



New South Wales

Camden Local Environmental Plan No 109

under the

Environmental Planning and Assessment Act 1979

I, the Minister for Urban Affairs and Planning, make the following local environmental plan under the *Environmental Planning and Assessment Act 1979*.
(P98/00356/S69)

ANDREW REFSHAUGE, M.P.,
Minister for Urban Affairs and Planning

Sydney, 29th May 2001.

Camden Local Environmental Plan No 109

1 Name of plan

This plan is *Camden Local Environmental Plan No 109*.

2 Aims of plan

This plan aims to:

- (a) introduce new zones into *Camden Local Environmental Plan No 74—Harrington Park*, namely Zone No 1 (e) (Rural “E” (0.6 ha)), Zone No 5 (a) (Cultural Landscape) and Zone No 6 (a) (Open Space), and
- (b) identify by zoning the Harrington Park Homestead, and
- (c) revise the curtilage for the historic Harrington Park Homestead to conserve the cultural landscape, and
- (d) rezone land not required for the curtilage of the Harrington Park Homestead to permit residential development contiguous with the Harrington Park urban release area, and
- (e) ensure appropriate opportunities for the integration of the heritage curtilage and urban release area, and
- (f) rezone land for open space purposes consistent with the intended function of that land, being to provide a buffer to the Harrington Park Homestead, and
- (g) provide for small holding rural residential living opportunities on lots greater than 6,000 square metres, and
- (h) control use of building materials on dwellings and structures and cultural landscape features in certain zones.

3 Land to which plan applies

This plan applies to land in the Camden local government area, adjacent to Camden Valley Way, Harrington Park, as shown edged heavy black on the map marked “Camden Local Environmental Plan No 109” deposited in the office of Camden Council.

4 Relationship to other environmental planning instruments

This plan amends:

- (a) *Camden Local Environmental Plan No 48* as set out in Schedule 1, and
- (b) *Camden Local Environmental Plan No 74—Harrington Park* as set out in Schedule 2.

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Schedule 1

Amendment of Camden Local Environmental Plan No 48

**Schedule 1 Amendment of Camden Local
Environmental Plan No 48**

(Clause 4 (a))

Clause 3 Land to which plan applies

Insert at the end of the clause:

- (2) However, this plan does not apply to land to which *Camden Local Environmental Plan No 74—Harrington Park* applies.

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Amendment of Camden Local Environmental Plan No 74—Harrington Park

Schedule 2

Schedule 2 Amendment of Camden Local Environmental Plan No 74—Harrington Park

(Clause 4 (b))

[1] Clause 2 Land to which plan applies

Omit clause 2 (3).

[2] Clause 4 Relationship to other environmental planning instruments

Omit clause 4 (1) (b) and (2).

[3] Clause 6 Definitions

Insert in alphabetical order in clause 6 (1):

heritage assessment report means an assessment of the impact of proposed development on the heritage significance of a heritage item and its setting which may or may not include a management strategy for the ongoing conservation of the item.

heritage item means a building, work, relic, tree or place described in Schedule 1.

[4] Clause 6 (1), definition of “the map”

Omit “Sheet 2 of”.

[5] Clause 6 (1), definition of “the map”

Insert at the end of the definition:

, as amended by the maps (or specified sheets of the maps) marked as follows:

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[6] Clause 8

Omit the clause. Insert instead:

8 Zones indicated on the map

The following zones are used in this plan. Land to which this plan applies is within a zone specified below if it is shown on the map in the distinctive manner specified below for the zone:

Zone No 1 (e) (Rural “E” (0.6 ha))—edged heavy black and lettered “1 (e)”,

Zone No 2 (d) (Urban)—edged heavy black and lettered “2 (d)”,

Zone No 5 (a) (Cultural Landscape)—edged heavy black and lettered “5 (a)”,

Zone No 6 (a) (Open Space)—edged heavy black and lettered “6 (a)”.

[7] Clause 9 Zone objectives and development control table

Omit “the zone” where firstly occurring in both clause 9 (1) and (2).
Insert instead “a zone”.

[8] Clause 9, Table

Insert before the matter relating to Zone No 2 (d):

Zone No 1 (e)—(Rural “E” (0.6 ha))

1 Objectives of zone

The objectives are as follows:

- (a) to provide for small holding rural residential living opportunities on land not being of prime crop or pasture potential and having ready access to urban areas and facilities,
- (b) to ensure development is carried out in a manner that minimises risk from natural hazards, particularly bushfires and flooding, and does not detract from the scenic quality of the rural area,

- (c) to permit alternative forms of accommodation which do not imperil the rural productivity of the area and which are consistent with the environmental quality of the immediate area.

2 Without development consent

Nil.

3 Only with development consent

Development for the purpose of dwelling-houses.

Any other development not included in item 4.

