



New South Wales

# Camden Local Environmental Plan No 128—Manooka Valley

under the

Environmental Planning and Assessment Act 1979

I, the Minister Assisting the Minister for Infrastructure and Planning (Planning Administration), make the following local environmental plan under the *Environmental Planning and Assessment Act 1979*. (P00/00446/S69)

DIANE BEAMER, M.P.,  
Minister Assisting the Minister for Infrastructure  
and Planning (Planning Administration)

## 2005 No 111

Clause 1 Camden Local Environmental Plan No 128—Manooka Valley

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# Camden Local Environmental Plan No 128—Manooka Valley

under the

Environmental Planning and Assessment Act 1979

## 1 Name of plan

This plan is *Camden Local Environmental Plan No 128—Manooka Valley*.

## 2 Aims of plan

This plan aims:

- (a) to rezone Lot 12, DP 1041381, Lots 34, 36, 37 and 38, DP 28024, Lots 351 and 352, DP 809159, and part of Lot 2, DP 616147 (as shown edged heavy black on Sheet 1 of the map marked “Camden Local Environmental Plan No 128—Manooka Valley” deposited in the office of the Council of Camden) to Zones Nos 5 (a) (Special Uses Zone) and 7 (d1) (Environmental Protection (Scenic) Zone) under *Camden Local Environmental Plan No 47* and to three new zones, Zones Nos 2 (d1) (Residential “D1” (Manooka Valley) Zone), 7 (d2) (Environmental Protection (Urban Edge) Zone) and 7 (d3) (Environmental Protection (Bushland Conservation and Restoration) Zone) under *Camden Local Environmental Plan No 47*, and
- (b) to promote the development of Manooka Valley in a way that is environmentally sensitive and responds positively to the area’s unique attributes, including its remnant bushland, scenic quality and location on the urban and rural fringe, and
- (c) to preserve significant areas of remnant Cumberland Plain Woodland in a manner that will encourage sustainable regeneration, and
- (d) to provide an appropriate physical and visual interface between northern Currans Hill and the adjoining scenic protection and rural areas, and
- (e) to ensure opportunity for an efficient public transport system is available within the local government area of Camden that will allow residents convenient access to employment, shops, educational and community facilities, and recreational opportunities, and

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- (f) to provide opportunities for environmentally sustainable housing development in the local government area of Camden, and
  - (g) to permit subsurface mining with development consent on land rezoned by this plan.

**3 Land to which plan applies**

This plan applies to the following land within the local government area of Camden:

- (a) all of the land to which *Camden Local Environmental Plan No 47* applies,
- (b) land to which *Camden Local Environmental Plan No 48* applied immediately before the commencement of this plan that is shown edged heavy black on Sheet 2 of the map marked “Camden Local Environmental Plan No 128—Manooka Valley”, which map is deposited in the office of Camden Council, to the extent of excluding the subject land from that plan.

**4 Relationship to other environmental planning instruments**

- (1) *Camden Local Environmental Plan No 47* is amended as set out in Schedule 1.
- (2) *Camden Local Environmental Plan No 48* is amended as set out in Schedule 2.

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Schedule 1 Amendment of Camden Local Environmental Plan No 47

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### Schedule 1 Amendment of Camden Local Environmental Plan No 47

(Clause 4 (1))

#### [1] Clause 6 Definitions

Insert in alphabetical order in clause 6 (1):

***bioribbon*** means a stormwater conveyance control consisting of a grassed swale at the surface, underneath which is a medium used for water treatment.

***building height*** means the greatest height of a building measured at any point on the building from the natural ground level immediately below that point.

***bushland*** is land on which there is vegetation that is either a remainder of the natural vegetation of the land or, if altered, is still representative of the structure and floristics of the natural vegetation.

***impervious surface*** means a surface that does not allow water to pass through to the soil below.

***landscaped open space*** means that part of a site that is not built on and not covered with impervious surfaces.

***living area*** means a room used for normal domestic activities, but does not include a non-habitable room or a bedroom.

***private open space*** means an area of land, balcony or roof terrace suitable for the private outdoor living activities of the occupants of one dwelling.

***soft landscaped land*** means land not built on that is landscaped with grass, groundcover planting, shrubs or trees.

***solar panel*** means a panel mounted on the external surface or surfaces of a building for the purpose of water heating or electricity generation.

