



New South Wales

Campbelltown Local Environmental Plan No 209—Exempt Development (Amendment No 1)

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*.
(P00/00054/S69)

ANDREW REFSHAUGE, M.P.,

Minister for Urban Affairs and Planning

2001 No 958

Clause 1 Campbelltown Local Environmental Plan No 209—Exempt Development
(Amendment No 1)

Campbelltown Local Environmental Plan No 209— Exempt Development (Amendment No 1)

1 Name of plan

This plan is *Campbelltown Local Environmental Plan No 209—Exempt Development (Amendment No 1)*.

2 Aims of plan

This plan aims to amend *Campbelltown Local Environmental Plan No 209—Exempt Development in Urban Areas* so as:

- (a) to rename that plan as *Campbelltown Local Environmental Plan No 209—Exempt Development*, and
- (b) to insert provisions dealing with exempt development in non-urban areas into that plan in order to extend the scope of the plan to non-urban areas.

3 Land to which plan applies

This plan applies to land within the City of Campbelltown local government area.

4 Amendment of Campbelltown Local Environmental Plan No 209— Exempt Development in Urban Areas

Campbelltown Local Environmental Plan No 209—Exempt Development in Urban Areas is amended as set out in Schedule 1.

5 Amendment of State Environmental Planning Policy No 4— Development Without Consent and Miscellaneous Complying Development

State Environmental Planning Policy No 4—Development Without Consent and Miscellaneous Complying Development is amended as set out Schedule 2.

6 Amendment of State Environmental Planning Policy No 60—Exempt and Complying Development

State Environmental Planning Policy No 60—Exempt and Complying Development is amended as set out in Schedule 3.

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Schedule 1 Amendment of Campbelltown Local Environmental Plan No 209—Exempt Development in Urban Areas

(Clause 4)

[1] Clause 1 Name of plan

Omit “in Urban Areas”.

[2] Clause 2 Aims of plan

Insert “, environmental protection or rural character” after “amenity” in clause 2 (b).

[3] Clause 2 (c)

Omit “Campbelltown’s urban areas”.
Insert instead “the City of Campbelltown”.

[4] Clause 2 (f)

Insert “, rural character, environmental qualities” after “streetscapes”.

[5] Clause 4

Omit the clause. Insert instead:

4 Land to which this plan applies

This plan applies to land within the City of Campbelltown shown edged heavy black on the map marked “Campbelltown Local Environmental Plan No 209—Exempt Development” deposited in the office of the Council.

[6] Clause 6 Amendment of other environmental planning instruments

Omit the clause.

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[7] Clause 8 What is exempt development?

Insert “, environmental protection or rural character” after “amenity” in clause 8 (2) (b).

[8] Clause 8 (3)

Insert after clause 8 (3) (f):

- (g) is within the area identified by the Non-Development Line on the map supporting *Campbelltown Local Environmental Plan No 1*, or
- (h) is within any of the following zones identified in *Campbelltown Local Environmental Plan—District 8 (Central Hills Lands)*:
 - (i) Zone No 5 (a) Special Uses “A” (Water Supply),
 - (ii) Zone No 5 (c) Proposed Local Roads and Local Roads Widening,
 - (iii) Zone No 5 (d) Special Uses “D” (Railways),
 - (iv) Zone No 6 (dc) Open Space (Regional), or
- (i) is within the area identified as Escarpment Preservation Area on the map supporting *Campbelltown Local Environmental Plan—District 8 (Central Hills Lands)*, or
- (j) is within Zone No 6 (a) Local Open Space or Zone No 7 (1) Environmental Protection (Plateau) identified in *Campbelltown Local Environmental Plan No 32*, or
- (k) is within Zone No 5 (a) Special Uses “A” and is identified for the purpose of Quarry, Water Purposes or Reservoir on the I.D.C. Map supporting *Interim Development Order No 13—City of Campbelltown*, or
- (l) is within Zone No 5 (b) Special Uses “B” (Roads) or Zone No 6 (b) Open Space (Regional) identified in *Interim Development Order No 13—City of Campbelltown*, or

