centres.

Demolition of any building or work, archaeological site, potential archaeological site shown on the map, place of Aboriginal heritage significance, or potential place of Aboriginal heritage significance shown on the map.

4 Development which is prohibited Any development other than development included in item 2 or 3.

Zone No 4 (b) Mixed Industrial

1 Objective of the zone The primary objective is to improve the environmental amenity of the locality by encouraging the upgrading and redevelopment of properties for light industrial, retail and commercial uses which would not detract from the amenity of the area by reason of the size or type of activity proposed. The secondary objectives are:

- (a) to ensure that any development which occurs is commensurate

with the capacity of the road network in the vicinity,
(b) to ensure that development by the nature of its operations does not detrimentally affect the environment or the amenity of adjoining or adjacent residential premises, and
(c) to encourage energy efficiency and energy conservation in all forms of development permissible within the zone.

2 Development which may be carried out without development consent
Exempt development.

3 Development which may be carried out with development consent
Development for the purpose of:

Automotive uses; building identification signs; business identification signs; car repair stations; child care centres; clubs; commercial premises; community facilities; convenience shops or facilities; high technology industries; hotels; light goods dispatch; light industries; recreation facilities; refreshment rooms; service stations; subdivision; taverns; tradespersons' supply and service stores; utility installations; vehicle rental centres.

Demolition of any building or work, archaeological site, potential archaeological site shown on the map, place of Aboriginal heritage significance, or potential place of Aboriginal heritage significance shown on the map.

4 Development which is prohibited Any development other than development included in item 2 or 3.

Zone No 4 (b1) Mixed Industrial--Restricted

1 Objectives of the zone The primary objective is to improve the environmental amenity of the locality by encouraging industrial, retail and commercial development that would assist in enhancing the redevelopment of the area and would not detract from the amenity of the area by reason of the design and function of the development proposed.

The secondary objectives are:

- (a) to provide a range of compatible non-residential uses, such as industry, shops, offices, retail and studio-type workshops, and
- (b) to provide scope for limited residential development, and
- (c) to ensure that any non-residential development is environmentally compatible with residential development, and does not adversely affect the amenity of existing and future residential communities, and
- (d) to ensure that any development that occurs is commensurate with the capacity of the existing and proposed road network in the vicinity, and
- (e) to apply the principles of energy efficiency, travel demand management and other sustainable development practices as part of the development assessment process, and
- (f) to encourage development that is of a high standard of design, has a high level of environmental amenity and is compatible with adjoining land uses and development, and
- (g) to reduce the land use conflict between residential and non-residential uses.

2 Development which may be carried out without development consent
Exempt development.

3 Development which may be carried out only with development consent
Development for the purpose of:

Building identification signs; business identification signs; child care centres; commercial premises; community facilities; convenience shops or facilities; customs agencies; educational establishments; health care professionals' rooms; high technology industries; landscaping works; light goods dispatch; light industry; parks and gardens; places of assembly; places of public worship; public buildings; recreation facilities; refreshment rooms; roads; studio workshops; tradespersons' supply and service stores; utility installations; utility undertakings.

Demolition.

4 Development which is prohibited Any development other than development included in item 2 or 3.

Zone No 4 (c1) Industrial Special--Airport Related

1 Objectives of zone The primary objective is to permit the development of a wide range of uses which have a relationship to Sydney

(Kingsford-Smith) Airport. The secondary objectives are:

(a) to encourage airport-related land uses as the dominant activity and to permit certain development with ancillary seaport-related activities,

(b) to permit industrial uses with an airport affinity,

(c) to enable development of support services (such as retail, social and recreational facilities) to a scale appropriate for the area,

(d) to ensure that the scale, design, material of construction and nature of the development, in the opinion of the Council, contributes positively to the visual amenity and the gateway function of the area,

(e) to permit general advertising structures only when they significantly enhance the environment and do not create a clutter of signages in the locality, and

(f) to encourage energy efficiency and energy conservation in all forms of development permissible within the zone.

2 Development which may be carried out without development consent Exempt development.

3 Development which may be carried out with development consent Development for the purpose of:

Air freight forwarders; airport-related industries; airport-related land uses; building identification signs; bus depots; business identification signs; car parking facilities; child care centres; clubs; community facilities; convenience shops or facilities; customs agencies; general advertising; high technology industries; hotels; light goods dispatch; motels; places of worship; public buildings; recreation facilities; refreshment rooms; subdivision; taverns; tradespersons' supply and service stores; utility installations; vehicle rental centres; warehouse or distribution centres.

Demolition of any building or work, archaeological site, potential archaeological site shown on the map, place of Aboriginal heritage significance, or potential place of Aboriginal heritage significance shown on the map.

4 Development which is prohibited Any development other than development included in item 2 or 3.

Zone No 4 (c2) Industrial Special--Airport Related--Restricted

1 Objectives of the zone The primary objective is to provide for a wide

range of development and land use activities that predominantly have a relationship with Sydney (Kingsford Smith) Airport, together with encouraging other non airport-related uses. The secondary objectives are:

- (a) to encourage airport-related land uses,
- (b) to permit the development of commercial premises and non airport-related uses,
- (c) to provide for industrial land uses which are related to airport-related development,
- (d) to improve the appearance of buildings and works in an endeavour to enhance the gateway function of this area to Sydney (Kingsford-Smith) Airport,
- (e) to prohibit some types of traffic-generating development which would adversely affect the gateway function of those major roads,
- (f) to permit general advertising structures only when they significantly enhance the environment and do not create a clutter of signages in the locality, and
- (g) to encourage energy efficiency and energy conservation in all forms of development permissible within the zone.

2 Development which may be carried out without development consent
Exempt development.

3 Development which may be carried out only with development consent
Development for the purpose of:

Air freight forwarders; airport-related land uses; building identification signs; business identification signs; car parking facilities; child care centres; commercial premises; community facilities; convenience shops or facilities; general advertising; high technology industries; hotels; light goods dispatch; motels; motor showrooms; places of worship; public buildings; recreation facilities; refreshment rooms; serviced apartments; subdivision; taverns; tradespersons' supply and service stores; utility installations; vehicle rental centres; warehouse or distribution centres.

Demolition of any building or work, archaeological site, potential archaeological site shown on the map, place of Aboriginal heritage significance, or potential place of Aboriginal heritage significance shown on the map.

4 Development which is prohibited Any development other than development included in item 2 or 3.

Zone No 5 (a) Special Uses

1 Objectives of zone The primary objective is to ensure the orderly use of land identified for Sydney (Kingsford-Smith) Airport, Port Botany and the Botany-Sydenham goods railway line or which is reserved and proposed to be acquired for arterial roads or widening of arterial roads or for utility undertakings. The secondary objective is to encourage energy efficiency and energy conservation in all forms of development permissible within the zone.

2 Development which may be carried out without development consent
Exempt development.

3 Development which may be carried out only with development consent
Development for the purpose of:

The particular land use indicated by lettering on the map, including land uses ordinarily incidental or ancillary to the particular land

use indicated by lettering on the map; building identification signs; business identification signs; car parking facilities; child care centres; community facilities; general advertising; recreational areas; recreation facilities; roads; subdivision; utility installations.

Demolition of any building or work, archaeological site, potential archaeological site shown on the map, place of Aboriginal heritage significance, or potential place of Aboriginal heritage significance shown on the map.

4 Development which is prohibited Any development other than development included in item 2 or 3.

Zone No 6 (a) Open Space and Recreation

1 Objectives of zone The primary objective is the provision of different kinds of public open space and recreational land within the local government area to meet the needs of the community. The secondary objectives are:

- (a) to identify existing local and regional publicly owned land used or capable of being used for open space and recreational purposes,
- (b) to enable development of land for open space and recreational purposes,
- (c) to provide opportunities to enhance the environmental quality of the local government area,
- (d) to identify, protect and conserve the Botany wetlands system which are environmentally and visually significant,
- (e) to protect and conserve foreshore land, and
- (f) to encourage energy efficiency and energy conservation in all forms of development permissible in the zone.

2 Development which may be carried out without development consent Development for the purpose of:

Landscaping works; parks and gardens; roads.

Exempt development.

3 Development which may be carried out only with development consent Development for the purpose of:

Building identification signs; business identification signs; child care centres; clubs; community facilities; recreation areas; recreation facilities; refreshment rooms; subdivision; utility installations.

Demolition of any building or work, archaeological site, potential archaeological site shown on the map, place of Aboriginal heritage significance, or potential place of Aboriginal heritage significance shown on the map.

4 Development which is prohibited Any development other than development included in item 2 or 3.

Zone No 6 (b) Private Open Space and Recreation

1 Objectives of the zone The primary objectives are to identify and enable use of existing local privately owned land for open space and recreational purposes. The secondary objective is to encourage energy efficiency and energy conservation in all forms of development permissible in the zone.

2 Development which may be carried out without development consent Development for the purpose of:

Landscaping works; parks and gardens; roads.

Exempt development.

3 Development which may be carried out only with development consent

Development for the purpose of:

Building identification signs; business identification signs; child care centres; community facilities; recreation areas; recreation facilities; subdivision; utility installation.

Demolition of any building or work, archaeological site, potential archaeological site shown on the map, place of Aboriginal heritage significance, or potential place of Aboriginal heritage significance shown on the map.

4 Development which is prohibited Any development other than development included in item 2 or 3.

Zone No 6 (c) Open Space--Recreation--Restricted

1 Objectives of zone The primary objective is to permit open space and recreational land uses while protecting nearby wetlands and their associated riparian vegetation, threatened species and endangered ecological communities. The secondary objectives are:

- (a) to ensure that open space is managed in accordance with ecologically sustainable land management practices, and
- (b) to enable development that will not destroy, damage or compromise the ecological, scientific or scenic values of wetlands and their associated riparian vegetation, threatened species and endangered ecological communities, and
- (c) to conserve and enhance the wetlands and associated riparian zones, and
- (d) to provide for an aesthetic and recreational landscape, and
- (e) to ensure development will not have a detrimental impact on the Botany Sands Aquifer and surface water quality.

2 Development which may be carried out without development consent
Development for the purpose of:

Environmental educational projects; environmental restoration works (in accordance with an environmental management plan adopted by Sydney Water Corporation); utility undertakings.

Exempt development.

3 Development which may be carried out only with development consent
Development for the purpose of:

Building identification signs; business identification signs; landscaping works; recreation areas; roads; utility installations.

Demolition.

4 Development which is prohibited Any development other than development included in item 2 or 3.

Zone No 10 (a) Mixed Uses--Commercial/Residential

1 Objectives of the zone The primary objective is to permit a mixture of compatible residential and non-residential activities and promote development that enhances the revitalisation of the locality. The secondary objectives are:

- (a) to permit non-residential development of a type that is unlikely to impact adversely on the amenity of residents in the zone, and
- (b) to encourage a range of compatible employment-generating uses in the zone, and
- (c) to encourage development that provides a positive contribution to the streetscape and public domain, and
- (d) to encourage energy efficiency in all forms of development in the zone, and

(e) to encourage best practice stormwater management in the zone, and

(f) to capitalise on the location of transport facilities in or near the zone.

2 Development which may be carried out without development consent
Exempt development.

3 Development which may be carried out only with development consent
Development for the purpose of:

Building identification signs; business identification signs; child care centres; commercial premises; community facilities; convenience shops or facilities; educational establishments; health care professionals; hotels; motels; places of public worship; public buildings; recreation areas; recreation facilities; refreshment rooms; residential flat buildings; roads; serviced apartments; units for aged persons; utility installations; utility undertakings.

Subdivision. Demolition of any building or work, archaeological site, potential archaeological site shown on the map, place of Aboriginal heritage significance, or potential place of Aboriginal heritage significance shown on the map.

4 Development which is prohibited Any development other than development included in item 2 or 3.

Zone No 10 (b) Mixed Uses--Commercial/Warehouse

1 Objectives of the zone The primary objective is to permit a mixture of compatible non-residential activities that improve environmental amenity and promote revitalisation in the locality. The secondary objectives are:

(a) to permit non-residential development of a type that is unlikely to impact adversely on the amenity of residents in any adjacent or nearby residential or mixed-use zone, and

(b) to encourage a range of compatible employment-generating uses in the zone, and

(c) to encourage development that provides a positive contribution to the streetscape and public domain, and

(d) to encourage energy efficiency in all forms of development in the zone, and

(e) to encourage best practice stormwater management in the zone, and

(f) to capitalise on the location of transport facilities in or near the zone.

