



New South Wales

Camden Local Environmental Plan No 138

under the

Environmental Planning and Assessment Act 1979

I, the Minister for Planning, make the following local environmental plan under the
Environmental Planning and Assessment Act 1979. (P03/00494/PC)

FRANK SARTOR, M.P.,
Minister for Planning

2007 No 473

Clause 1

Camden Local Environmental Plan No 138

Camden Local Environmental Plan No 138

under the

Environmental Planning and Assessment Act 1979

1 Name of plan

This plan is *Camden Local Environmental Plan No 138*.

2 Aims of plan

The aims of this plan are:

- (a) to rezone part Lot 3420, DP 1105169 and Lot 101, DP 1107591 at Harrington Park 2 (as shown edged heavy black on the map marked “Camden Local Environmental Plan No 138—Harrington Park 2” deposited in the office of the Council of Camden) to Zone No 1 (f) (Rural Zone), Zone No 2 (d) (Residential), Zone No 5 (a) (Cultural Landscape), Zone No 7 (a) (Environmentally Sensitive Land Zone) and Zone No 7 (d4) (Environmental Protection (Eco-Residential) Zone) under *Camden Local Environmental Plan No 74—Harrington Park*, and
- (b) to promote the development of Harrington Park 2 in a way that is environmentally sensitive and responds positively to the site’s heritage and scenic character while conserving regionally significant remnant bushland, and
- (c) to provide a viable, regionally significant habitat corridor in an east-west direction across the site that retains the high value remnant Cumberland Plain Woodland and includes the riparian corridors, and
- (d) to protect the scenic character of the area and significant views to and from the site, and
- (e) to require that, prior to the subdivision of land into lots of less than 40 hectares for residential uses, that satisfactory arrangements have been made for the provision of regional transport infrastructure and services, and
- (f) to provide appropriate curtilages in accordance with the conservation management plans around the areas of heritage significance, and

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- (g) to facilitate the ongoing management and conservation of the natural and cultural heritage of the site, and
 - (h) to avoid development in areas of potentially high salinity or excessively steep areas, and
 - (i) to ensure that future residents of the site are able to conveniently access employment, shops, educational and community facilities and recreational opportunities both within the site and in the surrounding area, and
 - (j) to ensure that development is staged in a manner that is efficient in terms of infrastructure use and provision, and
 - (k) to facilitate sustainable water management practices, and
 - (l) to provide opportunities for environmentally sensitive housing in a bushland setting.

3 Land to which plan applies

This plan applies to land within the local government area of Camden as shown edged heavy black on the map marked “Camden Local Environmental Plan No 138—Harrington Park 2” deposited in the office of Camden Council.

4 Amendment of Camden Local Environmental Plan No 74—Harrington Park

Camden Local Environmental Plan No 74—Harrington Park is amended as set out in Schedule 1.

Schedule 1 Amendments

(Clause 4)

[1] Clause 5 Adoption of model provisions

Insert “, *hotel*” after “*home occupation*” in clause 5 (a).

[2] Clause 6 Definitions

Insert in appropriate order in the definition of *the map* in clause 6 (1):

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[3] Clause 6 (1)

Insert in alphabetical order:

backpackers’ accommodation means tourist and visitor accommodation:

- (a) that has shared facilities, such as a communal bathroom, kitchen or laundry, and
- (b) that will generally provide accommodation on a bed basis (rather than by room).

bed and breakfast accommodation means tourist and visitor accommodation comprising a dwelling (and any ancillary buildings and parking) where the accommodation is provided by the permanent residents of the dwelling for a maximum of 8 guests and:

- (a) meals are provided for guests only, and
- (b) cooking facilities for the preparation of meals are not provided within guests’ rooms, and
- (c) dormitory-style accommodation is not provided.

bush fire hazard reduction work has the same meaning as in the *Rural Fires Act 1997*.

Note. The term is defined as follows:

bush fire hazard reduction work means:

- (a) the establishment or maintenance of fire breaks on land, and
- (b) the controlled application of appropriate fire regimes or other means for the reduction or modification of available fuels within a predetermined area to mitigate against the spread of a bush fire, but does not include construction of a track, trail or road.

drainage means any activity which intentionally alters the hydrological regime of any locality by facilitating the removal of surface or ground water. It may include the construction,

deepening, extending, opening, installation or laying of any canal, drain or pipe, either on the land or in such a manner as to encourage drainage of adjoining land.

environmental facility means a building or place which provides for the recreational use or scientific study of natural systems, and includes walking tracks, seating, shelters, board walks, observation decks, bird hides or the like, and associated display structures.

environmental protection works means works associated with the rehabilitation of land towards its natural state or any work to protect land from environmental degradation, and includes bush regeneration works, wetland protection works, erosion protection works, dune restoration works and the like.