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- (m) is within Zone No 5 (a) Special Uses “A” identified for the purpose of Water Supply on the I.D.C. Map supporting *Interim Development Order No 15—City of Campbelltown*, or
- (n) is within Zone No 5 (c) Special Uses “C” Water Catchment identified in *Interim Development Order No 15—City of Campbelltown*, or
- (o) is within Zone No 6 (c) Open Space (Regional) identified in *Interim Development Order No 28—City of Campbelltown*.

[9] Clause 9 Other provisions relating to exempt development

Insert after clause 9 (3):

- (4) A person who carries out exempt development must have regard to the objectives of *Development Control Plan No 95—Controls for Waste Management in Development, Construction and Demolition* adopted by the Council as at 1 January 2001.

[10] Schedule 1 Exempt development

Omit “or scenic protection” wherever occurring in clauses 2 (c), 3 (f), 5 (d) and (e), 6 (g) and (h), 11 (e) and (f), 13 (d) and (e) and 31 (1) (d) and (e) in Part 1 of Schedule 1.

Insert instead “, scenic protection, rural or non-urban”.

[11] Schedule 1, Part 1, clause 11 (d)–(h)

Re-number as clause 11 (e)–(i).

[12] Schedule 1, Part 1, clause 11 (c)

Omit the paragraph. Insert instead:

- (c) do not exceed 2.7 metres in height from natural ground level, if on land in a residential zone, and
- (d) do not exceed 3.0 metres in height from natural ground level, if on land in an environmental protection, scenic protection, rural or non-urban zone, and

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[13] Schedule 1, Part 1, clause 11 (j)–(k)

Insert at the end of clause 11 (i) (as renumbered):

- , and
- (j) are constructed of non-reflective materials or have non-reflective surface finishes, if on land in an environmental protection, scenic protection, rural or non-urban zone, and
 - (k) match or are in character with the design and materials of a dwelling, if:
 - (i) erected on the building line of the dwelling, and
 - (ii) on land in an environmental protection, scenic protection, rural or non-urban zone.

[14] Schedule 1, Part 1, clause 14

Omit the clause. Insert instead:

DEMOLITION that:

- (a) is of a building that has an area of not more than 25 m², being a building the erection of which would be exempt development under this plan, and
- (b) is carried out in accordance with *AS 2601–1991—The demolition of structures*, and
- (c) is carried out in accordance with the Environment Protection Authority’s *Draft Development Control Plan on Managing Lead Contamination* (available from the Council), and
- (d) complies with the WorkCover Authority’s *Short Guide to Working with Asbestos*, and
- (e) complies with *Development Control Plan No 95—Controls for Waste Management in Development, Construction and Demolition* adopted by the Council as at 1 January 2001, and
- (f) is carried out in a manner that minimises or avoids contact with top soil that is underneath structures likely to have been treated with pesticides.

[15] Schedule 1, Part 1, clause 16

Omit the clause. Insert instead:

16 FENCES FOR DWELLING HOUSES, other than fences covered by the *Swimming Pools Act 1992*

- (1) In a residential zone, front and side boundary fences between the building line and street which:
 - (a) do not exceed a height of 1.2 m if constructed of timber, metal or lightweight materials, and
 - (b) do not exceed a height of 900 mm, if constructed of masonry or brick, and comply with:
 - (i) *AS 3700–1998—Masonry structures*, and
 - (ii) *AS 3600–1994—Concrete structures*, and
 - (iii) *AS 1170.1–1989*, *AS 1170.2–1989* and *AS 1170.4–1993—Loading Code*, and
 - (c) are constructed so as not to prevent the natural flow of water over the surface of the land, and
 - (d) comply with any restriction as to user covenant or Council policy that applies to the land.
- (2) In a residential zone, rear and side boundary fences behind the building line which:
 - (a) do not exceed a height of 2.1 m if constructed of timber, metal or lightweight materials, and
 - (b) are constructed so as not to prevent the natural flow of water over the surface of the land, and
 - (c) comply with any restriction as to user covenant or Council policy that applies to the land.
- (3) In an environmental protection, scenic protection, rural or non-urban zone, front and side boundary fences (other than electric fences) between the building line and the street which:
 - (a) do not exceed a height of 1.2 m if constructed of post and rail, post and wire, brick, masonry, pickets, lightweight materials, or a combination of any of them, and comply with:

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- (i) *AS 3700–1998—Masonry structures*, and
 - (ii) *AS 3600–1994—Concrete structures*, and
 - (iii) *AS 1170.1–1989*, *AS 1170.2–1989* and
AS 1170.4–1993—Loading Code, and
- (b) are constructed so as not to prevent the natural flow of water over the surface of the land, and
 - (c) comply with any restriction as to user covenant or Council policy that applies to the land.
- (4) In an environmental protection, scenic protection, rural or non-urban zone, rear and side boundary fences (other than electric fences) behind the building line which:
- (a) do not exceed a height of 2.1 m if constructed of post and rail, post and wire, lightweight materials or a combination of any of them, and
 - (b) are constructed so as not to prevent the natural flow of water over the surface of the land, and
 - (c) comply with any restriction as to user covenant or Council policy that applies to the land.

[16] Schedule 1, Part 1, clauses 21–24 and 29

Insert at the end of each clause:

Note. To minimise health risks from lead contamination, building alterations should be carried out in accordance with the methods outlined in the Environment Protection Authority's *Draft Development Control Plan on Managing Lead Contamination*, available from the Council.

[17] Schedule 1, Part 1, clause 37

Omit the clause. Insert instead:

37 WATER TANKS

- (1) In a residential zone, installation and use of water tanks at or above ground level, being water tanks which:
 - (a) are limited to a maximum of one per dwelling or other premises, and

- (b) have a maximum installed height above ground level of 1.8 m including any stand (and a maximum stand height of 450 mm), and
 - (c) have a maximum storage capacity of 5000 litres, and
 - (d) are located in the rear yard or no closer to the street than the front alignment of a dwelling or main building or other premises, and
 - (e) have structurally sound tanks and tank stand installations which comply with manufacturer's or designer's instructions, and
 - (f) have a connection to the existing stormwater system for overflow from tanks, and
 - (g) do not have a pump that is likely to create an offensive noise as defined in the *Protection of the Environment Operations Act 1997*, and
 - (h) are maintained at all times so they do not cause a nuisance with respect to mosquito breeding or overland flow of water.
- (2) In an environmental protection, scenic protection, rural or non-urban zone, installation and use of water tanks at or above ground level, being water tanks which:
- (a) are located in the rear yard or no closer to the street than the front alignment of a dwelling or main building or other premises, and
 - (b) have structurally sound tanks and tank stand installations which comply with manufacturer's or designer's instructions, and
 - (c) are positioned so that overflow from tanks drains away from dwellings and other buildings, and
 - (d) do not have a pump that is likely to create an offensive noise as defined in the *Protection of the Environment Operations Act 1997*, and
 - (e) are maintained at all times so they do not cause a nuisance with respect to mosquito breeding or overland flow of water.

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[18] Schedule 1, Part 2, clause 1 (d) and (e)

Re-number as clause 1 (e) and (f).

[19] Schedule 1, Part 2, clause 1

Omit clause 1 (c). Insert instead:

- (c) are located at least 900 mm from any property boundary, unless located in an environmental protection, scenic protection, rural or non-urban zone, and
- (d) if on land in an environmental protection, scenic protection, rural or non-urban zone, are not located within:
 - (i) 5 m of a side or rear boundary on a property having an area of less than one hectare, or
 - (ii) 10 m of a side or rear boundary on a property having an area of, or more than, one hectare, and

[20] Schedule 1, Part 2, clause 2 (d)

Re-number as clause 2 (e).

