



New South Wales

# Canterbury Local Environmental Plan No 206

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*. (P07/00817/PC)

FRANK SARTOR, M.P.,  
Minister for Planning

## 2008 No 294

Clause 1 Canterbury Local Environmental Plan No 206

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## Canterbury Local Environmental Plan No 206

under the

Environmental Planning and Assessment Act 1979

### 1 Name of plan

This plan is *Canterbury Local Environmental Plan No 206*.

### 2 Aims of plan

This plan aims:

- (a) to amend the *Canterbury Planning Scheme Ordinance (the PSO)*, *Canterbury Local Environmental Plan No 138—Canterbury Precinct (LEP 138)*, *Canterbury Local Environmental Plan No 148—Campsie Precinct (LEP 148)* and *Canterbury Local Environmental Plan No 178—Belmore–Lakemba Precinct (LEP 178)* to bring into those instruments the definitions of **child care centre** and **health consulting rooms** as set out in the *Standard Instrument (Local Environmental Plans) Order 2006*, and
- (b) to amend the PSO:
  - (i) to include a heritage conservation incentives provision similar to what is already in LEP 138, LEP 148 and LEP 178, and
  - (ii) to allow, where land that has been reserved for county open space or parks and recreation under Part 2 of the PSO has been acquired for open space purposes, the same permissible uses for the land as if the land was in Zone No 6 (a) Open Space Existing Recreation, and
- (c) to amend LEP 138 to allow, with consent, advertisements as a permissible use on land in Zones Nos 3 (a), 3 (e), 4 (a), 4 (d), 5, 6 (a), 6 (b), 6 (c) and 9, and
- (d) to amend LEP 148 and LEP 178 to allow, with consent, advertisements as a permissible use on land in Zones Nos 3 (a), 3 (e), 3 (f), 4 (a), 4 (d), 5, 6 (a), 6 (b), 6 (c) and 9, and
- (e) to rezone certain land under LEP 148 to Zone No 2 (a) Residential “A” Zone, and

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- (f) to amend LEP 178:
- (i) to require that Canterbury City Council must not consent to the subdivision of land on which a dual occupancy is situated where it results in the street frontage of either lot on which a dwelling is situated being less than 7.5 metres (a similar requirement that is already in the PSO, LEP 138 and LEP 148), and
  - (ii) to rezone certain land to Zone No 3 (a) General Business Zone.

### **3 Land to which plan applies**

- (1) In respect of the aims referred to in clause 2 (a)–(d) and (f) (i), this plan applies to all land within the City of Canterbury under the PSO, LEP 138, LEP 148 and LEP 178.
- (2) In respect of the aim referred to in clause 2 (e), this plan applies to Lot 41, DP 3877, 51 Bruce Avenue, Belfield, as shown coloured light scarlet and edged heavy black on Sheet 1 of the map marked “Canterbury Local Environmental Plan No 206” deposited in the office of Canterbury City Council.
- (3) In respect of the aim referred to in clause 2 (f) (ii), this plan applies to Lot 1, DP 124980, 226 Haldon Street, Lakemba, as shown coloured light blue and edged heavy black on Sheet 2 of that map.

### **4 Amendment of Canterbury Planning Scheme Ordinance**

The *Canterbury Planning Scheme Ordinance* is amended as set out in Schedule 1.

### **5 Amendment of Canterbury Local Environmental Plan No 138— Canterbury Precinct**

*Canterbury Local Environmental Plan No 138—Canterbury Precinct* is amended as set out in Schedule 2.

### **6 Amendment of Canterbury Local Environmental Plan No 148—Campsie Precinct**

*Canterbury Local Environmental Plan No 148—Campsie Precinct* is amended as set out in Schedule 3.

### **7 Amendment of Canterbury Local Environmental Plan No 178— Belmore–Lakemba Precinct**

*Canterbury Local Environmental Plan No 178—Belmore–Lakemba Precinct* is amended as set out in Schedule 4.

## 2008 No 294

Canterbury Local Environmental Plan No 206

Schedule 1 Amendment of Canterbury Planning Scheme Ordinance

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### Schedule 1 Amendment of Canterbury Planning Scheme Ordinance

(Clause 4)

#### [1] Clause 4 Interpretation

Omit the definition of *Child care centre* from clause 4 (1).