***storey*** means a floor within a building, including a floor used for storage or parking, but not including:

- (a) a roof, or part of a roof, used as an uncovered garden terrace or deck, or
- (b) a floor protruding no more than one metre above finished ground level used for parking, storage or any similar purpose.

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*studio apartment* means a dwelling, attached to another dwelling, that:

- (a) does not have a gross floor area exceeding 60 square metres, and
- (b) does not have a separate title from the other dwelling, and
- (c) is located on an allotment that is not less than 325 square metres in area and that has at least two street frontages.

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

Insert in appropriate order:

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Sheet 1

**[3] Clause 9 Zones indicated on the map**

Insert in appropriate order:

Zone No 2 (d1) (Residential “D1” (Manooka Valley) Zone)—  
shown with heavy black edging and lettered “2 (d1)”

Zone No 7 (d2) (Environmental Protection (Urban Edge)  
Zone)—shown with heavy black edging and lettered “7 (d2)”

Zone No 7 (d3) (Environmental Protection (Bushland  
Conservation and Restoration) Zone)—shown with heavy black  
edging and lettered “7 (d3)”

**[4] Clause 10 Zone objectives and development control table**

Insert after the matter relating to Zone No 2 (d) (the Residential “D” (Release  
Areas) Zone) in the Table to the clause:

**Zone No 2 (d1) (Residential “D1” (Manooka Valley) Zone)**

**1 Objectives of zone**

The objectives are:

- (a) to promote a distinctive character and quality of development in Manooka Valley based on the natural characteristics of the land and its position at the rural-urban interface, and
- (b) to retain a close physical and visual contact with the rural setting, and
- (c) to ensure that provision is made for accessible public transport to serve the needs of the residents, and

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- (d) to provide accessible open space for active recreation of the population generally and of young children in particular, and
- (e) to allow for pedestrian and cycle routes between areas of activity.

### **2 Without development consent**

Nil.

### **3 Only with development consent**

Any purpose other than a purpose included in item 4.

### **4 Prohibited**

Airline terminals; amusement centres; brothels; bulk stores; bulky goods shops; bus depots; car repair stations; caravan parks; commercial premises (other than home businesses); extractive industries; generating works; helipads; heliports; hospitals; hotels; industries (other than home businesses); junk yards; liquid fuel depots; mines (except for underground extraction of coal and other mineral resources); motor showrooms; motor vehicle depots; road transport terminals; roadside stalls; sawmills; stock and sale yards; taverns; warehouses.

#### **[5] Clause 10, Table**

Insert “; underground extraction of coal and other mineral resources” after “map” in item 3 of the matter relating to Zone No 5 (a) (the Special Uses Zone).

#### **[6] Clause 10, Table**

Insert in appropriate order “drainage works;” in item 3 of the matter relating to Zone No 7 (d1) (the Environmental Protection (Scenic) Zone).

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**[7] Clause 10, Table**

Insert after the matter relating to Zone No 7 (d1) (the Environmental Protection (Scenic) Zone):

**Zone No 7 (d2) (Environmental Protection (Urban Edge) Zone)**

**1 Objectives of zone**

The objectives are:

- (a) to contribute to Camden’s “sense of place” and unique landscape character, and
- (b) to achieve land that is managed for the purpose of biodiversity protection, where such land has been identified in a plan of management or covenant, to enhance the scenic quality of the area, by protecting ridgetops and upper slopes from development and by revegetating them with indigenous vegetation, as appropriate, and
- (c) to permit limited development of detached dwelling-houses consistent with the other objectives of this zone.

**2 Without development consent**

Nil.

**3 Only with development consent**

Clearing of vegetation; contour ripping; dams; disposal of waste on land; drainage works; dwelling-houses; extraction of water from a watercourse or aquifer; fire trails; fitness trails; interpretive or educative signage; pedestrian and cycle paths; planting of vegetation; removal of rock, soil, sand, gravel or similar material; roads; underground extraction of coal and other mineral resources.

**4 Prohibited**

Any purpose other than a purpose included in item 3.

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### **Zone No 7 (d3) (Environmental Protection (Bushland Conservation and Restoration) Zone)**

#### **1 Objectives of zone**

The objectives are:

- (a) to achieve land that is managed for the principal purpose of biodiversity protection, where such land has been identified in a plan of management or covenant, and
- (b) to conserve, restore and enhance the native fauna and flora habitat and the ecological viability of the land identified for biodiversity protection purposes, and
- (c) to restore bushland to viability and to protect it from activities likely to threaten its viability, and
- (d) to conserve the Aboriginal heritage values of the land, and
- (e) to enable development of the land only where it can be demonstrated that the development will not destroy, damage, or compromise the extent, quality or integrity of the ecological or Aboriginal heritage attributes of the land.