home occupation means an occupation carried on in a dwelling, or in a building ancillary to a dwelling, by one or more permanent residents of the dwelling that does not involve:

- (a) the employment of persons other than those residents, or
- (b) 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, traffic generation or otherwise, or
- (c) the display of goods, whether in a window or otherwise, or
- (d) the exhibition of any notice, advertisement or sign (other than a notice, advertisement or sign exhibited on that dwelling to indicate the name of the resident and the occupation carried on in the dwelling), or
- (e) the sale of items (whether goods or materials), or the exposure or offer for sale of items, by retail,

but does not include bed and breakfast accommodation or brothels.

hotel accommodation means a building (whether or not a hotel within the meaning of the *Liquor Act 1982*) that provides tourist and visitor accommodation consisting of rooms or self-contained suites, but does not include backpackers' accommodation, a boarding house or bed and breakfast accommodation.

maintenance building means a building for the storage and maintenance of equipment and other items associated with the maintenance of the land on which the building is located and associated land.

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pub means licensed premises under the *Liquor Act 1982* the principal purpose of which is the sale of liquor for consumption on the premises, whether or not the premises include hotel accommodation and whether or not food is sold on the premises.

[4] Clause 6 (1), definition of “village centre”

Omit the definition. Insert instead:

village centre means a group of buildings situated on land that comprises any or all of the following:

child care centres, clubs, community facilities, conference facilities, gymnasiums, hotel accommodation, meeting rooms, motels, multi-unit housing, offices, places of public worship, professional consulting rooms, public buildings, pubs, recreation areas, refreshment rooms, service stations and shops.

[5] Clause 8 Zones indicated on the map

Insert in order of zone number:

Zone No 1 (f) (Rural “F” (0.2 ha))—edged heavy black and lettered “1 (f)”,

Zone No 7 (a) (Environmentally Sensitive Land)—edged heavy black and lettered “7 (a)”,

Zone No 7 (d4) (Environmental Protection (Eco-Residential))—edged heavy black and lettered “7 (d4)”.

[6] Clause 9 Zone objectives and development control table

Insert after the matter relating to Zone No 1 (e) (Rural “E” (0.6ha)) in the Table to the clause:

Zone No 1 (f) (Rural “F” (0.2 ha))

1 Objectives of zone

The objectives are as follows:

- (a) to provide for small holding rural residential living opportunities having ready access to urban areas and facilities on land that does not have prime crop or pasture potential,
- (b) to ensure development is carried out in a manner that minimises risk from natural hazards, particularly bush fires and flooding,
- (c) to permit housing forms which are consistent with the environmental and scenic quality of the area,

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- (d) to ensure that the scenic impact of development is minimised,
 - (e) to encourage the retention and provision of a range of facilities related to horse agistment and horse riding activities.

2 Without development consent

Development for the purpose of:

bush fire hazard reduction work authorised by the *Rural Fires Act 1997*; environmental protection works carried out in accordance with a conservation management plan approved by the Council; home occupations.

3 Only with development consent

Development for the purpose of:

advertisements; cycleways; drainage; dwelling houses; footpaths; home businesses; horse stables; minor buildings and facilities ancillary to the stabling and riding of horses; roads; subsurface mining; utility installations.

4 Prohibited

Any development not included in items 2 and 3.

[7] Clause 9, Table

Insert after paragraph (h) of item 1 in the matter relating to Zone No 2 (d):

- (i) to protect the ecological integrity of bush and riparian corridors by facilitating sensitive development on land adjoining land within Zone No 7 (a) and Zone No 7 (d4) and integrating existing bushland into planning for open space and active recreation areas,
- (j) to ensure that development retains the significance of heritage items and archaeological sites and their settings and does not adversely impact on significant views,
- (k) to protect the rural character of Cobbitty Road.

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[8] Clause 9, Table

Omit item 1 of the matter relating to Zone No 5 (a). Insert instead:

1 Objectives of zone

The objective is to conserve the heritage significance of the cultural landscape of Harrington Park and Orielton, including buildings, associated structures and surrounding vistas.

[9] Clause 9, Table

Insert after the matter relating to Zone No 6 (e) (Open Space—Waterway Buffer):

Zone No 7 (a) (Environmentally Sensitive Land)

1 Objectives of zone

The objectives are as follows:

- (a) to ensure the protection and management of environmentally sensitive land for the principal purpose of biodiversity conservation,
- (b) to conserve, restore and enhance native flora and fauna habitat and the ecological viability of land identified for biodiversity protection purposes,
- (c) to provide for development of a limited scale to support passive recreation and ecological interpretation,
- (d) to foster habitat connectivity by providing links with other natural areas, as part of an open space and bush corridor network,
- (e) to conserve, restore and enhance the functions and habitats of watercourses and their associated riparian areas.