Insert instead:

*Child care centre* means a building or place used for the supervision and care of children that:

- (a) provides long day care, pre-school care, occasional child care or out-of-school-hours care, and
- (b) does not provide overnight accommodation for children other than those related to the owner or operator of the centre,

but does not include:

- (c) a building or place used for home-based child care, or
- (d) an out-of-home care service provided by an agency or organisation accredited by the NSW Office of the Children's Guardian, or
- (e) a baby-sitting, playgroup or child-minding service that is organised informally by the parents of the children concerned, or
- (f) a service provided for fewer than 5 children (disregarding any children who are related to the person providing the service) at the premises at which at least one of the children resides, being a service that is not advertised, or
- (g) a regular child-minding service that is provided in connection with a recreational or commercial facility (such as a gymnasium), by or on behalf of the person conducting the facility, to care for children while the children's parents are using the facility, or
- (h) a service that is concerned primarily with the provision of:
  - (i) lessons or coaching in, or providing for participation in, a cultural, recreational, religious or sporting activity, or
  - (ii) private tutoring, or
- (i) a school, or

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- (j) a service provided at exempt premises (within the meaning of section 200 of the *Children and Young Persons (Care and Protection) Act 1998*), such as hospitals, but only if the service is established, registered or licensed as part of the institution operating on those premises.

**[2] Clause 4 (1)**

Omit the definition of *Professional consulting rooms*.

Insert in alphabetical order:

*Health consulting rooms* means a medical centre that comprises one or more rooms within (or within the curtilage of) a dwelling-house used by not more than 3 health care professionals who practise in partnership (if there is more than one such professional) who provide professional health care services to members of the public.

**[3] Clause 17 Restriction on use of land**

Insert after clause 17 (2):

- (3) Despite any other provisions of this Ordinance, where land that has been reserved for county open space or parks and recreation under Part 2 has been acquired for that purpose by the responsible authority, the use of that land is to be the same as if the land was in Zone No 6 (a), in accordance with clause 22.

**[4] Clause 38C**

Insert after clause 38B:

**38C Conservation incentives**

Nothing in this Ordinance prevents the Council from granting consent to the use, for any purpose, of part or all of any building that is a heritage item or the land on which the building is erected if it is satisfied that the proposed use would have little or no adverse effect on the amenity of the surrounding area and the conservation of the building depends on the Council granting that consent.

## 2008 No 294

Canterbury Local Environmental Plan No 206

Schedule 2 Amendment of Canterbury Local Environmental Plan No 138—Canterbury Precinct

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## Schedule 2 Amendment of Canterbury Local Environmental Plan No 138—Canterbury Precinct

(Clause 5)

### [1] Clause 5 Terms used in the plan

Omit the definitions of *child care centre* and *health consulting rooms*.

Insert in alphabetical order:

*child care centre* means a building or place used for the supervision and care of children that:

- (a) provides long day care, pre-school care, occasional child care or out-of-school-hours care, and
- (b) does not provide overnight accommodation for children other than those related to the owner or operator of the centre,

but does not include:

- (c) a building or place used for home-based child care, or
- (d) an out-of-home care service provided by an agency or organisation accredited by the NSW Office of the Children's Guardian, or
- (e) a baby-sitting, playgroup or child-minding service that is organised informally by the parents of the children concerned, or
- (f) a service provided for fewer than 5 children (disregarding any children who are related to the person providing the service) at the premises at which at least one of the children resides, being a service that is not advertised, or
- (g) a regular child-minding service that is provided in connection with a recreational or commercial facility (such as a gymnasium), by or on behalf of the person conducting the facility, to care for children while the children's parents are using the facility, or
- (h) a service that is concerned primarily with the provision of:
  - (i) lessons or coaching in, or providing for participation in, a cultural, recreational, religious or sporting activity, or
  - (ii) private tutoring, or
- (i) a school, or

- (j) a service provided at exempt premises (within the meaning of section 200 of the *Children and Young Persons (Care and Protection) Act 1998*), such as hospitals, but only if the service is established, registered or licensed as part of the institution operating on those premises.

**health consulting rooms** means a medical centre that comprises one or more rooms within (or within the curtilage of) a dwelling house used by not more than 3 health care professionals who practise in partnership (if there is more than one such professional) who provide professional health care services to members of the public.

**[2] Clause 10 Development Table**

After “o means development only with consent”, insert:

absence of a symbol means development that is prohibited.

**[3] Clause 10, Table**

Insert in alphabetical order:

Advertisement			o	o	o	o	o	o	o	o	o
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## 2008 No 294

Canterbury Local Environmental Plan No 206

Schedule 3 Amendment of Canterbury Local Environmental Plan No 148—Campsie Precinct

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### Schedule 3 Amendment of Canterbury Local Environmental Plan No 148—Campsie Precinct

(Clause 6)

#### [1] Clause 5 Terms used in the plan

Omit the definitions of *child care centre* and *health consulting rooms*.