#### **2 Without development consent**

Nil.

#### **3 Only with development consent**

Bushfire hazard reduction; environmental protection works; passive recreation; underground extraction of coal and other mineral resources.

#### **4 Prohibited**

Any purpose other than a purpose included in item 3.

#### **[8] Clause 14A What is exempt and complying development?**

Insert “—Exempt and Complying Development” after “No 112” wherever occurring in clause 14A (1)–(4).

#### **[9] Clause 14A (5)**

Insert after clause 14A (4):

- (5) This clause does not apply to land within Zone No 2 (d1).



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**[10] Clause 14B**

Insert after clause 14A:

**14B Exempt and complying development in Manooka Valley**

- (1) This clause applies to land within Zone No 2 (d1).
- (2) Development of minimal environmental impact listed as exempt development in Schedule 7 is exempt development, despite any other provision of this plan.
- (3) Development listed as complying development in Schedule 8 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 by section 106 of the Act.
- (4) Development is complying development only if it complies with the development standards and other requirements applied to the development in Schedule 8.
- (5) A complying development certificate issued for any complying development is subject to the conditions for the development specified in *Development Control Plan No 112—Exempt and Complying Development* adopted by the Council, as in force when the certificate is issued.

**[11] Part 4, heading**

Omit the heading.

**[12] Clause 18B Clearing**

Omit clause 18B (1). Insert instead:

- (1) Land within Zone No 2 (d), 2 (d1), 5 (a), 6 (d), 7 (d1), 7 (d2) or 7 (d3) must not be cleared for any purpose, except with the consent of the Council.

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**[13] Clause 20A**

Insert after clause 20:

**20A Development of land within Zone No 7 (d2) or 7 (d3)**

Despite any other provision of this plan, a person may, but only with the consent of the Council, carry out the following development of land within Zone No 7 (d2) or 7 (d3):

- (a) demolition,
- (b) subdivision.

**[14] Clause 24 Development near zone boundaries**

Omit clause 24 (1). Insert instead:

- (1) This clause applies to land within 50 metres of a boundary between any two of Zones Nos 2 (d), 2 (d1), 3 (g), 4 (a), 4 (b), 5 (a), 7 (d1), 7 (d2) and 7 (d3).

**[15] Clause 25 Exhibition homes and villages**

Insert “or 2 (d1)” after “Zone No 2 (d)” in clause 25 (1).

**[16] Part 4**

Insert after clause 30:

### **Part 4 Special provisions applying to Manooka Valley**

**31 Application of this Part**

This Part applies to all land in Manooka Valley that is shown edged heavy black on Sheet 1 of the map marked “Camden Local Environmental Plan No 128—Manooka Valley”.

**32 Desired future character**

Despite any other provisions of this plan, the Council must not consent to the development of land to which this Part applies unless the development is consistent with the following description of the desired future character of the land.

**Desired future character statement**

Located at the interface of the Spring Hill Village urban area, and adjoining scenic protection and rural areas, Manooka Valley will provide a physical and visual transition between rural/scenic protection areas and Currans Hill. The residential zone will be

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characterised by a range of lot sizes. Lot size and building character within residential precincts will reflect their relationship to adjacent amenities and the provision of housing diversity. Other lots will provide a low key and visually sensitive transition to surrounding rural and scenic protection land.

The visual impact on Manooka Valley's landscape setting of development within this zone will be minimised and will achieve a high level of scenic quality by protecting significant watercourses, significant trees, ridgetops and steep slopes from any adverse effects of development. The design of roads, landscaping, open spaces, water cycle management systems, houses and other elements of the urban landscape will positively respond to these aims. The public open space design and water cycle management system will be environmentally sensitive, will contribute to the improvement of downstream water quality and will recognise the importance of revegetated riparian corridors in the locality.

A variety of publicly accessible open space areas suitable for a range of passive recreation opportunities will be available to residents. Pedestrians and cyclists will have convenient access throughout the precincts and connections to surrounding precincts.

Roads within Manooka Valley will be designed to reduce traffic speeds, permit safe pedestrian movement and with regard to the location of on-street parking and driveways. The roads, landscaping and adjacent housing will be designed to complement each other and their location.