2 Development which may be carried out without development consent
Exempt development.

3 Development which may be carried out only with development consent
Development for the purpose of:

Building identification signs; business identification signs; car parking facilities; commercial premises; community facilities; convenience shops or facilities; educational establishments; health care professionals' rooms; high technology industry; hotels; light goods dispatch; motels; motor showrooms; places of assembly; places of public worship; recreation facilities; refreshment rooms; roads; tradespersons' supply and service stores; utility installations; utility undertakings; vehicle rental centres; warehouse or distribution centres.

Airport-related land uses; subdivision. Demolition of any building or

work, archaeological site, potential archaeological site shown on the map, place of Aboriginal heritage significance, or potential place of Aboriginal heritage significance shown on the map.

4 Development which is prohibited Any development other than development included in item 2 or 3.

10A Exempt and complying development

(1) Development of minimal environmental impact listed as exempt development in the *Development Control Plan for Exempt and Complying Development* adopted by the Council on 16 February 2005 is "**exempt development**", despite any other provision of this plan.

(2) Development listed as complying development in the *Development Control Plan for Exempt and Complying Development* adopted by the Council on 16 February 2005 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 and other requirements applied to the development by the *Development Control Plan for Exempt and Complying Development* adopted by the Council on 16 February 2005.

(4) A complying development certificate issued for any complying development is to be subject to the conditions for the development specified in the *Development Control Plan for Exempt and Complying Development* adopted by the Council, as in force when the certificate is issued.

Part 3 – Additional provisions for development

11 Subdivision of land

A person may subdivide land to which this plan applies but only with the consent of the Council.

12 Floor space ratios

(1) The Council may only consent to the erection of a building if the ratio of the gross floor area of the building to the site area of the land on which the building is to be erected does not exceed:

(a) 0.5:1 within Zone No 2 (b),

(b) 1:1 within Zone No 3 (a), and

(c) 1:1 within Zone No 4 (a), 4 (b), 4 (b1), 4 (c1) and 4 (c2).

(2) Notwithstanding the provisions of subclause (1), the Council may consent to the carrying out of residential development on land within Zone No 2 (b) to a maximum floor space ratio of 1:1 where the allotment exceeds 2,500 sq m, and where it is of the opinion that:

(a) the proposed development will satisfy the primary objective of the zone,

(b) the scale of the proposed development, if above 2 storeys in height, is compatible with the scale of existing residential development in the locality,

(c) the architectural character and design of the proposed development does not adversely affect existing residential development in the locality,

(d) the provision of off-street parking for residents and visitors adequately meets the needs of the development,

(d1) the provision of on-site car parking does not dominate or detract from the appearance of the proposed development or the streetscape,

(e) the provision of private and communal open space on the site is adequate for the proposed development,

(e1) the proposed development includes landscaping that screens and softens the

visual effect of the buildings on the site, and creates useable and comfortable open space areas,

(f) the environmental amenity of the proposed development and of the immediate locality includes measures to confine or reduce noise and to maintain privacy,

(g) the proposed development ensures adequate sunlight, ventilation and privacy to its residents, to residents of adjoining development and to users of nearby public and private open space,

(h) the proposed development makes provision for the adequate absorption of stormwater, and includes deep root zones for tree planting,

(i) the proposed development incorporates pedestrian links at points where they are most prominently and safely connected to the existing street and pedestrian network, and

(j) the proposed development provides a safe and secure environment for its residents.

(3) Notwithstanding the provisions of subclause (1), the Council may consent to the carrying out of commercial development (other than that referred to in subclause (4)) and airport related development, but not including industry, on land within Zone No 4 (c1) or 4 (c2) to a maximum floor space ratio of 1.5:1.

(4) Notwithstanding the provisions of subclauses (1) and (3), the Council may consent to the carrying out of development for the purposes of hotels, motels and freestanding office complexes on land within Zone No 4 (c2) (consisting of an allotment that exceeded 4,000 sq m on 7 May 1993) to a maximum floor space ratio of 2.5:1, if the Council is satisfied that:

(a) adequate off-street parking will be provided to meet the needs of the development,

(b) the site will be landscaped to a high standard which will enhance the visual amenity of the locality, and

(c) the development will be of a high architectural standard and will enhance the visual amenity of the locality.

(5) Notwithstanding the provisions of subclauses (1), (3) and (4), the Council may consent to the erection of a building on the land to which this subclause applies where the Council is of the opinion that it will be used for the purpose of commercial premises and the ratio of the total of the gross floor areas of the building and the existing buildings on Lots 1 and 2, DP 792885 and Part Lot 51, DP 805038 to the area of land in those parcels does not exceed 2.6:1. The land to which this subclause applies is shown by heavy black edging on Plan No 1/53 deposited in the office of the Council.

(6) Notwithstanding the provisions of subclause (1), the Council may consent to the carrying out of residential development on land shown coloured light scarlet and edged red on the map marked " *Botany Local Environmental Plan 1995 (Amendment No 3)* " to a maximum floor space ratio of 1:1.

12A Floor space ratios--Mascot Station Precinct

(1) The Council may consent to the erection of a building on land in the Mascot Station Precinct only if the floor space ratio of the proposed building does not exceed the ratio specified for the land concerned on Sheet B of the map marked " *Botany Local Environmental Plan 1995 (Amendment No 28)* " which sheet is also titled " *Mascot Station Precinct Floor Space Ratios--Map 1 for clause 12A* ".

(2) For the purpose of calculating the floor space ratio of a building proposed to be erected on land in the Mascot Station Precinct:

(a) the Council is to include as part of the site area such part of the land as is required, by a condition of the relevant development consent, to be dedicated free of cost for the provision, extension or augmentation of public amenities or public services (as referred to in section 94 of the Act).

(b) (Repealed)

12B Floor space ratios--Pemberton-Wilson Street Precinct

(1) This clause applies to land shown coloured light scarlet and edged red on the map marked " *Botany Local Environmental Plan 1995 (Amendment No 3)* " (the "**Pemberton-Wilson Street Precinct**").

(2) For the purpose of calculating the floor space ratio of a building proposed to be erected on land in the Pemberton-Wilson Street Precinct:

(a) the Council is to include as part of the site area such part of the land (if any) as is required, by a condition of the relevant development consent, to be dedicated free of cost for the provision, extension or augmentation of public amenities or public services (as referred to in section 94 of the Act), and

(b) the gross floor area is taken to exclude (in addition to the matters excluded from the definition of that term in the *Environmental Planning and Assessment Model Provisions 1980* adopted by this plan) designated storage spaces (if any) designated for personal items associated with residential apartments.

13 Aircraft noise

The Council, in determining an application for consent to carry out any development in any area affected by aircraft noise (as advised by the Sydney Airport Corporation Limited (or any successor in title) in terms of ANEF contours) shall take into consideration the guidelines provided in *AS 2021*.

13A Noise or vibration

The Council must not consent to any proposed development that, in the opinion of the Council, is likely to be adversely impacted upon by road, rail, port or air traffic or other source of noise or vibration unless it is satisfied that the development:

(a) incorporates noise or vibration minimisation measures for the noise or vibration concerned (such as appropriate dwelling layout and construction), and

(b) takes into account relevant Australian Standards and Environmental Protection Authority criteria relating to noise or vibration.

13B Development and Obstacle Limitation Surfaces (OLS)

(1) The Council may grant consent to development that would penetrate the nominated airspace in relation to Sydney (Kingsford Smith) Airport only if:

(a) it has referred the development application to Sydney Airport Corporation Limited, and

(b) any necessary approvals required under the *Civil Aviation (Buildings Control) Regulations 1988* and the *Airports (Protection of Airspace) Regulations 1996* (both of the Commonwealth) in relation to the development have been obtained.

(2) In this clause: "**nominated airspace**" in relation to Sydney (Kingsford Smith) Airport means airspace in or in relation to which:

(a) the construction of a building or structure requires an approval under the *Civil Aviation (Buildings Control) Regulations 1988* of the Commonwealth, or

(b) the carrying out of a controlled activity (as defined in section 182 of the *Airports Act 1996* of the Commonwealth) requires an approval under the *Airports (Protection of Airspace) Regulations 1996* of the Commonwealth.

The Commonwealth legislation referred to in this clause requires approvals to be obtained (from the Civil Aviation Safety Authority, in the case of the *Civil Aviation (Buildings Control) Regulations 1988*, and the Secretary of the Commonwealth Department of Transport and Regional Services, in the case of the *Airports (Protection of Airspace) Regulations 1996*) before certain airspace (including that relating to Sydney (Kingsford Smith) Airport) may be intruded upon by (amongst other things) buildings or other structures.

14 Non-residential use of buildings in residential zones

(1) Where a building on land within Zone No 2 (a) or 2 (b) has been constructed for a

non-residential use prior to the appointed day and, in the opinion of the Council:

(a) it is not suitable on physical or economic grounds for conversion to, or replacement by, a residential use, and

(b) the proposed use will not adversely affect the amenity of the locality, the Council may consent to the use of the building or part of the building for a non-residential (excluding industrial) purpose.

(2) Nothing in this clause permits additions or extensions to the non-residential part of a building referred to in this clause.

15 (Repealed)

16 Industrial properties at Denison, Rhodes and Smith Streets, Hillsdale

Notwithstanding the provisions of clause 10, the Council may consent to development on land bounded by Denison, Rhodes and Smith Streets, Hillsdale only if:

(a) in relation to properties with a need for vehicular access off Rhodes Street or Smith Street, the development is for a purpose permissible within Zone No 4 (b), and

(b) in relation to properties without a need for vehicular access off Rhodes Street or Smith Street, the development is for a purpose permissible within Zone No 4 (a).

17 Development in industrial zones

(1) Before granting consent to any development to be carried out on land within Zone No 4 (a), the Council must be satisfied that:

(a) the development provides adequate off-street parking,

(b) the development provides an efficient and safe system for the manoeuvring, loading and unloading of vehicles,

(c) the operations of the development will not have an adverse impact on the functions of the surrounding road network,

(d) any goods, plant, equipment and other material resulting from the operations of the development will be stored within a building or wholly within the site and screened suitably from public view,

(e) there is sufficient area on-site for the storage and parking of vehicles associated with the operations of the development,

(f) landscaping will be provided that is integral to the design and function of the building and the site to improve the appearance of the development, enhance the streetscape and add to the amenity of the adjoining area,

(g) the development is of a height, scale and design that is sympathetic to adjoining land uses and built form,

(h) the building design and finishes are sympathetic and complementary to the built form, the streetscape and the public domain in the vicinity,

(i) the design and operation of the development will protect the visual and aural amenity of adjoining non-industrial uses,

(ia) the development is of a high standard of design, provides a high level of environmental amenity and is compatible with adjoining land uses and development,

(j) any noise generated from the operation of the development is minimised,

(k) any risk to human health, property or the natural environment arising from the operation of the development is minimised, and

(l) the provisions of *State Environmental Planning Policy No 55--Remediation of Land* will be complied with in relation to the land.

(2) Before granting consent to any development to be carried out on land within Zone No 4 (b) or Zone No 4 (b1), the Council must be satisfied that:

(a) the development provides adequate off-street parking,

(b) the development provides an efficient and safe system for the manoeuvring, loading and unloading of vehicles,

- (c) the operations of the development will not have an adverse impact on the functions of the surrounding road network,
- (d) any goods, plant, equipment and other material resulting from the operations of the development will be stored within a building or wholly within the site and screened suitably from public view,
- (e) the operation of the development will not have an adverse impact on the surrounding area as a result of traffic movement, the discharge of pollutants, emissions, waste storage, hours of operation and the like,
- (f) landscaping will be provided that is integral to the design and function of the building and the site to improve the appearance of the development, enhance the streetscape and add to the amenity of the adjoining area,
- (g) the development is of a height, scale and design that is sympathetic to adjoining land uses and built form,
- (ga) the development is of a high standard of design, provides a high level of environmental amenity and is compatible with adjoining land uses and development,
- (h) the building design and finishes are sympathetic and complementary to the built form, the streetscape and the public domain in the vicinity,
- (i) the design and operation of the development will protect the visual and aural amenity of adjoining non-industrial uses,
- (j) the levels of noise generated from the operations or vehicles associated with the development are compatible with adjoining non-industrial uses, and
- (k) the provisions of *State Environmental Planning Policy No 55--Remediation of Land* will be complied with in relation to the land.