[21] Schedule 1, Part 2, clause 2

Omit clause 2 (c). Insert instead:

- (c) are no closer than 900 mm from any property boundary, unless located in an environmental protection, scenic protection, rural or non-urban zone, and
- (d) if on land in an environmental protection, scenic protection, rural or non-urban zone, are not located within:
 - (i) 5 m of a side or rear boundary on a property having an area of less than one hectare, or
 - (ii) 10 m of a side or rear boundary on a property having an area of, or more than, one hectare, and

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[22] Schedule 1, Part 2, clauses 3 (e) and (f) and 5 (b) and (c)

Omit “or scenic protection” wherever occurring.

Insert instead “, scenic protection, rural or non-urban”.

[23] Schedule 1, Part 2, clause 4 (g)–(j)

Renumber as clause 4 (h)–(k).

[24] Schedule 1, Part 2, clause 4 (f)

Omit the paragraph. Insert instead:

- (f) are a minimum of 900 mm from any property boundary, unless located in an environmental protection, scenic protection, rural or non-urban zone, and
- (g) if on land in an environmental protection, scenic protection, rural or non-urban zone, are not located within:
 - (i) 5 m of a side or rear boundary on a property having an area of less than one hectare, and
 - (ii) 10 metres of a side or rear boundary on a property having an area of, or more than, one hectare, and

[25] Schedule 1, Part 2, clause 6 (b)–(e)

Renumber as clause 6 (c)–(f).

[26] Schedule 1, Part 2, clause 6 (a)

Omit the paragraph. Insert instead:

- (a) have a maximum area of 25 m², if on land in a residential zone, and
- (b) have a maximum area of 40 m², if on land in an environmental protection, scenic protection, rural or non-urban zone, and

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[27] Schedule 1, Part 4, clause 1

Insert “(other than in an environmental protection, scenic protection, rural or non-urban zone)” after “purposes”.

[28] Schedule 1, Part 4, clause 4 (1)

Omit “and scenic protection”.

Insert instead “, scenic protection, rural and non-urban”.

[29] Schedule 2 Dictionary

Insert in alphabetical order:

non-urban zone means a non-urban zone identified in an environmental planning instrument.

rural zone means a rural zone identified in an environmental planning instrument.

[30] Schedule 2

Omit the definition of *the map*. Insert instead:

the map means the map marked “Campbelltown Local Environmental Plan No 209—Exempt Development” kept in the office of the Council, as amended by the maps, or sheets of maps, so kept and marked as follows:

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Amendment of State Environmental Planning Policy No 4—Development
Without Consent and Miscellaneous Complying Development

Schedule 2

**Schedule 2 Amendment of State Environmental
Planning Policy No 4—Development
Without Consent and Miscellaneous
Complying Development**

(Clause 5)

Schedule 2 Land excepted from clauses 6–10

Omit “Campbelltown local government area (but only the part of that area that is shown edged heavy black on the map marked ‘Campbelltown Local Environmental Plan No 209—Exempt Development in Urban Areas’ deposited in the office of Campbelltown Council)”.

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Schedule 3 Amendment of State Environmental Planning Policy No 60—Exempt and
Complying Development

**Schedule 3 Amendment of State Environmental
Planning Policy No 60—Exempt and
Complying Development**

(Clause 6)

Schedule 1 Where does this Policy apply?

Omit subclause (2) of Part 1 of Schedule 1. Insert instead:

- (2) Part 2 of, and Schedule 3 to, this Policy do not apply to the land within the City of Campbelltown to which *Campbelltown Local Environmental Plan No 209—Exempt Development* applies.

BY AUTHORITY