2 Without development consent

Development for the purpose of:

bush fire hazard reduction work authorised by the *Rural Fires Act 1997*; environmental protection works carried out in accordance with a conservation management plan approved by the Council; home occupations.

3 Only with development consent

Development for the purpose of:

advertisements; advertising structures; cycleways; drainage; environmental facilities; footpaths; maintenance buildings (associated with environmental protection works); recreation areas; roads; subsurface mining; utility installations.

4 Prohibited

Any development not included in item 2 or 3.

**Zone No 7 (d4) (Environmental Protection
(Eco-Residential))**

1 Objectives of zone

The objectives are as follows:

- (a) to provide for residential development that incorporates design, construction and operational practices that significantly reduce or eliminate negative impacts on the environment through energy efficiency, water conservation, pollution prevention, biodiversity conservation and reducing resource consumption,
- (b) to ensure a distinctive character and urban form that reflects and responds to the natural context of the area and minimises bush fire risk,
- (c) to provide a subdivision pattern which allows for pedestrian and vehicular connectivity and permeability,
- (d) to provide sustainable water quality and quantity controls,
- (e) to ensure that subdivision design retains significant remnant native trees while still achieving an urban setting for housing and associated infrastructure,
- (f) to ensure that development retains the significance of heritage items and archaeological sites and their settings and does not adversely impact on significant views,
- (g) to protect the rural character of Cobbitty Road.

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2 Without development consent

Development for the purpose of:

bush fire hazard reduction work authorised by the *Rural Fires Act 1997*; environmental protection works carried out in accordance with a conservation management plan approved by the Council; home occupations.

3 Only with development consent

Development for the purpose of:

advertisements; advertising structures; community facilities; cycleways; dams; drainage; dwelling houses; environmental facilities; footpaths; home businesses; recreation areas; roads; subsurface mining; utility installations.

4 Prohibited

Any development not included in item 2 or 3.

[10] Clauses 16 and 17

Omit the clauses. Insert instead:

16 Noise reduction

- (1) The Council must not grant development consent to the subdivision of any land for residential purposes adjoining Camden Valley Way, The Northern Road or Cobbitty Road, unless:
 - (a) the Council is satisfied that:
 - (i) a program, detailing appropriate noise attenuation measures to reduce traffic noise to potentially affected properties, has been prepared and will achieve or surpass the environmental goal, and
 - (ii) the program has been prepared by a person who, in the opinion of the Council, is a qualified noise consultant and that person has formulated the program based on current acoustic assessment, and
 - (iii) the program is in accordance with the requirements of the *Environmental Criteria for Road Traffic Noise* (Environment Protection Authority, 1999), and

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- (iv) any proposed noise attenuation measures will not have a significant impact on identified view corridors and will be of a kind that are sympathetic to the surrounding landscape, and
 - (b) if the Roads and Traffic Authority is the roads authority (within the meaning of the *Roads Act 1993*) for the relevant road, the Council has given the Authority details of the subdivision proposal and the program and taken into account any submission made by the Authority within 28 days of providing the details to it.
 - (2) For the purpose of this clause, the environmental goal for traffic noise is a maximum LA10, 18-hour noise level of 63dB(A) when measured at 1 metre from the residential facade lines or other sensitive locations relative to Camden Valley Way, The Northern Road or Cobbitty Road, respectively.

17 Restricted vehicular access

The Council may consent to development on land that adjoins The Northern Road or Camden Valley Way:

- (a) only if any vehicular access to the land from those roads is made by way of an existing intersection or another road, or
- (b) if the Council is of the opinion that such vehicular access is not practicable, only if the Council has given the Roads and Traffic Authority details of the development proposal and taken into account any submission made by that Authority about the proposed development within 28 days of providing the details to it.

[11] Clause 22 Protection of trees

Insert at the end of clause 22 (6) (h) (iii):

- , or
- (iv) the *Harrington Park Stage 2/Mater Dei Conservation Management Plan* approved by the Council on 9 October 2006 and held in the offices of the Council and any site-specific conservation management plan that may be submitted to the Council by an applicant in relation to a development application.

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[12] Clause 22B Clearing

Omit clause 22B (1). Insert instead:

- (1) Land within Zone No 1 (f), 2 (d), 5 (a), 7 (a) or 7 (d4) must not be cleared for any purpose, except with the consent of the Council.