(3) Before granting consent to any development to be carried out on land within Zone No 4 (c1) or 4 (c2), the Council must be satisfied that:

- (a) the development provides adequate off-street parking,
- (b) the development provides an efficient and safe system for the manoeuvring, loading and unloading of vehicles,
- (c) the operations of the development will not have an adverse impact on the functions of the surrounding road network,
- (d) any goods, plant, equipment and other material resulting from the operations of the development will be stored within a building or wholly within the site and screened suitably from public view,
- (e) the operation of the development will not have an adverse impact on the surrounding area as a result of traffic movement, the discharge of pollutants, emissions, waste storage, hours of operation and the like,
- (f) the landscaping is integral to the design and function of the building and the site to improve the appearance of the development, enhance the streetscape and add to the amenity of the adjoining area,
- (g) the building height, scale and design are sympathetic and complementary to the built form, the streetscape and the public domain in the vicinity,
- (h) the building design and finishes will not have an adverse impact on the amenity of the surrounding area as a result of wind generation, overshadowing, reflectivity and the like,
- (i) the design and operation of the development will protect the visual and aural amenity of adjoining non-industrial uses,
- (ia) the development is of a high standard of design, provides a high level of environmental amenity and is compatible with adjoining land uses and development,
- (j) the levels of noise generated from the operations or vehicles associated with the development are compatible with adjoining uses, and

(k) the provisions of *State Environmental Planning Policy No 55--Remediation of Land* will be complied with in relation to the land.

(4) Before granting consent to development for the purpose of high technology industries, light industries, light goods dispatch or tradespersons' supply and service stores on land within Zone No 4 (b1), the Council must be satisfied that:

(a) the proposed development will not detrimentally affect the amenity of existing or future residential development on any surrounding land within Zone No 4 (b1) by way of hours of operation, noise, lighting, traffic movements, odour or external storage, and

(b) the proposed development will not detrimentally affect the amenity of existing or future residential development on any adjoining land within Zone No 2 (b) by way of hours of operation, noise, lighting, traffic movements, odour or external storage, and

(c) any vehicle required for delivery is a light rigid vehicle or smaller.

18 Development in open space zones

When determining an application to carry out development on land within Zone No 6 (a) or 6 (b), the Council must consider:

(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 effect of the proposed development on the retention of open space.

18AA Environmental analysis

The Council must not grant consent to the carrying out of development on land within Zone No 6 (c) unless the Council has had regard to an environmental analysis of the proposed development.

18A Development in mixed uses zones--Mascot Station Precinct

The Council must not grant consent to the carrying out of any development on land in Zone No 10 (a) or Zone No 10 (b) unless it is satisfied that such of the following criteria as are relevant to the proposed development are met:

(a) the development provides adequate off-street parking,

(b) the development provides an efficient and safe system for the manoeuvring, loading and unloading of vehicles,

(c) any goods, plant, equipment or other material associated with the development will be stored in a building or wholly within the site and will be suitably screened from public view,

(d) the development will not have an adverse impact on the surrounding road network,

(e) the development will not have an adverse impact on the locality generally as a result of traffic movement, the discharge of pollutants, other emissions, waste storage, hours of operation or the like,

(f) the levels of noise generated from vehicles or operations associated with the development are compatible with the use to which adjoining land is put,

(g) the landscaping of the site is integral to the design and function of any building resulting from the development and will improve its appearance, enhance the streetscape and add to the amenity of the adjoining locality,

(h) the building height, scale and design are sympathetic with and complementary to the built form, the streetscape and the public domain in the vicinity,

(i) the building design and finishes will not have an adverse impact on the amenity of the locality because of wind generation, overshadowing, reflections and the like,

(j) the development will protect the visual and aural amenity of the non-industrial uses to which adjoining land is put,

(k) the land can be remediated in accordance with the provisions of the relevant environmental planning instruments.

18C Development near zone boundaries--Pemberton-Wilson Street Precinct

(1) This clause applies to any land that is within Zone No 2 (b) and that is within 15 metres of a boundary between that Zone and Zone No 4 (b1).

(2) The Council may consent to the carrying out of development on land to which this clause applies if that development would be able to be carried out with consent if the land concerned were within Zone No 4 (b1).

(3) Before granting consent for development pursuant to this clause, the Council must be satisfied that carrying out the development is generally consistent with the objectives of Zone No 4 (b1).

19 Development of land shown unzoned on the map

(1) This clause applies to all land to which this plan applies shown unzoned on the map.

(2) Development for any purpose of any land to which this clause applies may be carried out with the consent of the Council provided the Council is of the opinion that the development:

(a) is compatible with the nature of development permissible on neighbouring land and those development standards applicable to development on neighbourhood land, and

(b) is consistent with the objectives of this plan and the objectives of the zoning applying to neighbouring land.

(3) Notwithstanding subclause (2), the development of any land to which this clause applies by an authority for the purposes of the construction, installation or maintenance of roads and utility installations (other than railways, water or air transport, wharf or river undertakings, gas holders and generating works) or for any purpose ordinarily incidental or ancillary to those purposes may be carried out without the consent of the Council.

20 Development for certain additional purposes

(1) Nothing in this plan prevents a person, with the consent of the Council, from carrying out development on or with respect to land referred to in Schedule 2 for the purpose of the land use specified in relation to that land in that Schedule, subject to such conditions, if any, as are so specified.

(2) Subclause (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 consistent with that subclause or with a consent granted by the Council in respect of the development.

21 Community use of certain facilities

A person may, with the consent of the Council, use the facilities and sites of schools, colleges or other educational establishments for:

(a) community uses,

(b) commercial operation of both the facilities and sites, or

(c) development for the purposes of community uses, whether or not the development is ancillary to the use of those facilities and sites for the purposes of schools, colleges, or other educational establishments.

22 Greenhouse effect, global warming, air and water pollution and energy efficiency etc

The Council, before granting consent to any development that the Council is satisfied is in excess of \$250,000 in value (excluding land costs), or is of a type likely to give rise to significant soil, air, or water pollution, is to have regard to a study or studies addressing the following matters:

(a) in relation to global warming:

(i) possible measures which could be incorporated within the development to reduce the consumption of non-renewable forms of energy and the production of greenhouse gases which contribute to the greenhouse effect,

- (ii) whether any measures incorporated in the development designed to improve energy efficiency, to reduce the emission of greenhouse gases, or to respond to global warming are considered appropriate and adequate, and
 - (iii) measures that have been taken to alleviate any possible adverse effects on the development as a result of climate change due to the greenhouse effect,
- (b) in relation to air or water pollution:
- (i) the expected composition and quantity of all gaseous emissions or liquid discharges (apart from uncontaminated stormwater run-off) from the proposed development which possibly may be emitted from any part of the premises or any plant or equipment present on the premises and, in the case of liquid discharges or contaminated stormwater run-off, the expected frequency, composition and quantity of any discharges to the stormwater system,
 - (ii) the anticipated future air emissions or liquid discharges (apart from uncontaminated stormwater run-off) from the proposed development, including all premises, plant or equipment involved and, in the case of liquid discharges or contaminated stormwater run-off, the expected frequency, composition and quantity of any discharges to the stormwater system,
 - (iii) the details of all pollution control equipment to be used as a result of the development,
 - (iv) the details of all the measures to be used to ameliorate or control any gaseous emissions or liquid discharges, and
 - (v) calculation of the cumulative ground level concentrations of any air pollutants released, or liquids discharged, from the proposed development,
- (c) in relation to energy efficiency and energy conservation:
- (i) details of the total energy requirements of the development, and
 - (ii) any measures which minimise energy requirements of the proposed development, including building design, construction methods, materials, solar orientation, plant and equipment technology, space heating, cooling and lighting systems, and landscaping,
- (d) in relation to soil and groundwater contamination:
- (i) details of methods to be used to minimise the opportunities for polluting incidents to occur, and
 - (ii) operating practices and technology to be employed to overcome the effect of such incidents,
- (e) details of the facilities and programs to be provided within the development to promote waste minimisation and reuse or recycling practices.

23 Acquisition and development of land reserved for roads

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

- (1) This clause applies to land within Zone No 5 (a) shown on the map edged heavy black with a black band between the lines (being land reserved for roads).
- (2) The owner of any vacant land to which this clause applies may, by notice in writing, require:
 - (a) the RTA--in the case of land that is included in a five-year works program of the RTA current at the time of receipt of this notice, or
 - (b) the Corporation--in any other case,
 to acquire the land.
- (3) The owner of any land to which this clause applies that is not vacant may, by notice in writing, require the RTA to acquire the land if:
 - (a) the land is included in the five-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 under subclause (5) 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.

(4) On 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.

(5) A person may, with the consent of the Council, carry out development on land to which this clause applies:

(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.

(6) (Repealed)

(7) 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.

(8) In this clause, "**vacant land**" means land on which, immediately before the day on which a notice under subclause (2) 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.

23A Acquisition and development of land reserved for roads--Mascot Station Precinct

(1) The owner of land in the Mascot Station Precinct that is reserved, under Zone No 5 (a), for roads may, by notice in writing, require the Council to acquire the land, but only if:

(a) the land is included in the Council's Section 94 Contributions Plan or a Works Program of the Council that is current at the time of the receipt of the notice, or

(b) the Council has decided not to grant consent to the carrying out of development on the land, on the basis of a matter specified in subclause (3), or

(c) the Council is of the opinion that the owner of the land will suffer hardship if the land is not acquired within a reasonable timeframe.

(2) On receipt of a notice under this clause, the Council must acquire the land unless the land might reasonably be required to be dedicated for local roads.

(3) 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 use the land for the purpose of local roads,

(b) the imminence of acquisition,

(c) the likely additional cost to the Council resulting from the carrying out of the proposed development.

(4) 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.

24 Acquisition of road widening etc as part of development

(1) The Council may, for the purpose of calculating the floor space ratio of a building, include as part of the site area any adjoining land within Zone No 5 (a) shown on the map edged heavy black with a black band between the lines (being land reserved for roads), but only with the consent of the owner of that adjoining land.

(2) For the purposes only of subclause (1), the adjoining land included in the site area shall be treated as being within the same zone as that part of the site area which it immediately adjoins.

(3) The Council must not apply the provisions of this clause when granting consent to development, unless it attaches a condition to the consent requiring the dedication of that part of the site area affected by the reservation for the purpose for which it is reserved.

(4) A condition referred to in subclause (3) may require the dedication of that land at no cost, but only with the consent of the owner of the land.

25 Advertising and notification of certain development applications

(1) Before the Council determines a development application for consent to carry out any development listed below, it must place a notice of that application in a newspaper circulating weekly in the locality:

- (a) development for which consent is required by Part 4,
- (b) the use of a building or land for a purpose permissible under clause 14 or 27, and
- (c) development for the purposes of places of worship or residential flat buildings.

(2) The notice referred to in subclause (1) must include a statement that the development application is available for inspection at a particular place and over a specified period of not less than 14 days commencing from a specified date.

(3) Subclause (1) does not apply to the partial demolition of a heritage item or a building or work within a heritage conservation area if, in the opinion of the Council, the partial demolition will be of a minor nature and will not adversely affect the heritage significance of the heritage item, building or work in relation to the environmental heritage of the local government area of Botany Bay City.

26 Temporary use of land for purposes otherwise prohibited

Notwithstanding any other provisions of this plan, the Council may grant consent to development on land within any zone (being development that is otherwise prohibited under this plan in the zone concerned) for any temporary purpose for a maximum period of 28 days, whether consecutive or not, in any one year, provided the Council is satisfied that:

- (a) the temporary purpose is necessary and reasonable for the economic use of the land pending its development in accordance with this plan,
- (b) the temporary purpose will not prejudice the carrying out of development on the land in accordance with this plan, and
- (c) appropriate arrangements are made for the removal of the use and any associated structures at the end of the period specified in the development consent.

27 General advertising

The Council may consent to general advertising on land within Zone No 3 (a), 3 (b), 4 (c1), 4 (c2) or 5 (a), but only if it is of the opinion that the general advertising:

- (a) will enhance and improve the landscaping and scenic quality of the locality, and
- (b) will not add or contribute to the signage clutter in the locality, and
- (c) will not have an adverse effect on traffic safety, and
- (d) will not have an adverse effect on the amenity of the locality within which it is located (taking into account, for example, its visual impact, size and illumination), and
- (e) will, if attached to a building, form an integral but subsidiary part of the building, both in structure and appearance.

28 Excavation and filling of land

(1) The consent of the Council is required for the following:

- (a) excavation exceeding 0.5m in depth of any land, except for landscaping works or similar works of a minor nature,
- (b) the placing of fill material onto any land.