Insert in alphabetical order:

*child care centre* means a building or place used for the supervision and care of children that:

- (a) provides long day care, pre-school care, occasional child care or out-of-school-hours care, and
- (b) does not provide overnight accommodation for children other than those related to the owner or operator of the centre,

but does not include:

- (c) a building or place used for home-based child care, or
- (d) an out-of-home care service provided by an agency or organisation accredited by the NSW Office of the Children's Guardian, or
- (e) a baby-sitting, playgroup or child-minding service that is organised informally by the parents of the children concerned, or
- (f) a service provided for fewer than 5 children (disregarding any children who are related to the person providing the service) at the premises at which at least one of the children resides, being a service that is not advertised, or
- (g) a regular child-minding service that is provided in connection with a recreational or commercial facility (such as a gymnasium), by or on behalf of the person conducting the facility, to care for children while the children's parents are using the facility, or
- (h) a service that is concerned primarily with the provision of:
  - (i) lessons or coaching in, or providing for participation in, a cultural, recreational, religious or sporting activity, or
  - (ii) private tutoring, or
- (i) a school, or



- (j) a service provided at exempt premises (within the meaning of section 200 of the *Children and Young Persons (Care and Protection) Act 1998*), such as hospitals, but only if the service is established, registered or licensed as part of the institution operating on those premises.

**health consulting rooms** means a medical centre that comprises one or more rooms within (or within the curtilage of) a dwelling house used by not more than 3 health care professionals who practise in partnership (if there is more than one such professional) who provide professional health care services to members of the public.

**[2] Clause 5, definition of “the map”**

Insert in appropriate order:

Canterbury Local Environmental Plan No 206—Sheet 1

**[3] Clause 10 Development Table**

After “o means development only with consent”, insert:

absence of a symbol means development that is prohibited.

**[4] Clause 10, Table**

Insert in alphabetical order:

Advertisement			o	o	o	o	o	o	o	o	o	o
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## 2008 No 294

Canterbury Local Environmental Plan No 206

Schedule 4 Amendment of Canterbury Local Environmental Plan No 178—  
Belmore–Lakemba Precinct

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### **Schedule 4 Amendment of Canterbury Local Environmental Plan No 178— Belmore–Lakemba Precinct**

(Clause 7)

#### **[1] Clause 5 Terms used in the plan**

Omit the definitions of *child care centre* and *health consulting rooms*.

Insert in alphabetical order:

*child care centre* means a building or place used for the supervision and care of children that:

- (a) provides long day care, pre-school care, occasional child care or out-of-school-hours care, and
- (b) does not provide overnight accommodation for children other than those related to the owner or operator of the centre,

but does not include:

- (c) a building or place used for home-based child care, or
- (d) an out-of-home care service provided by an agency or organisation accredited by the NSW Office of the Children's Guardian, or
- (e) a baby-sitting, playgroup or child-minding service that is organised informally by the parents of the children concerned, or
- (f) a service provided for fewer than 5 children (disregarding any children who are related to the person providing the service) at the premises at which at least one of the children resides, being a service that is not advertised, or
- (g) a regular child-minding service that is provided in connection with a recreational or commercial facility (such as a gymnasium), by or on behalf of the person conducting the facility, to care for children while the children's parents are using the facility, or
- (h) a service that is concerned primarily with the provision of:
  - (i) lessons or coaching in, or providing for participation in, a cultural, recreational, religious or sporting activity, or
  - (ii) private tutoring, or
- (i) a school, or

- (j) a service provided at exempt premises (within the meaning of section 200 of the *Children and Young Persons (Care and Protection) Act 1998*), such as hospitals, but only if the service is established, registered or licensed as part of the institution operating on those premises.

**health consulting rooms** means a medical centre that comprises one or more rooms within (or within the curtilage of) a dwelling house used by not more than 3 health care professionals who practise in partnership (if there is more than one such professional) who provide professional health care services to members of the public.

**[2] Clause 5, definition of “the map”**

Insert in appropriate order:

Canterbury Local Environmental Plan No 206—Sheet 2

**[3] Clause 10 Development Table**

Insert in Part 1 of the Table to the clause in alphabetical order:

Advertisement			o	o	o	o	o	o	o	o	o	o
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**[4] Clause 10, Table, Part 1**

Insert “(4)” after “Dual Occupancy” under the heading “**Development for the purpose of:**”.

**[5] Clause 10, Table, Note (4)**

Insert after Note (3):

(4) See Clause 32

**[6] Clause 32**

Insert after clause 31:

**32 Subdivision of dual occupancies**

The Council must not consent to the subdivision of land on which a dual occupancy is situated where it results in the street frontage of either lot on which a dwelling is situated being less than 7.5 metres.