[13] Clause 22B (4) (c) and (c1)

Omit clause 22B (4) (c). Insert instead:

- (c) bush fire hazard reduction work authorised by the *Rural Fires Act 1997*,
- (c1) environmental protection works carried out in accordance with a conservation management plan approved by the Council,

[14] Clause 30

Omit the clause. Insert instead:

30 Development in the vicinity of Harrington Park Homestead and Orielton Homestead

The Council must not consent to development in the vicinity of the Harrington Park Homestead or the Orielton Homestead unless it has made an assessment of the likely effect that the carrying out of the development will have on the heritage significance of the relevant Homestead, its curtilage and its setting and on views into and out of the site.

[15] Part 5

Insert after Part 4:

Part 5 Special Provisions applying to Harrington Park 2

34 Application of Part

This Part applies to the land shown edged heavy black on the map marked “Camden Local Environmental Plan No 138—Harrington Park 2”.

35 Refreshment rooms on certain land within Zone No 7 (a)

- (1) This clause applies to land within Zone No 7 (a) that is at the top of Creer Hill and shown hatched on the map marked “Camden Local Environmental Plan No 138—Harrington Park 2”.

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- (2) Despite any other provision of this plan, the Council may grant consent to development for the purposes of refreshment rooms.
 - (3) Before granting consent to development for the purpose of a refreshment room, the Council must take into account the visual impact of the development, its scale, its impact on view corridors to and from the site, parking, light spill, materials and external finishes and any environmental impacts on surrounding land within Zone No 7 (a).

36 Location of housing on land within Zone No 7 (d4)

Consent must not be granted to development on land within Zone No 7 (d4) that is shown hatched on the map marked “Camden Local Environmental Plan No 138—Harrington Park 2” unless the Council is satisfied that the development will be carried out, and any housing and associated facilities will be located, in such a manner that minimises the removal of existing native vegetation.

37 Bush fire protection

- (1) This clause does not apply to development on bush fire prone land.
Note. Section 79BA of the Act and section 100B of the *Rural Fires Act 1997* deal with development on bush fire prone land.
- (2) Before granting consent to any development on land within Zone No 2 (d) or Zone 7 (d4) that is adjacent to land within Zone 7 (a), the Council must take into account whether:
 - (a) the development is likely to have a significant adverse effect on the implementation of any strategies for bush fire control and fuel management adopted by the Council, and
 - (b) a significant threat to the lives of residents, visitors or emergency services personnel may be created or increased as a result of the development or the access arrangements to and from the site of the development, and
 - (c) the increased demand for emergency services during bush fire events created by the development would lead to a significant decrease in the ability of the emergency services personnel to effectively control major bush fires, and
 - (d) the measures to be adopted to avoid or mitigate the threat from bush fire, including siting of the development, design of structures and materials used, clearing of vegetation, fuel free and fuel reduced areas and landscaping and fire

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control aids, such as roads and water supplies, are inadequate for the locality or would result in unacceptable environmental impacts.

- (3) In taking into account matters as required by subclause (2), the consent authority must take into account:
 - (a) any relevant bush fire management plan that has been approved by the Council, and
 - (b) the specifications and requirements of *Planning for Bushfire Protection*, ISBN 0 9585987 8 9, produced by the NSW Rural Fire Service (or, if another document is prescribed by the regulations for the purposes of section 79BA (1) (a) of the Act, that document), that are relevant to the development.

38 Restriction on certain subdivisions—provision of regional transport infrastructure and services

- (1) This clause applies to land within Zone No 2 (d) (Residential “d”) or Zone No 7 (d4) (Environmental Protection (Eco-Residential)) but does not apply if any of that land is within a special contributions area (as defined in section 93C of the Act).
- (2) The object of this clause is to require assistance towards the provision of regional transport infrastructure and services to satisfy needs that will arise from development of land to which this clause applies, but only if that land is developed intensively for urban purposes.
- (3) Despite any other provision of this Plan, consent must not be granted for a subdivision of land to which this clause applies that will create a lot with an area of less than 40 hectares unless the Director-General has certified in writing to the Council that satisfactory arrangements have been made to contribute to the provision of regional transport infrastructure and services in relation to the land comprising that lot.
- (4) The reference in subclause (3) to a lot with an area of less than 40 hectares does not include a reference to any such lot:
 - (a) identified in the certificate as a residue lot, or
 - (b) that is proposed in the development application to be reserved or dedicated for public open space, public roads, public utilities, educational facilities, or any other public purpose.
- (5) Subclause (3) does not apply to a subdivision for the purpose only of rectifying an encroachment on any existing allotment.

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- (6) *State Environmental Planning Policy No 1—Development Standards* does not apply to this clause.

[16] Schedule 1 Heritage items

Insert after the matter relating to Harrington Park Homestead:

Orielton—the land shown as being within Zone No 5 (a) on the map marked “Camden Local Environmental Plan No 138—Harrington Park 2”.