(2) When considering an application for consent required by subclause (1), the Council shall have particular regard to:

- (a) the likely disruption of, or detrimental effect on, existing drainage patterns and soil stability in their locality, and
- (b) the effect of the proposed works on the likely future use or redevelopment of the land, and

(c) the *Contaminated Land Management Act 1997*.

29 (Repealed)

30 Tree preservation order

The tree preservation order made by the Council under clause 8 of the *Environmental Planning and Assessment Model Provisions 1980* and in force immediately before the appointed day, being an order relating to land to which this plan applies, is taken to be a tree preservation order made by the Council under that clause (as adopted by this plan) and may be rescinded or varied in accordance with that clause.

30A Development on land identified on Acid Sulfate Soil Planning Map

(1) Consent is required A person must not, without the 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).

Table

Class of land as shown on <i>Acid Sulfate Soil Planning Map</i>	Works
1	Any works
2	Works below the ground surface Works by which the watertable is likely to be lowered
4	Works below 2m AHD Works by which the watertable is likely to be lowered beyond 2 metres AHD
5	Works within 500 metres of adjacent Class 1, 2 or 4 land which are likely to lower the watertable below 1 metre AHD on adjacent Class 1, 2 or 4 land

(2) For the purposes of the Table to subclause (1), "**works**" include:

- (a) any disturbance of more than one tonne of soil (such as occurs in carrying out agriculture, the construction or maintenance of drains, extractive industries, dredging, the construction of artificial waterbodies (including canals, dams and detention basins) or foundations, or flood mitigation works or urban development (such as the construction of basement car parks, building foundations, installation of utilities and site drainage)), and
- (b) any other works that are likely to lower the watertable, such as the temporary or permanent use of pumps to lower the natural groundwater level within or around a site, or the construction or maintenance of drains.

(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 Guidelines* has been given to the Council, and
- (b) the Council has provided written advice to the person proposing to carry out those 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 ASS Manual.

(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 ASS Manual, and
- (b) the likelihood of the proposed development resulting in the discharge of acid water, and
- (c) (Repealed)

(5) Public authorities not excepted This clause requires consent for development to be carried out by councils and other public authorities despite:

- (a) clause 35 of, and items 2 and 11 of Schedule 1 to, 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 and Miscellaneous Exempt and Complying Development*.

(6) Special provisions for the Council and Sydney Water Corporation Despite subclauses (1)-(5), the Council or the Sydney Water Corporation may carry out the following development without consent:

- (a) development consisting of emergency work,
- (b) development consisting of routine maintenance,
- (c) development consisting of minor work,
- (d) any work ancillary to such development.

(7) If the Council or the Sydney Water Corporation carries out development described in subclause (6) and encounters, or is reasonably likely to encounter, acid sulfate soils, the Council must deal with those soils in accordance with the ASS Manual so as to minimise the actual or potential impact on the environment arising from disturbance of the soils.

(8) In this clause: "**emergency work**" means the repair or replacement of any part of the Council or the Sydney Water Corporation's works:

- (a) because the works have been (or are being) damaged by a natural disaster, an accident, an act of vandalism or a like occurrence, or
- (b) because they have ceased to function or suddenly ceased to function adequately,

and includes work reasonably necessary to prevent or limit any further damage or malfunction. "**minor work**" means new work carried out by the Council or the Sydney Water Corporation that has a value not greater than \$20,000, but does not include drainage work. "**routine maintenance**" means the periodic inspection, cleaning, repair and replacement of the Council's or Sydney Water Corporation's works, but does not include work that would result in an increase in the design capacity of any part of those works or necessitate the deepening of an existing works capacity, except where works do not involve the disturbance of soil below the ground watertable.

Part 4 – Heritage provisions

31 Protection of heritage items and heritage conservation areas

(1) When is consent required? The following development may be carried out only with development consent:

- (a) demolishing, or moving (whether in whole or in part), 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) erecting a building on, or subdividing, land on which a heritage item is located or which is within a heritage conservation area,
- (f) removing gardens, boundary walls, and landscaping if it forms an intrinsic element of a setting associated with the heritage significance of a heritage item or a heritage conservation area.

(2) What exceptions are there? Development consent is not required by this clause if:

- (a) in the opinion of the Council:
 - (i) 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
 - (ii) the proposed development would not adversely affect the significance of the heritage item or heritage conservation area, and
- (b) the proponent has notified the consent authority in writing of the proposed development and the consent authority has advised the proponent 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) Exception relating to cemetery or burial grounds 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, relics in the form of grave goods, a place of Aboriginal heritage significance, Aboriginal objects, an Aboriginal place, an archaeological site, a potential archaeological site or a potential 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 considered 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 place of Aboriginal heritage significance or the archaeological site, or the heritage significance of the heritage item or heritage conservation area, concerned.

(5) Submission of a heritage impact statement or a conservation management plan The assessment must include consideration of a heritage impact statement that addresses at least the issues referred to in subclause (6) (but is not to be limited to assessment of those issues, if the heritage significance concerned involves other issues). The Council may also decline to grant such a consent until it has considered a conservation management plan, if it considers the development proposed should be assessed with regard to such a plan.

(6) What issues must be addressed in a heritage impact statement? The minimum number of issues that must be addressed by the heritage impact statement are:

- (a) for development that would affect a heritage item:
 - (i) the heritage significance of the item as part of the environmental heritage of the local government area of Botany Bay City, 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
- (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 which 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, setbacks, materials and detailing of 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 or potential archaeological site 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.

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*).

32 Advertised development

The following development is identified as advertised development:

- (a) the demolition of a heritage item or a building, work, tree, place or relic in a heritage conservation area,
- (b) the carrying out of any development allowed by clause 37.

33 (Repealed)

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

The Council may grant consent to the carrying out of development on an archaeological site or a potential archaeological site, or the site of an Aboriginal object, or development that is likely to have an impact on a place of Aboriginal heritage significance or a potential place of Aboriginal heritage significance, only if:

- (a) it has considered a heritage impact statement explaining how the proposed development would affect the conservation of the place or site and any Aboriginal objects known or reasonably likely to be located at the place or site, and
- (b) except where the proposed development is integrated development, it has notified the local Aboriginal communities (in such way as it thinks appropriate) of its intention to grant consent to the carrying out of the development and has considered any comments received in response within 21 days after the relevant notice is sent.

35 Development affecting known or potential archaeological sites of relics of non-Aboriginal heritage significance

(1) The Council may grant consent to the carrying out of development on an archaeological site or a potential archaeological site of a relic that has non-Aboriginal heritage significance (whether or not it is, or has the potential to be, also the site of an Aboriginal object) only if:

- (a) it has considered 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) it is 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 Council 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.

36 Development in the vicinity of a heritage item or heritage conservation area

- (1) The Council may grant consent to the carrying out of development in the vicinity of a heritage item or a heritage conservation area only if it has assessed the impact of the proposed development on the heritage significance of the heritage item or the heritage conservation area.
- (2) This clause extends to development:
 - (a) that may have an impact on the setting of a heritage item or heritage conservation area, for example, by affecting a significant view to or from the item or area or by overshadowing, or
 - (b) that may undermine or otherwise cause physical damage to a heritage item or buildings within a heritage conservation area, or
 - (c) that may otherwise have any adverse impact on the heritage significance of a heritage item or heritage conservation area.
- (3) The consent authority may request the submission of 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 or heritage conservation area.
- (4) The heritage impact statement is to 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 or heritage conservation area (including buildings within the heritage conservation area).

37 Conservation incentives

The Council may grant consent to the use for any purpose of a building that is a heritage item or that is within a heritage conservation area, or of the land on which such a building is erected, even though the use would otherwise not be allowed by this plan, if:

- (a) it is satisfied that the retention of the building depends on the granting of consent, and
- (b) the proposed use is in accordance with a conservation management plan that has been endorsed by the Council, 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, or the heritage conservation area or the amenity of the heritage conservation area, and
- (e) the proposed use would not adversely affect the amenity of the surrounding area otherwise than to an insignificant extent.

37A Development in heritage conservation areas

- (1) The Council may grant consent to the erection of a building within a heritage conservation area only if the Council is satisfied that the features of the proposed building 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 Council must have regard to:
 - (a) the setbacks, scale, bulk and form, including detailing and articulation, of the building, and
 - (b) the pitch and form of the roof (if any), and
 - (c) the style, size, proportion and position of the openings for windows or doors (if any), and

- (d) the colour, texture, style, size and type of finish of the materials to be used on the exterior of the building, and
- (e) any other matter that the Council considers relevant to the assessment of the application.

Part 5 – Miscellaneous

38 Water, wastewater and stormwater systems

- (1) The Council must not grant consent to the carrying out of development on land or subdivision of land to which this plan applies for the purpose of a habitable building unless it is satisfied that adequate water and sewerage services will be available to the land it is proposed to develop.
- (2) The Council must not grant consent to the carrying out of development on land or subdivision of land to which this plan applies for any purpose unless it is satisfied that adequate provision has been made for the disposal of stormwater from the land it is proposed to develop.

39 Classification and reclassification of public land

- (1) The objective of this clause is to enable the Council to classify or reclassify public land as "operational land" or "community land" in accordance with Part 2 of Chapter 6 of the *Local Government Act 1993*. Under the *Local Government Act 1993*, "public land" is generally land vested in or under the control of a council (other than roads, Crown reserves and commons). The classification or reclassification of public land may also be made by a resolution of the Council under section 31, 32 or 33 of the *Local Government Act 1993*. Section 30 of that Act enables this Plan to discharge trusts on which public reserves are held if the land is reclassified under this Plan as operational land.
- (2) The public land described in Part 1 or Part 2 of Schedule 4 is classified, or reclassified, as operational land for the purposes of the *Local Government Act 1993*.
- (3) The public land described in Part 3 of Schedule 4 is classified, or reclassified, as community land for the purposes of the *Local Government Act 1993*.
- (4) The public land described in Part 1 of Schedule 4:
 - (a) does not cease to be a public reserve to the extent (if any) that it is a public reserve, and
 - (b) continues to be affected by any trusts, estates, interests, dedications, conditions, restrictions or covenants that affected the land before its classification, or reclassification, as operational land.
- (5) The public land described in Part 2 of Schedule 4, to the extent (if any) that it is a public reserve, ceases to be a public reserve when the description of the land is inserted into that Part and is discharged from all trusts, estates, interests, dedications, conditions, restrictions and covenants affecting the land or any part of the land, except:
 - (a) those (if any) specified for the land in Column 3 of Part 2 of Schedule 4, and
 - (b) any reservations that except land out of the Crown grant relating to the land, and
 - (c) reservations of minerals (within the meaning of the *Crown Lands Act 1989*).

In accordance with section 30 (2) of the *Local Government Act 1993*, the approval of the Governor to subclause (5) applying to the public land concerned is required before the description of the land is inserted in Part 2 of Schedule 4.

39A Development in vicinity of Alexandra Canal

- (1) A person must not, except with development consent, erect any structure on land within 10 metres of:
 - (a) the bank of the Alexandra Canal, or
 - (b) any of its open secondary channels.
- (2) Such a consent must not be granted unless the consent authority:
 - (a) has made an assessment of the effect the erection of that structure would have on the aquatic environment and the potential use of Alexandra Canal and its

foreshores for recreational purposes, and
(b) has considered whether conditions should be imposed on that consent requiring the landscaping of that land, and
(c) has considered whether conditions should be imposed on that consent requiring the creation of a right of carriageway for the purpose of permanent pedestrian access within that land.

40 Savings and transitional

(1) A development application lodged with the Council but not finally determined before the commencement of a relevant amending plan is to be assessed and determined under the provisions of this plan as if the relevant amending plan had been exhibited under the Act but had not been made.

(2) Subclause (1) does not apply to a development application if the applicant has given the Council a written request for the application to be assessed and determined under the provisions of this plan as amended by the relevant amending plan.

(3) In this clause: "**relevant amending plan**" means any of the following local environmental plans:

Botany Local Environmental Plan 1995 (Amendment No 3)

Botany Local Environmental Plan 1995 (Amendment No 11)--Mascot Station Precinct

Botany Local Environmental Plan 1995 (Amendment No 25)

Schedule 1 Definitions

(Refer to Clause 7)

"**Aboriginal object**" means any deposit, object or material evidence (not being a handicraft made for sale) relating to the Aboriginal habitation of the area that comprises New South Wales, being habitation before or concurrent with (or both) the occupation of that area by persons of non-Aboriginal extraction, and includes Aboriginal remains.

"**Aboriginal place**" means any place declared to be an Aboriginal place under section 84 of the *National Parks and Wildlife Act 1974* by the Minister administering that Act.