4 Prohibited

Development for the purpose of:

advertisements; agriculture; animal boarding and training establishments; boarding-houses; bulk stores; car repair stations; caravan parks; churches; clubs; cluster housing; commercial premises (other than home businesses); educational establishments; extractive industries; forestry; helipads; heliports; hospitals; hotels; industries (other than home businesses); institutions; intensive horticulture or livestock keeping establishments; junk yards; light industries; liquid fuel depots; mines; motels; motor showrooms; motor vehicle depots; places of assembly; professional consulting rooms; recreation facilities; refreshment rooms; residential flat buildings; retail plant nurseries; road transport terminals; roadside stalls; rural industries; rural workers' dwellings; sawmills; service stations; shops; stock and sale yards; taverns; timber yards; tourist facilities; transport terminals; veterinary establishments; warehouses.

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[9] Clause 9, Table

Insert after the matter relating to Zone No 2 (d):

Zone No 5 (a)—(Cultural Landscape)

1 Objectives of zone

The objective is to conserve the heritage significance of the cultural landscape of Harrington Park.

2 Without development consent

Development for the purpose of:

any conservation works described in a conservation management plan endorsed by the Heritage Council as development which can occur without consent; passive open space.

3 Only with development consent

Development for the purpose of:

any other works described in a conservation management plan endorsed by the Heritage Council; drainage; minor structures with floor areas of less than 50 square metres; pathways; roads.

4 Prohibited

Any development not included in item 2 or 3.

Zone No 6 (a)—(Open Space)

1 Objectives of zone

The objectives are to ensure there is provision of adequate open space to meet the needs of all residents and provide opportunities to enhance the cultural landscape of Harrington Park Homestead.

2 Without development consent

Nil.

3 Only with development consent

Any development ancillary to the use of the land for public recreation.

Development for the purpose of:

drainage; roads; utility installations (other than generating works or gas holders).

4 Prohibited

Any development not included in item 3.

[10] Clause 13A

Insert after clause 13:

13A Landforming operations

- (1) Development for the purpose of a landforming operation may be carried out on land to which this plan applies only with the consent of the Council.
- (2) In this clause, *landforming operation* means the carrying out of any work or other land use that affects an area of land greater than 100 square metres and that:
 - (a) alters a drainage pattern or a flood level, or
 - (b) raises or lowers the surface of the land at any point so as to alter the natural ground level by more than one metre, or
 - (c) raises or lowers by more than one metre at any point any level of the land that has been created by previous excavation or filling.

[11] Clause 20A

Insert after clause 20:

20A Subdivision of land within Zone No 1 (e)

- (1) The Council may consent to an application for consent to subdivide land within Zone No 1 (e) only if each separate allotment of land created by the subdivision has an area of not less than 0.6 hectare.

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- (2) Notwithstanding subclause (1), land within Zone No 1 (e) may be subdivided with the consent of the Council if that subdivision is for the purpose of:
 - (a) creating an allotment or allotments intended for open space or other public purposes, or
 - (b) making minor adjustments to common property boundaries.
- (3) In determining an application for consent to subdivide land within Zone No 1 (e), the Council shall have regard to:
 - (a) the effect of the creation of an allotment on the remainder of the land the subject of the application, particularly on cultural and scenic qualities of the area, and
 - (b) the appropriateness of the size of the proposed allotments for the purpose for which they are intended to be used, and
 - (c) whether the subdivision and any subsequent development will have the effect of creating demands for the provision of services by the Council.

[12] Part 4, heading

Insert before clause 23:

Part 4 Heritage conservation

[13] Clauses 24–31 and Schedule 1

Insert after clause 23:

24 Protection of heritage items and relics

- (1) The following may be carried out only with development consent in respect of a heritage item:
 - (a) demolishing, defacing, damaging or moving the item,
 - (b) external and internal structural changes to the item,
 - (c) excavation of land for the purpose of discovering, exposing or moving a relic,

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- (d) erecting a building on, or subdividing, land on which the item is located,
 - (e) non-structural changes to the detail, fabric, finish or appearance of the exterior of the item, except changes resulting from any maintenance necessary for its ongoing protective care which do not adversely affect its heritage significance,
 - (f) damaging any tree on land on which any such item is situated.
- (2) Development consent is not required by this clause if the Council is of the opinion that the proposed development would not adversely affect the heritage significance of the heritage item.
 - (3) When determining a development application required by this clause, the Council must take into consideration the extent to which the carrying out of the proposed development would affect the heritage significance of the heritage item.
 - (4) When considering applications for consent to the erection of a building in the vicinity of a heritage item, the Council must consider an assessment of:
 - (a) the pitch and form of the roof, if any, and
 - (b) the style, size, proportion and position of the openings for windows or doors, if any, and
 - (c) whether the colour, texture, style, size, type and decoration or finish of the materials to be used on the exterior of the building are compatible with the heritage significance of the item, and
 - (d) the bulk-massing, proportion, size and general design of the proposed development, and
 - (e) the proximity of any proposed excavation to the heritage item and its likely effects.
 - (5) The Council must not consent to development involving a heritage item unless it has considered a heritage assessment report or a conservation plan.