Dwellings shall exhibit consistent and widespread application of architectural elements such as verandahs, balconies, sun shading devices and fencing appropriate to specific locations in each precinct. Manooka Valley will offer a range of housing choice to its prospective residents and they will have the opportunity to occupy a dwelling appropriate to their lifestyle, life stage and income. Individual dwellings will also contribute to a reduction in urban energy and water consumption through their siting, design, construction and landscaping.

### **33 Density**

#### **(1) Objectives**

The objectives of this clause are:

- (a) to provide housing diversity, and
- (b) to achieve a residential density target for each lot type.

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(2) **Controls**

The following subdivision and density controls apply:

<b>Lot type</b>	<b>Minimum and maximum lot sizes</b>
Urban Edge	900m <sup>2</sup> –2ha
Residential (Main Street, High Street, gateway, courtyard)	350–899m <sup>2</sup>
Village common	180–349m <sup>2</sup>

### 34 Development on sloping land

(1) **Objective**

The objective of this clause is to ensure that, on sloping land, the height and bulk of buildings, particularly on the downhill side, are to be minimised and the need for cut and fill is to be reduced by designs that minimise the building footprint and allow the building mass to step down the slope.

(2) **Controls**

The following controls apply to land to which this Part applies that is cut and filled:

- (a) the amount of cut and fill is not to exceed 500 millimetres depth on each lot,
- (b) fill is not to spread beyond the footprint of any building, and there are not to be retaining walls on side or rear boundaries of lots, other than downturn edge beams or suspended floors,
- (c) where retaining walls are required to ensure private open space meets clause 37 (1) (e), they should be a maximum height of 500 millimetres,
- (d) where a retaining wall is visible from the street it should be of masonry construction to match the wall material and colour of the main dwelling,
- (e) where the creation of a “level” area of private open space is not required, downturn edge beams or suspended floor systems must be used.

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**35 Management of rainwater****(1) Objective**

The objective of this clause is to ensure that water sensitive urban design principles and practices are implemented so that:

- (a) water quantity and quality does not adversely impact on local and downstream riparian systems, and
- (b) on-line and off-line control measures are integrated with the design of open space and adjoining land uses, and
- (c) measures for the re-use of stormwater for purposes such as irrigation and grey water are promoted, while protecting the flow rate of watercourses, and
- (d) salinity effects are addressed and managed, and
- (e) waste management systems are designed and provided to minimise public health and safety risks and their aesthetic and environmental impacts.

**(2) Requirements**

The consent authority must not grant consent to a development application proposing the subdivision of land or any significant increase in impervious area, including new buildings, structures or pavements, unless it has taken into consideration the principles of water sensitive urban design, including, but not limited to, the following:

- (a) the maintenance of water quality in downstream riparian systems,
- (b) the maintenance of environmental flows in downstream riparian systems,
- (c) the minimisation of water use, including the re-use or recycling of grey water,
- (d) the minimisation of impacts on the water table and the flow of groundwater,
- (e) the provision of rainwater tanks.

**36 Built form****(1) Objectives**

The objectives of this clause are:

- (a) to maintain a consistent height and scale of residential buildings, and
- (b) to provide access to sunlight for adjoining dwellings, private open space and public open space areas, and

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- (c) to provide access to sunlight for new development, and
- (d) to provide privacy between dwellings and between private open spaces of dwellings, and
- (e) to maintain views and vistas from adjoining dwellings, and
- (f) to ensure minimum visual impact on ridgelines and significant slopes of dwellings and outbuildings.

### (2) Controls

The following controls apply:

- (a) on all land other than on land within Zone No 7 (d2) or 7 (d3):
  - (i) single storey dwellings are not to exceed 6.5 metres in building height to the greatest height measured at any point on the building from the natural ground level immediately below that point, and
  - (ii) dwellings more than one storey in height are not to exceed 9.5 metres in building height to the highest point of the roof ridge and 7.0 metres in building height to the uppermost ceiling of the upper floor, and
  - (iii) main dwelling roofs are to have a pitch of 25°, and verandah or balcony roofs are to have a minimum pitch of 15° and a maximum pitch of 25°,
- (b) dwellings and outbuildings on land within Zone No 7 (d2) are to be designed having regard to the visual prominence of the land and woodland setting.