"**acid sulfate soil planning map**" means the map marked "*Botany Local Environmental Plan 1995 (Amendment No 24)*" kept in the office of the Council.

"**acid sulfate soils**" means actual or potential acid sulfate soils, as defined in the ASS Manual.

"**Acid Sulfate Soils Assessment Guidelines**" means the *Acid Sulfate Soils Assessment Guidelines* in the ASS Manual.

"**air freight forwarder**" means a building or place used for the assembly, storage or land transport of air freight.

"**air impurity**" includes smoke, dust (including fly ash), cinders, solid particles of any kind, gases, fumes, mists, odours and radioactive substances.

"**air pollution**" means the emission into the air of any air impurity.

"**airport-related industry**" means the manufacturing, assembling, altering, repairing, renovating, ornamenting, finishing, cleaning, washing, dismantling, processing or adapting of any goods or articles for a commercial purpose related to the Sydney (Kingsford Smith) Airport,

but does not include any of the following:

- (a) any industry elsewhere defined for the purposes of this plan,
- (b) any hazardous or offensive development or potentially hazardous or offensive development under *State Environmental Planning Policy No 33--Hazardous and Offensive Development*,
- (c) any development that is declared to be designated development by the *Environmental Planning and Assessment Regulation 2000*,
- (d) any offensive storage establishment,
- (e) any materials recycling yard,
- (f) any hazardous storage establishment.

"airport-related land use" means a building or place used as an office or for other business or commercial purposes or industry related to Sydney (Kingsford Smith) Airport, and includes a building or place used for the provision of:

- (a) services related to any of the following uses carried out at Sydney (Kingsford Smith) Airport:
 - (i) the assembly, storage or land transport of air freight,
 - (ii) the accommodation or transportation of air passengers by air or land,
 - (iii) the operation, maintenance or repair of aircraft or aircraft components,
 - (iv) the administrative functions associated with the airport, such as airport management and security,
 - (v) the functions of government departments and authorities related to air passengers and air freight, and
- (b) services provided for hotel or motel guests, including banking, dry cleaning, hairdressing and the like, that are located within the confines of the hotel or motel building.

"amusement centre" means a building or place used principally for the purposes of playing:

- (a) billiards, pool or similar games, or
- (b) electrically or mechanically operated amusement devices such as pinball machines and the like,

but does not include clubs or hotels.

"ANEF" means Australian noise exposure forecast within the meaning of *AS 2021*.

"ANEF contour" means the noise exposure contour of ANEF shown on a plan of Sydney (Kingsford-Smith) Airport or surrounding land prepared by the Federal Airports Corporation or other appropriate Commonwealth public authority.

"appointed day" means the day on which this plan was published in the Gazette.

"archaeological site" means a site of one or more relics.

"AS 2021" means Australian Standard *AS 2021--2000, Acoustics--Aircraft noise intrusion--Building siting and construction* published by Standards Australia as in force for the time being.

"ASS Manual" means the document titled *Acid Sulfate Soil Manual* published by the Acid Sulfate Soils Management Advisory Committee, as adopted for the time being by the Director-General.

"automotive use" means a use of a building or work or land for the sale or installing (or both) of automotive accessories, such as tyres, fittings and car batteries, but does not include any other use elsewhere defined for the purposes of this plan.

"building identification sign" means a sign that identifies or names a building, and that may include the name of a business or building, the street number of a building, the nature of a business and a logo or other symbol that identifies the business, but that does not include general advertising of products, goods or services.

"business identification sign" means a sign:

(a) that indicates:

(i) the business carried on by a person at the premises or place at which the sign is displayed, and

(ii) the name of the person, and

(b) that may include the address of the premises or place and a logo or other symbol that identifies the business,

but does not include any advertising relating to a person who does not carry on business at the premises or place.

"car parking facility" means a building or place used for parking vehicles, whether operated for gain or not, and any manoeuvring space or access to that building or place, but does not include car parking ancillary to a permissible use.

"caretaker's residence" means a residence used for the purpose of providing ancillary support services to the principal industrial use of the land on which the residence is located, if:

(a) the residence is necessary for the security and/or supervision of the principal use of the land, and

(b) the principal use of the land has been established, and

(c) the residence is physically linked to or within the curtilage of a building used for industrial purposes.

"child care centre" means a building or place used for the purpose of supervising or caring for children which:

(a) caters for 6 or more under-school-age children, whether or not those children are related to the owner or operator of the child care centre, and

(b) may be used for the purpose of education, and

(c) may be operated for the purpose of gain,

but does not include a building or place providing residential care for those children.

"community facility" means a building or place or facility owned or controlled by a public authority or a body of persons which, in the opinion of the Council, provides for the physical, social, cultural or intellectual development or welfare of the community, but does not include a building or place elsewhere defined for the purposes of this plan.

"conservation management plan" means a document, prepared in accordance with the requirements of the 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.

"container terminal" means an area or place where the contents of maritime containers are

unloaded for the purpose of their further consignment to other places or where goods, brought from other places, are loaded into containers for their consignment as one load, or where containers are repaired, refitted or stored.

"convenience shop or facility" means a shop or a facility, other than a supermarket, which, in the opinion of the Council, is necessary for the daily convenience needs of the workforce of the locality in which it is situated, and includes a chemist shop, milk bar, fruit shop, newsagent, smallgoods or sandwich shop, banks, credit unions and the like.

"Council" means the Council of the City of Botany Bay.

"customs agency" means premises used for the provision of customs services in relation to the import or export of goods through Port Botany or Sydney Airport, or both places, but which are not used for any on-site warehousing or on-site distribution of goods.

"demolition" of a building or work, or a heritage item, or an item listed on the State Heritage Register, or a place listed on the Register of the National Estate, or a relic, tree or place within a heritage conservation area, or a place of Aboriginal heritage significance, or a potential place of Aboriginal heritage significance shown on the map, or an archaeological site, or a potential archaeological site shown on the map, means to damage, deface, destroy, or pull down or remove, the same (whether in whole or in part).

"detached dwelling-house" means a dwelling-house that is not attached to another dwelling-house by a common wall, party wall, separating wall, ceiling, floor, breezeway, carport or any other structure.

"endangered ecological community" has the same meaning as in the Act.

"environmental analysis" means a site-specific assessment that identifies, in the context of an environmental management plan adopted by Sydney Water Corporation, the potential environmental impacts and aspects of proposed restoration works, and which includes (without limitation):

- (a) a description of the work activities, and
- (b) the potential impacts of the work activities, and
- (c) the proposed control measures or management procedures to minimise potential impacts, and
- (d) the impact on, and proposed control of, stormwater on the adjoining wetlands, and
- (e) a monitoring and inspection program, and
- (f) statements of responsibility for all contractors and subcontractors.

"environmental educational project" means an activity, managed by a public authority, that promotes educational or scientific study of the wetlands or associated riparian vegetation and ecological community without a significant impact on the aquatic, riparian or terrestrial habitats, such as controlled public tours, the stream watch program and other non-destructive research activities.

"environmental restoration works" means works that are carried out to restore or enhance the natural value of wetlands and that do not have a significant impact on the aquatic, riparian or terrestrial environment, and includes:

- (a) carp control, and
- (b) works to restore or enhance:

- (i) plant communities, or
- (ii) water levels, or
- (iii) water flow, or
- (iv) soil composition.

"general advertising" means a display by the use of symbols, messages or other devices for promotional purposes or for the conveying of information, instructions, directions or the like (whether or not the display includes the erection of a structure or the carrying out of a work) that is unrelated, in its content, to the use of the property on which the display is to be located.

"greenhouse effect" means the extra warming of the earth due to absorption of the earth's emitted infra-red radiation by greenhouse gases.

"greenhouse gases" means the following gases: carbon dioxide, methane, nitrous oxide, chlorofluorocarbons, tropospheric ozone and any other compounds or component, the breakdown of which could form any of those gases and lead to ozone depletion.

"gross floor area" means the sum of the areas of each floor of a building where the area of each floor is taken to be the area within the outer face of the external enclosing walls as measured at a height of 1,400 millimetres above each floor level excluding the following:

- (a) columns, fin walls, sun control devices and any other elements, projections or works outside the general line of the outer face of the external walls,
- (b) lift towers, cooling towers, machinery and plant rooms and ancillary storage space and vertical air-conditioning ducts,
- (c) car parking at basement and at grade (ground level) and 50% of the car parking area provided at first floor level (and any internal access to that car parking), being car parking that is needed to meet any requirements of the Council,
- (d) space for the loading and unloading of goods,
- (e) designated storage spaces (if any) designated for personal items associated with multi unit housing, residential flat buildings and mixed development.

"hardware and building supplies" means a building or place the principal purpose of which is the sale or hire of goods and materials, including household fixtures, timber, tools, paint, wallpaper, plumbing supplies, landscaping supplies or the like, that are used in the construction and maintenance of buildings (and adjacent outdoor areas).

"hazardous industry" means a development for the purposes of an industry which, when the development is in operation and when all measures proposed to reduce or minimise its impact on the locality have been employed (including, for example, measures to isolate the development from existing or likely future development on other land in the locality), would pose a significant risk in relation to the locality:

- (a) to human health, life or property, or
- (b) to the biophysical environment.

"hazardous storage establishment" means any establishment where goods, materials or products are stored which, when in operation and when all measures proposed to reduce or minimise its impact on the locality have been employed (including, for example, measures to isolate the establishment from existing or likely future development on the other land in the locality), would pose a significant risk in relation to the locality:

- (a) to human health, life or property, or
- (b) to the biophysical environment.

"health care professional" means a person who renders professional health services to

members of the public, and includes acupuncturists, chiropractors, dentists, homeopaths, medical practitioners (general practitioner or specialist), naturopaths, orthodontists, osteopaths, physiotherapists, podiatrists or any other like professionals.

"heritage conservation area" means an area of land that is shown hatched on the map, and that is identified in Schedule 3 as a heritage conservation area, and includes buildings, works, archaeological sites, trees and places situated on or within the land.

"heritage impact statement" means a document prepared in accordance with the requirements of the Heritage Office, 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 building, work, archaeological site or place (including a place of Aboriginal heritage significance) identified in Schedule 3 as a heritage item and the site of which is described in that Schedule.

"heritage significance" means historic, scientific, cultural, social, archaeological, natural or aesthetic value.

"high technology industry" means an enterprise which has as its primary function the manufacture, development, production, processing or assembly of, or research into, any of the following:

- (a) electronic and micro-electronic systems, goods and components,
- (b) information technology, computer software and hardware,
- (c) instrumentation and instruments,
- (d) biological, pharmaceutical, medical or paramedical systems, goods and components,
- (e) other goods, systems and components intended for use in science and technology.

"hotel" means premises specified or proposed to be specified in a hotelier's licence granted under the *Liquor Act 1982*.

"industry" means the manufacturing, assembling, altering, repairing, renovating, ornamenting, finishing, cleaning, washing, dismantling, processing or adapting of any goods or articles for a commercial purpose, but (except in this Schedule) does not include an industry elsewhere defined for the purposes of this plan.

"light goods dispatch" means a building or place in which there is carried on a non-retail occupation, profession or trade, which involves light goods handling and storage of those goods for dispatch, but only in conjunction with the core business, and only where the product is small and a light rigid vehicle (or smaller vehicle) is required for delivery.

"light industry" means an industry in which processes carried on, or the transportation involved or the machinery or materials used, do not interfere unreasonably with the amenity of the neighbourhood, but does not include a building, place or activity elsewhere defined for the purposes of this plan.

"light rigid vehicle" means a motor vehicle with a GVM (gross vehicular mass) of more than 4.5 tonnes but not more than 8 tonnes.

"local shop" means a shop or refreshment room that operates primarily to serve the surrounding

residential area and does not exceed 100 square metres in gross floor area.

"maintenance" in relation to a heritage item or to a building, work, archaeological site, tree or place within a heritage conservation area, means the on-going protective care of the same. It does not include alterations, such as carrying out extensions or additions, or the introduction of new materials or technology.

"Mascot Station Precinct" means the land bounded by Coward Street, O'Riordan Street, Gardeners Road and Kent Road, Mascot.

"materials recycling yard" means a building or place used for the collecting, compaction, dismantling, storing, abandoning or recycling of second-hand or scrap materials whether for the purpose of resale or not.

"mixed development" means a boarding house, multi unit housing, residential flat building, serviced apartment, or dwelling-house, which is located within the same building in which is located, on the ground floor level only, shops, commercial premises or any other non-residential use permissible in the zone for the site.