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25 Control of materials used on buildings and amenity in certain zones

(1) In this clause:

external surfaces, in relation to a building, includes external walls and any cladding on those walls, doors, door and window frames, columns, roofs, fences and any other surfaces of the building visible from the exterior.

prescribed materials, in relation to a building, means materials or coloured finishes that are consistent with the landscape and heritage qualities of the site and its surroundings and ensure that the building merges with the background and does not dominate the landscape.

site means the area of land to which a development application relates.

storey does not include space within a roof void.

- (2) This clause applies to land shown hatched by heavy black lines on the map.
- (3) Notwithstanding any other provision of this plan, development shall not be carried out on land to which this clause applies, and any such land shall not be cleared of trees or other vegetation, without the consent of the Council.
- (4) A building may be erected on land to which this clause applies only if:
- (a) it has a maximum height above natural ground level of no more than 5 metres, and
 - (b) it has a height of less than 3 metres above natural ground level when measured at the eaves, gutter line or equivalent building element, and
 - (c) it does not have more than 1 storey, and
 - (d) the external surfaces of the building are composed of prescribed materials, and
 - (e) the Council is satisfied that the building will not interfere to an unacceptable degree with the amenity of the locality by detracting from the visual or scenic quality of any ridgeline.

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- (5) In determining an application for consent to the carrying out of development on land to which this clause applies, the Council must (in addition to the other matters which it is required to consider under any other provision of the Act and this plan) consider the adequacy of the landscaping of the site, and may, as a condition of its consent, require the retention of existing vegetation, trees or shrubs or the planting of additional trees and shrubs.
 - (6) The Council must not consent to the carrying out of development on land within Zone No 1 (e) unless it has considered plans and details showing the existing vegetation (including tree heights) and showing what landscaping of the site is proposed and the number and types of any trees and shrubs proposed to be planted.

26 Development on steep land

- (1) This clause applies to any land which has a slope greater than 1 in 5 (or 20 percent).
- (2) No excavation is to be made on any land to which this clause applies, and no filling shall be placed on any such land, without the consent of the Council.
- (3) Land to which this clause applies shall not be cultivated or have its surface otherwise disturbed except with the consent of the Council.
- (4) An application for consent to the carrying out of development on land to which this clause applies shall be accompanied by plans and details showing any proposed excavation or filling, the method of stabilising any slope produced in excess of the natural slope and existing vegetation and proposed plantings in and around any areas to be excavated or filled.
- (5) Notwithstanding subclause (2), consent is not required for an excavation or any filling of land which does not result in finished surface levels being more than 50 centimetres below or above the natural surface level of the land.

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27 Notice of certain heritage development applications

For the purposes of the Act, the following is identified as advertised development:

- (a) demolishing, defacing or damaging a heritage item,
- (b) use of a building or land referred to in clause 31 for a purpose which, but for that clause, would be prohibited by this plan.

28 Notice to the Heritage Council

Before granting development consent to the demolishing, defacing or damaging of a heritage item, the Council must notify the Heritage Council of its intention to do so and take into consideration any comments received from the Heritage Council within 28 days after the notice is sent.

29 Development in the vicinity of heritage items and archaeological sites

The Council must consider the likely effect the proposed development will have on the heritage significance of a heritage item, archaeological site or potential archaeological site, when determining an application for consent to carry out development on land in its vicinity.

30 Development in the vicinity of Harrington Park Homestead

The Council shall not consent to development in the vicinity of the Harrington Park Homestead (being a heritage item) unless it has made an assessment of the likely effect of the carrying out that development will have on the heritage significance of the Homestead and its curtilage, on its setting and on views into and out of the site.

31 Conservation incentives

- (1) The Council may grant consent to the use, for any purpose, of a building that is a heritage item, or of the land on which a building that is a heritage item is erected, even though the use would otherwise be prohibited by this plan, if it satisfied that:
 - (a) the proposed use would not adversely affect the heritage significance of the heritage item, and

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- (b) the conservation of the heritage item depends on the granting of the consent.
- (2) When considering an application for consent to erect a building on land on which a heritage item is located, the Council may, for the purpose of determining the floor space ratio and number of parking spaces to be provided on-site, exclude the floor space of the heritage item erected on the land, but only if the Council is satisfied that the conservation of the heritage item depends on such exclusion.

Schedule 1 Heritage items

(Clause 6 (1))

Harrington Park Homestead, Camden Valley Way, Harrington Park.

BY AUTHORITY