### 37 Development control plan

- (1) Development consent must not be granted for any development of land to which this Part applies unless the consent authority has taken into consideration a development control plan approved by Council that applies to all of the land to which this Part applies and contains recommendations for the following:

#### Fences and walls

- (a) to minimise disruption of the natural flow of stormwater,
- (b) to minimise the risks from bush fire to fencing and walls in a fire protection zone or asset protection zone identified in a bush fire risk management plan,
- (c) to minimise the adverse impact on wildlife of fencing and walls near open space and natural vegetated areas,

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**Roads and paths**

- (d) to ensure that the road network is designed to provide efficient and safe vehicle movement and to provide attractive streetscapes that create local character and specific physical identity for Manooka Valley,

**Private open space**

- (e) to provide each dwelling with useable private open space, which is capable of acting as an extension of the living area of the dwelling,
- (f) to provide private open space that is orientated for optimum year round use,

**Landscaped open space**

- (g) to enhance the streetscape, the natural features of the site and surrounding areas,
- (h) to provide a high standard of amenity to dwellings and their associated private open space,
- (i) to assist in achieving the desired future character of Manooka Valley as set out in clause 32,

**Privacy**

- (j) to ensure that the living areas of a dwelling do not unreasonably overlook the living areas of any dwelling on adjoining or adjacent land, unless suitably screened or treated,

**Conservation of energy**

- (k) to promote the use of buildings which are designed, sited and constructed, using passive solar principles, so as to maximise energy efficiency by reducing the consumption of non-renewable forms of energy for heating and cooling purposes.
- (2) The development control plan must also contain the following:
- (a) proposals for stormwater and water quality management controls,
  - (b) proposals for protection of the ecological integrity of bushland requiring sensitive development at the interface with land within Zones Nos 7 (d2) and 7 (d3) and the integration of existing vegetated areas into open space areas and active recreation areas,
  - (c) proposals that will allow land for pedestrian and cycle routes between areas of activity,

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- (d) recommendations for the materials to be used in the exterior of buildings, trees to be retained, plantings to be carried out, fencing and the position of building envelopes and access roads,
- (e) proposals for design controls which detail how development can achieve sustainable water quality and quantity measures and conserve energy usage by using passive solar design principles in the design of buildings,
- (f) an overall landscaping strategy for the protection and enhancement of creek corridors and remnant vegetation, including detailed planning measures for both the public domain and private land.

### [17] Schedules 7 and 8

Insert after Schedule 6:

## Schedule 7 Exempt development

(Clause 14B (2))

### What development is exempt development?

Any development listed as exempt development in *Development Control Plan No 112—Exempt and Complying Development*, as adopted by the Council on 24 September 2001, and complying with any development standard and other requirements applied to the development in that plan is exempt development for the purposes of this plan when carried out on land within Zone No 2 (d1), if it is of a type described below and it complies with the following requirements for the type:

Type of activity	Exemption requirements
Aerials, antennae and microwave antennae (not including satellite dishes)	Maximum height 1 metre above roof
Children's play equipment	Maximum ground coverage 4 square metres
Pergola (open)	Maximum height 2.7 metres above natural ground level
Privacy screens	Maximum height 1.8 metres above natural ground level
Retaining walls	Must comply with the desired future character of the land to which this Part applies Maximum height 500 millimetres above natural ground level

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## Schedule 8 Complying development

(Clause 14B (3) and (4))

**What development is complying development?**

Any development listed as complying development in *Development Control Plan No 112—Exempt and Complying Development*, as adopted by the Council on 24 September 2001, and complying with any development standard and other requirements applied to the development in that plan is complying development for the purposes of this plan when carried out on land within Zone No 2 (d1), if it is of a type described below and it complies with the following requirements for the type:

<b>Development type</b>	<b>Requirements</b>
<b>Detached dwellings</b>	
Erection of a detached dwelling;	The lot is larger than 450 square metres and smaller than 900 square metres.
Alterations and additions to existing detached dwellings;	Meets all other requirements outlined in this plan as they apply to the particular lot.
Erection of carports and garages associated with an existing or proposed detached dwelling.	A minimum of 30% of the site is to be soft landscaped, that is, not with impervious surfaces. Any cutting and filling is carried out in accordance with clause 34.

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Schedule 2      Amendment of Camden Local Environmental Plan No 48

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**Schedule 2      Amendment of Camden Local  
Environmental Plan No 48**

(Clause 4 (2))

**Clause 5 Definitions**

Insert in appropriate order in the definition of *the map* in clause 5 (1):

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Sheet 2

BY AUTHORITY