"motor vehicle repair workshop" means a building or a place used for the repair of or fitting of accessories to motor vehicles or agriculture machinery which may involve body building, panel beating or spray painting.

"multi unit housing" means a building or buildings, on one allotment of land, containing 2 or more dwellings where each dwelling has an individual entrance and direct access to private open space at ground level for the exclusive use of the occupants of the dwelling, and includes townhouses, villas, and terraces, but does not include residential flat buildings or any other form of dwellings specifically defined in this Schedule.

"offensive industry" means a development for the purposes of an industry which, when the development is in operation and when all measures proposed to reduce or minimise its impact on the locality have been employed (including, for example, measures to isolate the development from existing or likely future development on other land in the locality), would emit a polluting discharge (including, for example, noise) in a manner which would have a significant adverse effect in the locality or on the existing or likely future development on other land in the locality.

"offensive storage establishment" means any establishment where goods, materials or products are stored which, when in operation and when all measures proposed to reduce or minimise its impact on the locality have been employed (including, for example, measures to isolate the establishment from existing or likely future development on other land in the locality), would emit a polluting discharge (including, for example, noise) in a manner which would have a significant adverse effect in the locality or on the existing or likely future development on other land in the locality.

"place of Aboriginal heritage significance" means:

- (a) a place that has the physical remains of Aboriginal occupation and/or use, or is of contemporary significance to Aboriginal people (It may be a post-European contact site. It can, but need not, include items and remnants of the occupation of the land by Aboriginal people, such as burial places, engraving sites, rock art, midden deposits, scarred and sacred trees and sharpening grooves.), or
- (b) a natural Aboriginal sacred site or other sacred feature. (It includes natural features

such as creeks of long-standing cultural significance, as well as initiation, ceremonial or story places or areas of more contemporary cultural significance.)

"potential archaeological site" means a site that:

- (a) is shown hatched on the map, or
- (b) in the opinion of the Council, has the potential to be an archaeological site.

"potential place of Aboriginal heritage significance" means a place that:

- (a) is shown cross hatched on the map, or
- (b) in the opinion of the Council, has the potential to have Aboriginal heritage significance.

"private hotel" means a hotel used primarily for short-term residential purposes which is not licensed under the *Liquor Act 1982* and does not include a building or place elsewhere defined in this Schedule.

"recreation area" means an area used to provide facilities for recreational activities which promote the physical, cultural or intellectual welfare of persons within the community, and includes golf courses, tennis courts and bowling greens and any ancillary buildings.

"recreation facility" means a building or place used for indoor recreation, such as a squash court, swimming pool, gymnasium or bowling alley, or any other building or place of a like character used for sporting, recreation or leisure activities, whether or not operated for the purpose of gain, but does not include a place of assembly or an amusement centre.

"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 local government area of Botany Bay City 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 that area.

"residential flat building" means a building containing 3 or more dwellings (not being serviced apartments or multi unit housing) that have shared parking or access arrangements (or both).

"restaurant" means a building or place the principal purpose of which is the provision of food to paying customers for consumption on the premises.

"retail plant nursery" means a building or place used for growing plants and selling plants by retail, whether or not landscaping supplies (including earth products) or other landscape and horticultural products are also sold at the building or place.

"riparian vegetation" means any vegetation that is located adjacent to a wetland and is reliant on, and contributes to, the hydrological regime and ecology of that wetland.

"semi-detached dwelling" means either of the 2 dwellings that are created when a building is divided vertically into 2 dwellings by a common wall, but only if the dwelling is located on a separate lot having access to and frontage to a street.

"service station" means a building or place used for the fuelling of motor vehicles involving the sale by retail of petrol, oil and other petroleum products and which also is used for any one or more of the following:

- (a) the sale by retail and installation of spare parts and accessories for motor vehicles,
- (b) washing and greasing of motor vehicles,
- (c) the hiring of trailers,
- (d) repairing and servicing of motor vehicles (other than body building, panelbeating or spray painting),
- (e) the retail selling or hiring of small consumer goods.

"serviced apartment" means a building containing 3 or more self-contained dwellings that are not under separate strata title and that:

- (a) are cleaned or serviced by the owner or manager of the building (or the agent of the owner or manager), and
- (b) provide short-term accommodation for persons who have their principal place of residence elsewhere,

but does not include a backpackers' hostel, boarding house, bed and breakfast accommodation or private hotel.

"studio workshop" means a building containing both a dwelling and a work area, which are physically connected, where the work carried on in the work area is a use permitted in the zone concerned and involves the employment of not more than five persons other than the permanent residents of the dwelling and does not involve any one or more of the following:

- (a) a dwelling that has a gross floor area greater than 100m²,
- (b) the dwelling occupying more than 40% of the gross floor area of the building,
- (c) interference with the amenity of the neighbourhood by reason of the emission of noise, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil, or otherwise,
- (d) interference with the amenity of the neighbourhood due to any one or more of the following:
 - (i) the generation of excessive vehicular traffic,
 - (ii) the attraction of an excessive number of customers or clients,
 - (iii) the reduction of car parking in the vicinity of the site.

"tavern" means a building or place used for the purpose of offering food and alcohol for sale for consumption on the premises, being a building or place that is licensed under the *Liquor Act 1982* and does not provide overnight accommodation.

"the Act" means the *Environmental Planning and Assessment Act 1979*.

"the Corporation" means the Corporation constituted by section 8 (1) of the *Environmental Planning and Assessment Act 1979*.

"the map" means the map marked "*Botany Local Environmental Plan 1995*" deposited in the office of the Council, as amended by the maps, or the specified sheets of maps, marked as follows:

The amending maps are not necessarily listed in the order of gazettal or publication on the NSW legislation website. Information about the order of gazettal or publication can be determined by referring to the Historical notes at the end of the plan.

Botany Local Environmental Plan 1995 (Amendment No 3)
Botany Local Environmental Plan 1995 (Amendment No 4) --Sheets A and B
Botany Local Environmental Plan 1995 (Amendment No 9)

Botany Local Environmental Plan 1995 (Amendment No 11)--Mascot Station Precinct
Botany Local Environmental Plan 1995 (Amendment No 12) --Sheet 1
Botany Local Environmental Plan 1995 (Amendment No 13)
Botany Local Environmental Plan 1995 (Amendment No 14) --Sheets B and C
Botany Local Environmental Plan 1995 (Amendment No 20)
Botany Local Environmental Plan 1995 (Amendment No 21)
Botany Local Environmental Plan 1995 (Amendment No 22)
Botany Local Environmental Plan 1995 (Amendment No 27)
Botany Local Environmental Plan 1995 (Amendment No 28) --Sheets A, B and C
Botany Local Environmental Plan 1995 (Amendment No 29)
Botany Local Environmental Plan 1995 (Amendment No 32)
Botany Local Environmental Plan 1995 (Amendment No 39)

"the RTA" means the Roads and Traffic Authority constituted under the *Transport Administration Act 1988*.

"threatened species" has the same meaning as in the Act.

"tradespersons' supply and service store" means a building within which the sale or hire and/or servicing of moveable plant occurs and at which the moveable plant is operated only by the owners or occupiers of the building, and may include an ancillary office area.

"utility installation" means a building or work used for a utility undertaking.

"utility undertaking" means any undertaking carried on by or under the authority of any Government department, or in pursuance of any Commonwealth or State Act, for the purpose of:

- (a) railway, road, water or air transport, or wharf or river undertakings, or
- (b) the provision of sewerage or drainage services, or
- (c) the supply of water, hydraulic power, electricity or gas, or
- (d) telecommunications facilities.

"vehicle rental centre" means a building or premises used to rent out vehicles and to store and service those vehicles and may include an ancillary office area.

"warehouse or distribution centre" means a building or place used for the purpose of storing goods or materials which have been produced or manufactured and includes a bulk store, but does not include the retail sale of goods or materials.

"wetlands" means:

- (a) natural wetlands, including marshes, salt marshes, mangroves, sea grasses, back waters, billabongs, swamps, sedgeland, wet meadows or wet heathlands, that form a shallow water body when inundated cyclically, intermittently or permanently with fresh, brackish or salt water and where the inundation determines the type and productivity of the soils and the plant and animal communities, or
- (b) non-natural wetlands, including marshes, swamps, wet meadows, sedgeland or wet heathlands, that form a shallow water body when inundated cyclically, intermittently or permanently with fresh, brackish or salt water and which differ from natural wetlands by being constructed or formed by non-natural processes and vegetated with wetland plant communities.

Schedule 2 Development for certain additional purposes

(Refer to Clause 20)

Land, being Lot 4, DP 111217; Lots A & B, DP 85009; Lot 7 DP 84656 and Lot 8, DP 83097, at High Street, Mascot--a hotel or motel with a floor space ratio not exceeding 1.25:1.

Land reserved for sewer and stormwater purposes by Sydney Water--pipelines and uses which are permissible on land adjoining Sydney Water land, but only if such uses are required to be an integral part of adjoining development.

Land, being Lot 8, DP 939733, Lot 9, DP 83189 and Lots 1 & 2, DP 745701, at the corner of Kent Road and Church Avenue, Mascot--airport related land use.

Land bounded generally by Botany Road, Exell Street, McPherson Street and Beauchamp Road, Botany--land uses (including industrial activities and shops) connected with the operation of the Port of Botany as a port.

Land, being Lots 11, 12 & 13, DP 777688; Lots 2 & 3, DP 717692 and DP 86419 at Lord Street, Botany--airport-related land uses and warehouse or distribution centres.

Land, being Lot 3, DP 747022, between Baxter Road, Joyce Drive, O'Riordan Street and General Holmes Drive, Mascot--railway land uses.

Land, being Lot 7, DP 38594, at Coward Street, Mascot--commercial premises associated with the transport industry.

Land, being Lot 5, DP 241650, at Florence Avenue, Eastlakes--community centre.

Land, being Lot 20, DP 747023, adjacent to Qantas Drive, Mascot--advertising signs and airport-related land uses.

Land, being Lots 6-11, Section 3, DP 11628, at 23 Anniversary Street, Botany--refreshment rooms, motels, guest houses and commercial premises (subject to such consent being subject to conditions ensuring the conservation of the building).

Land, being so much of Lot 3, DP 232555, southern side of Fabry Street, Botany, as is shown edged heavy black on Sheet 2 of the map marked " *Botany Local Environmental Plan 1995 (Amendment No 12)* " deposited in the office of the Council--villa and townhouse development, with a density of no more than one dwelling for every 217.5 square metres of the site area of the land.

Land, being Lot 1, DP 549033, known as 132 O'Riordan Street, Mascot--solicitor's office.

Land, being Lot D, DP 313195, known as 1533 Botany Road, Botany--dwelling-house.

Land, being Pt Por 5152; Lot C, DP 340656; Lot 5153, DP 753015; Lot 1, DP 777345--1753-1765 Botany Road, Banksmeadow ("Bayview Tower"), as shown edged heavy black on the map marked " *Botany Local Environmental Plan 1995 (Amendment No 10)* " --shops, convenience shops or facilities and commercial premises.

Land, being part Lot 105, DP 253766 and Lot 1, DP 502438, known as 283 Coward Street, Mascot, as shown edged heavy black on the map marked " *Botany Local Environmental Plan 1995 (Amendment No 15)* " deposited in the office of the Council--materials recycling yard.

Land, being Lots A and B, DP 396107 and Lot B, DP 361025, at 243-249 Coward Street, Mascot--commercial development with a floor space ratio not exceeding 2.6:1.

Land, being Lot 1, DP 169307, known as 23 Byrnes Street, Botany--Caretaker's residence.

Land, being part of Lot 1, DP 873898, known as Unit 21, 1801 Botany Road, Banksmeadow--commercial premises.

Land, being Lot 1, DP 780392 (proposed Lot 1 in subdivision) known as the Gardens R Us Nursery at Gardeners Road, Eastlakes--recreation facility, restaurant and retail plant nursery, with a floor space ratio not exceeding 0.5:1 and a building height not exceeding 2 storeys above natural ground level.

Land, being Lot 1, DP 780392 (proposed Lot 2 in subdivision) known as the Sydney Water Depot at Gardeners Road, Eastlakes--utility undertakings, with a floor space ratio not exceeding 0.5:1 and a building height not exceeding 2 storeys above natural ground level.

Land, being Daceyville Gardens Suburb Heritage Conservation Area, as shown edged heavy black and hatched on the map marked " *Botany Local Environmental Plan 1995 (Amendment No 32)* "--multi unit housing with a maximum of 2 storeys, a maximum height of 8 metres (from natural ground level to roof ridge) and a maximum floor space ratio of 0.5:1 (for each site area). In this item, "**multi unit housing**" means a building or buildings, on one allotment of land, containing 2 or more dwellings, where each dwelling has an individual entrance and direct access to private open space for the exclusive use of the occupants of the dwelling, and includes townhouses, villas and terraces, but does not include residential flat buildings or any other form of dwelling specifically defined in this plan.

Land bounded generally by Corish Circuit, Wentworth Avenue, Baker Street, Moore Street and Wight Street--warehouse or distribution centres.

Land, being Lot B, DP 402249 and Lot 1, DP 784515, known as 84A Wentworth Avenue, Mascot, as shown edged heavy black on the map marked " *Botany Local Environmental Plan 1995 (Amendment No 40)* "--retail plant nursery.

Land at Hillsdale, being Lot B, DP 406437 and Lot 7, DP 24380, known as 148 Denison Street; Lots 6 and 7, DP 22617, known as 45 Smith Street; Lot A, DP 24380, Lots 1-6, DP 24380, Lot B, DP 323369 and Lots 1-4, DP 373787, known as 49 Smith Street; Lots 3-5, DP 22617, known as 51-55 Smith Street; Lot 2, DP 22617, Lot 9, DP 24380 and Lot 1, DP 660951, known as 57 Smith Street--hardware and building supplies, with a maximum building height of 19 metres from natural ground level and all access to and from the site restricted to Denison Street, Hillsdale.

Schedule 3 Heritage items and heritage conservation areas

(Refer to clauses 31-37A)

Heritage items	Address	
1	Sandstone embankment	Alexandra Canal, Mascot
2	Former Sir Joseph Banks Hotel (c. 1840)	23 Anniversary Street, Banksmeadow
3	Bonnie Doon Golf Club House	Banks Avenue, Pagewood
4	Post Office (c. 1923)	2 Banksia Street, Botany
5	Fire Station (c. 1906)	3 Banksia Street, Botany
6	House	6 Banksia Street, Botany
7	House	7 Banksia Street, Botany
8	House	8 Banksia Street, Botany
9	House	47 Banksia Street, Botany
10	Streetscape--Verge plantings of Canary Island Date Palm (<i>Phoenix Canariensis</i>)	Bay Street (western side of Botany Road), Botany
11	House Group	10-14 Bay Street, Botany
12	House	16 Bay Street, Botany
13	House	19 Bay Street, Botany
14	House Group	45-57 Bay Street, Botany
15	Corner Store--"Alto"	52 Bay Street, Botany
16	House	135 Bay Street, Botany
17	House	145 Bay Street, Botany
18	House	147 Bay Street, Botany

19	House-- "The White House"	151 Bay Street, Botany
20	House Group	165-177 Bay Street, Botany
21	Botany Marshalling Yards	Beauchamp Street, Banksmeadow
22	Main Administration Building--"Orica" and Mature Ficus	Corner of Denison and Beauchamp Streets, Banksmeadow
23	Botany Public School (c. 1869)	Botany Road, Botany
24	Police Station (c. 1871)	Botany Road, Botany
25	Sir Joseph Banks Park	Botany
26	Former Bank Building	686 Botany Road, corner of Botany and Gardeners Roads, Rosebery
27	Mature Ficus	818 Botany Road, Mascot
28	Commercial Building Group	891-917 Botany Road, Mascot
29	House Group	997-999 Botany Road, Mascot
30	Electricity Substation No 147	1001 Botany Road, Rosebery
31	Former National Bank of Australasia	1005 Botany Road, corner Botany Road and Coward Street, Rosebery
32	Coronation Hall	1007 Botany Road, corner of Coward and Botany Roads, Mascot
33	Commercial Building Group	1009-1021 Botany Road, Mascot
34	Mature Hoop Pine	1051 Botany Road, Mascot
35	House	1075 Botany Road, Mascot
36	Hippo's Friends Child Care Centre	1082 Botany Road, Botany
37	Finnies Buildings	1094-1098 Botany Road, Botany
38	Captain Cook Hotel	1114 Botany Road, Botany
39	Commercial Building Group	1133-1135 Botany Road, corner of Botany Road and King Street, Mascot
40	House Group	1158-1168 Botany Road, Botany
41	Commercial Building Group	1171-1173 Botany Road, Mascot
42	Commercial Building Group	1175-1177 Botany Road, Mascot
43	Commercial Building Group	1183-1185 Botany Road, Mascot
44	Commercial Building Group	1187-1189 Botany Road, Mascot
45	Commercial Building Group	1193-1203 Botany Road, Mascot
46	Commercial Building Group	1209-1223 Botany Road, Mascot
47	Commercial/Residential Building	1226 Botany Road, Botany
48	Single Storey Terrace Group	1239-1245 Botany Road, Mascot
49	House Group	1268-1270 Botany Road, Botany
50	House	1289 Botany Road, Botany
51	House	1291 Botany Road, Botany
52	Beckenham Memorial Church	1293-1295 Botany Road, Botany
53	Botany Uniting Church	1355 Botany Road, Botany
54	John Brochie Kindergarten (formerly Botany School of Arts Hall)	1361 Botany Road, Botany
55	House	1365 Botany Road, Botany
56	House-- "Helena"	1424 Botany Road, Botany
57	Boarding House (front building)	1443 Botany Road, Botany
58	House	1447 Botany Road, Botany
59	Presbyterian Church of Australia	1561 Botany Road, Botany
60	House	1563 Botany Road, Botany
61	Commercial Building	1619 Botany Road, Botany
62	Botany Bay Hotel	1807 Botany Road, Banksmeadow
63	Booralee Park	Bounded by Botany Sydenham Railway

		Line and Daniel, Bay, Lord, Myrtle and Jasmine Streets, Botany
64	Banksmeadow Public School	Brighton Street through to Wiggins Street, Botany
65	Streetscape--Verge plantings of Canary Island Date Palm (Phoenix Canariensis)	Brighton Street, Botany
66	Former Headmaster's Residence to Banksmeadow Public School	60 Brighton Street, Botany
67	Streetscape--Verge plantings of Canary Island Date Palm (Phoenix Canariensis)	Brown Street, Botany
68	Harris Reserve	Bunnerong Road, Pagewood
69	Electricity Substation No 153	14 Byrnes Street, Botany
70	Canary Island Date Palms (Phoenix Canariensis)	23 Byrnes Street, Botany
71	Memorial Park	Lot 1, DP 72528 (corner of Botany Road and Coward Street)
72	Botany Town Hall (c 1898)	1423 Botany Road, Botany (corner of Botany Road and Edward Street, Botany)
73	Pier Hotel	1751 Botany Road, Banksmeadow (corner of Botany Road and Excell Street, Banksmeadow)
74	New Market Hotel	889 Botany Road, Rosebery (corner of Botany and Gardeners Roads, Rosebery)
75	St Matthew's Anglican Church (c 1862)	1331 Botany Road, Botany (corner of Botany Road and Lord Street, Botany)
76	Sir Joseph Banks Hotel (c 1920)	1354 Botany Road, Botany (corner of Botany Road and Waratah Street, Botany)
77	Matraville Public School	302 Bunnerong Road, Hillsdale (corner of Bunnerong and Beauchamp Roads, Hillsdale)
78	St Therese's Catholic Church Building Group	54 Coward Street, Rosebery (corner of Coward and Sutherland Streets, Rosebery)
79	Mature Ficus	Corner of Florence Avenue and Vernon Street, Eastlakes
80	Dacey Garden Reserve and Substation	Corner of Gardeners and Bunnerong Roads, Daceyville
81	Former Tennyson Hotel	952 Botany Road, Mascot (corner of High Street and Botany Road, Mascot)
82	The Lakes Hotel	305 Gardeners Road, Rosebery (corner of Macquarie Street and Gardeners Road, Rosebery)
83	Sydney Water Corporation Sewage Pumping Station SP0060	Corner of McFall and Erith Streets, Botany
84	Electricity Substation No 340	Corner of Swinbourne and William Streets, Botany
85	Former Community Centre	Corner of Willis Crescent and Haig Avenue, Daceyville
86	Mascot Park	Coward Street, Mascot
87	House	85 Coward Street, Mascot
88	Shop	95 Coward Street, Mascot
89	House	110 Coward Street, Mascot
90	Shop	115 Coward Street, Mascot

91	House	117 Coward Street, Mascot
92	Uniting Church and Rectory	118 Coward Street, Mascot
93	House	119 Coward Street, Mascot
94	House	121 Coward Street, Mascot
95	House--"Orara"	123 Coward Street, Mascot
96	House--"Highhurstwood"	125 Coward Street, Mascot
97	Fire Station	139 Coward Street, Mascot
98	Botany Family Day Care	149 Coward Street, Mascot
99	Sydney Water Corporation Pumping Station SP0053	153 Coward Street, Mascot
100	House	31 Cranbrook Street, Botany
101	House	33 Cranbrook Street, Botany
102	House	35 Cranbrook Street, Botany
103	House	37 Cranbrook Street, Botany
104	Terrace Group	44-54 Daphne Street, Botany
105	House Group	18-20 Erith Street, Botany
106	House Group	1-3 Flora Street, Mascot
107	House	70 Florence Avenue, Eastlakes
108	House	71 Frogmore Street, Mascot
109	Former Roxy Theatre	409 Gardeners Road, Rosebery
110	Terrace Group	467-473 Gardeners Road, Rosebery
111	House	485 Gardeners Road, Rosebery
112	Terrace Group	523-537 Gardeners Road, Rosebery
113	Terrace Group	539-543 Gardeners Road, Rosebery
114	Commercial Building Group	1-11 General Bridges Crescent, Daceyville
115	Streetscape--Verge plantings of Canary Island Date Palm (Phoenix Canariensis)	Bounded by Glanville Avenue, White Road and Kerr Crescent, Pagewood
116	House	27 Gordon Street, Rosebery
117	House	45 Gordon Street, Rosebery
118	House	50 Gordon Street, Rosebery
119	Marist Brothers School and Presbytery	Haig Avenue, Daceyville
120	St Michael's Church	Haig Avenue, Daceyville
121	House	16 Hardie Street, Mascot
122	House	30 Hardie Street, Mascot
123	Corner Store	45 Hardie Street, corner of Hardie and Hollingshed Streets, Mascot
124	House	61 Hardie Street, Mascot
125	House--"Verandale"	87 Hardie Street, Mascot
126	House	14 Harris Street, Rosebery
127	House	51 Harris Street, Rosebery
128	House	23 Henley Street, Rosebery
129	House	3 Hicks Avenue, Mascot
130	House	16 Hicks Avenue, Mascot
131	House	24 Hicks Avenue, Mascot
132	House	27 Hicks Avenue, Mascot
133	House	36 Hicks Avenue, Mascot
134	House	96 High Street, Mascot
135	Mature Ficus	112 High Street, Mascot
136	House--"Daktari"	114 High Street, Mascot
137	Daceyville Public School	Joffre Crescent, Mascot
138	House Group	15-17 Johnson Street, Mascot

139	House	18 Johnson Street, Mascot
140	House	20 Johnson Street, Mascot
141	House	38 Johnson Street, Mascot
142	House	68 Johnson Street, Mascot
143	House	90 Johnson Street, Mascot
144	Mascot Public School Building Group	King Street, Mascot
145	Christian Fellowship Centre	40 King Street, Mascot
146	House Group	62-64 King Street, Mascot
147	House Group	144-148 King Street, Mascot
148	Terrace Group	150-160 King Street, Mascot
149	House	151 King Street, Mascot
150	House	159 King Street, Mascot
151	House Group	164-164A King Street, Mascot
152	House--"Beverley"	190 King Street, Mascot
153	House	191 King Street, Mascot
154	Terrace Group	192-204 King Street, Mascot
155	House	4 Macquarie Street, Rosebery
156	House Group	37-39 Maloney Street, Rosebery
157	House	10 Miles Street, Mascot
158	House	1 Morgan Street, Botany
159	Railway Bridge over Botany Road	Near McBurney Avenue, Mascot
160	Ricketty Street Bridge	Over Alexandra Canal, Mascot
161	Jellico Park	Pagewood
162	House Group	21-23 Salisbury Street, Botany
163	Former Davis Gelatine Site	28 Spring Street, Botany--Buildings 5 and 6, being the conference and Rosenthal buildings, and the garden (including the dam) which is predominately to the east of Buildings 5 and 6
164	House	174 Sutherland Street, Mascot
165	Streetscape--Verge plantings of Canary Island Date Palm (Phoenix Canariensis)	Swinbourne Street (William to Queen Streets), Botany
166	Commonwealth Water Pumping Station and Sewage Pumping Station	Lot 1, DP 7877029, within the boundary of Sydney (Kingsford Smith) Airport
167	Sydney Water Corporation Sewer Vent	Tenterden Road, Botany
168	House	16 Tenterden Road, Botany
169	House	50 Tenterden Road, Botany
170	House	54 Tenterden Road, Botany
171	House Group	63-65 Tenterden Road, Botany
172	House	84 Tenterden Road, Botany
173	Residential Building	16 The Esplanade, Botany
174	House	1 Walker Avenue, Mascot
175	House	64-66 Wellington Street, Mascot
176	Ruins of the former Botany Pumping Station	Lot 1, DP 7877029, within the boundary of Sydney (Kingsford Smith) Airport
177	House	2 Woodstock Street, Botany
178	Sydney Water Corporation Sewage Pumping Station SP0038	Ross Smith Avenue, Mascot (west of Engine Pond, Lot 1, DP 7877029, within the boundary of Sydney (Kingsford Smith) Airport)
179	Alexandra Canal	Alexandra Canal, Mascot

180	Botany Swamps	About 200ha, between Mascot and Botany, and extending from the northern shore of Botany Bay to Gardeners Road, including the Lakes and Eastlakes Golf Courses, and Mill and Engine Ponds
181	Sydney (Kingsford Smith) Airport Group (as described under the heading "Description" in the entries for the Sydney (Kingsford Smith) Airport Group on the Australian Heritage Database)	Airport Drive, Sydney Airport

Heritage conservation area	Address	
1	Daceyville Gardens Suburb (c 1912)	The area shown edged heavy black and hatched on the map marked " <i>Botany Local Environmental Plan 1995 (Amendment No 32)</i> ".
2	Botany Township	The area shown edged heavy black and cross-hatched on the map marked " <i>Botany Local Environmental Plan 1995 (Amendment No 20)</i> ".

Schedule 4 Classification and reclassification of public land

(Clause 39)

Part 1 – Land classified, or reclassified, as operational land--no interests changed

Column 1	Column 2
Locality	Description
Hillsdale	Corner of Tierney Avenue and Flint Street, being part of Lot 1 and Lot 2, DP 562501, as shown edged heavy black on the map marked " <i>Botany Local Environmental Plan 1995 (Amendment No 41)--Sheet A</i> "
Mascot	45 Coward Street, being part of Lot 1, DP 207389, as shown edged heavy black on the map marked " <i>Botany Local Environmental Plan 1995 (Amendment No 41)--Sheet B</i> "

Part 2 – Land classified, or reclassified, as operational land--interests changed

Column 1	Column 2	Column 3
Locality	Description	Any trusts etc not discharged
Botany	1042 Botany Road, being Lot 9, DP 7826, as shown edged heavy black on the map marked " <i>Botany Local Environmental Plan 1995 (Amendment No 28)--Sheet C</i> "	Nil
Mascot	Coggins Place, being Lot 14, DP 248294	Nil
Pagewood	Banksia Street, being Lot 50, DP 880635, as shown edged heavy black	Nil

d	and lettered "2 (a)" on the map marked " <i>Botany Local Environmental Plan 1995 (Amendment No 22)</i> "	
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Part 3 – Land classified, or reclassified, as community land

Column 1	Column 2
Locality	Description
Nil	

Schedules 5, 6 (Repealed)

Historical notes

The following abbreviations are used in the Historical notes:

Am	amended	LW	legislation website	Sch	Schedule
Cl	clause	No	number	Schs	Schedules
Cll	clauses	p	page	Sec	section
Div	Division	pp	pages	Secs	sections
Divs	Divisions	Reg	Regulation	Subdiv	Subdivision
GG	Government Gazette	Regs	Regulations	Subdivs	Subdivisions
Ins	inserted	Rep	repealed	Subst	substituted

Table of amending instruments *Botany Local Environmental Plan 1995* published in Gazette No 79 of 30.6.1995, p 3492 and amended in Gazettes No 88 of 8.8.1997, p 6141, No 119 of 7.11.1997, p 9054, No 87 of 29.5.1998, p 3980, No 90 of 5.6.1998, p 4097, No 161 of 13.11.1998, p 8833, No 32 of 12.3.1999, p 2155 and No 63 of 28.5.1999, p 3706 and as follows:*Botany Local Environmental Plan 1995 (Amendment No 18)--Exempt and Complying Development* (GG No 29 of 25.2.2000, p 1458)*Botany Local Environmental Plan 1995 (Amendment No 20)* (GG No 29 of 25.2.2000, p 1461)*Botany Local Environmental Plan 1995 (Amendment No 21)* (GG No 29 of 25.2.2000, p 1468)*Botany Local Environmental Plan 1995 (Amendment No 22)* (GG No 159 of 8.12.2000, p 12876)*Botany Local Environmental Plan 1995 (Amendment No 17)* (GG No 120 of 3.8.2001, p 5807)*Botany Local Environmental Plan 1995 (Amendment No 14)* (GG No 196 of 21.12.2001, p 10700)*Botany Local Environmental Plan 1995 (Amendment No 11)--Mascot Station Precinct* (GG No 163 of 4.10.2002, p 8597)*Botany Local Environmental Plan 1995 (Amendment No 27)* (GG No 25 of 24.1.2003, p 484)*Botany Local Environmental Plan 1995 (Amendment No 29)* (GG No 33 of 31.1.2003, p 688)*Botany Local Environmental Plan 1995 (Amendment No 26)* (GG No 39 of 7.2.2003, p 1517)*Botany Local Environmental Plan 1995 (Amendment No 24)* (GG No 126 of 15.8.2003, p 7932) (published in error--see GG No 132 of 29.8.2003, p 8965)*Botany Local Environmental Plan 1995 (Amendment No 24)* (GG No 132 of 29.8.2003, p 8965)*Botany Local Environmental Plan 1995 (Amendment No 25)* (GG No 154 of 26.9.2003, p 9641)*Botany Local Environmental Plan 1995 (Amendment No 30)* (GG No 179 of 14.11.2003, p 10522)*Botany Local Environmental Plan 1995 (Amendment No 33)* (GG No 63 of 26.3.2004, p 1561)*Botany Local Environmental Plan 1995 (Amendment No 4)* (GG No 200 of 17.12.2004, p 9452)*Botany Local Environmental Plan 1995*

(Amendment No 3) (GG No 200 of 17.12.2004, p 9461) *Botany Local Environmental Plan 1995 (Amendment No 32)* (GG No 36 of 24.3.2005, p 877)

2005	(252)	<i>Botany Local Environmental Plan 1995 (Amendment No 36)</i> . GG No 73 of 17.6.2005, p 2461. Date of commencement, on gazettal.
2006	(384)	<i>Botany Local Environmental Plan 1995 (Amendment No 28)</i> . GG No 84 of 30.6.2006, p 4998. Date of commencement, on gazettal.
	No 120	<i>Statute Law (Miscellaneous Provisions) Act (No 2) 2006</i> . Assented to 4.12.2006. Date of commencement of Sch 2, assent, sec 2 (2).
2007	(128)	<i>Botany Local Environmental Plan 1995 (Amendment No 40)</i> . GG No 36 of 2.3.2007, p 1618. Date of commencement, on gazettal.
	(149)	<i>Botany Local Environmental Plan 1995 (Amendment No 37)</i> . GG No 45 of 30.3.2007, p 2025. Date of commencement, on gazettal.
	(363)	<i>Botany Local Environmental Plan 1995 (Amendment No 39)</i> . GG No 94 of 27.7.2007, p 4864. Date of commencement, on gazettal.
2008	(571)	<i>State Environmental Planning Policy (Repeal of Concurrence and Referral Provisions) 2008</i> . GG No 157 of 12.12.2008, p 11946. Date of commencement, 15.12.2008, cl 3.
2010	(615)	<i>State Environmental Planning Policy (Major Development) Amendment (Port Botany) 2010</i> . LW 29.10.2010. Date of commencement, on publication on LW, cl 2.
2013	(65)	<i>Botany Local Environmental Plan 1995 (Amendment No 41)</i> . LW 22.2.2013. Date of commencement, on publication on LW, cl 2.

Table of amendments

CI 2, 4	Am 2006 (384), Sch 1 [1].
CI 5	Am 17.12.2004; 2006 (384), Sch 1 [1]-[4].
CI 6	Am 17.12.2004. Subst 2006 (384), Sch 1 [5].
CI 7	Am 25.2.2000; 2006 (384), Sch 1 [6]; 2006 No 120, Sch 2.9 [1].
CI 9	Am 4.10.2002; 17.12.2004; 2006 (384), Sch 1 [6]; 2007 (149), Sch 1 [1] [2].
CI 10, table	Am 25.2.2000; 3.8.2001; 4.10.2002; 17.12.2004; 2006 (384), Sch 1 [1] [7]-[38]; 2007 (149), Sch 1 [1] [3] [4].
CI 10A	Ins 25.2.2000. Am 14.11.2003; 2005 (252), cl 4.
CI 12	Am 26.3.2004; 17.12.2004.
CI 12A	Ins 4.10.2002. Am 2006 (384), Sch 1 [39] [40]; 2006 No 120, Sch 2.9 [2].
CI 12B	Ins 17.12.2004.
CI 13	Am 2006 (384), Sch 1 [41].
CI 13A	Ins 28.5.1999.
CI 13B	Ins 2006 (384), Sch 1 [42].
CI 15	Rep 2006 (384), Sch 1 [43].
CI 17	Subst 3.8.2001. Am 17.12.2004; 2006 (384), Sch 1 [44]-[46].
CI 18AA	Ins 17.12.2004.
CI 18A	Ins 4.10.2002.

CI 18C	Ins 17.12.2004.
CI 22	Am 2006 (384), Sch 1 [47]-[51].
CI 23	Am 2008 (571), Sch 3.21 [1] [2].
CI 23A	Ins 4.10.2002.
CI 25	Am 2006 (384), Sch 1 [1].
CI 26	Am 2006 (384), Sch 1 [52].
CI 27	Subst 2006 (384), Sch 1 [53].
CI 28	Am 2006 (384), Sch 1 [54] [55].
CI 29	Subst 21.12.2001. Rep 2006 (384), Sch 1 [56].
CI 30A	Ins 29.8.2003. Am 2008 (571), Sch 3.21 [3].
CI 31	Subst 2006 (384), Sch 1 [57]. Am 2008 (571), Sch 3.21 [4].
CI 32	Subst 2006 (384), Sch 1 [57].
CI 33	Subst 2006 (384), Sch 1 [57]. Rep 2008 (571), Sch 3.21 [5].
CI 34	Subst 2006 (384), Sch 1 [57]. Am 2008 (571), Sch 3.21 [6] [7].
CI 35	Subst 2006 (384), Sch 1 [57]. Am 2008 (571), Sch 3.21 [8].
CII 36, 37	Subst 2006 (384), Sch 1 [57].
CI 37A	Ins 2006 (384), Sch 1 [57].
Part 5, heading	Ins 8.12.2000.
CI 39	Ins 8.12.2000. Subst 2013 (65), Sch 1 [1].
CI 39A	Ins 2006 (384), Sch 1 [58].
CI 40	Ins 4.10.2002. Am 26.9.2003; 17.12.2004.
Sch 1	Am 8.8.1997; 5.6.1998; 28.5.1999; 25.2.2000; 8.12.2000; 3.8.2001; 21.12.2001; 4.10.2002; 24.1.2003; 31.1.2003; 7.2.2003; 29.8.2003; 17.12.2004; 24.3.2005; 2006 (384), Sch 1 [59]-[61]; 2007 (363), cl 4; 2010 (615), Sch 1.2 [1].
Sch 2	Am 8.8.1997; 7.11.1997; 29.5.1998; 13.11.1998; 12.3.1999; 25.2.2000; 7.2.2003; 26.9.2003; 17.12.2004; 24.3.2005; 2006 (384), Sch 1 [62] [63]; 2007 (128), cl 4; 2010 (615), Sch 1.2 [2].
Sch 3	Am 25.2.2000; 7.2.2003; 24.3.2005; 2006 (384), Sch 1 [64]-[66].
Sch 4	Rep 2006 (384), Sch 1 [67]. Ins 2013 (65), Sch 1 [2].
Sch 5	Rep 2006 (384), Sch 1 [67].
Sch 6	Ins 8.12.2000. Am 2006 (384), Sch 1 [68]. Rep 2013 (65), Sch 1 [3].