



New South Wales

# Camden Local Environmental Plan No 136—Narellan Township

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*. (P04/00073/S69)

KRISTINA KENEALLY MP  
Minister for Planning

## 2009 No 72

Clause 1 Camden Local Environmental Plan No 136—Narellan Township

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# Camden Local Environmental Plan No 136—Narellan Township

under the

Environmental Planning and Assessment Act 1979

## 1 Name of plan

This plan is *Camden Local Environmental Plan No 136—Narellan Township*.

## 2 Aims of plan

The aims of this plan are:

- (a) to rezone certain land within Narellan to reflect its emerging role as a district retail centre, and
- (b) to introduce a Zone No 5 (f) Special Uses—Car Park into *Camden Local Environmental Plan No 46*, and
- (c) to introduce a Zone No 3 (b1) Business Support and a Zone No 5 (b) (Special Uses—Arterial Road) into *Camden Local Environmental Plan No 74—Harrington Park*, and
- (d) to ensure that development can only proceed on the land to which this plan applies where adequate services are provided, and
- (e) to allow an increase in the building height restrictions to apply to limited sites in Narellan, and
- (f) to rezone certain land within Narellan to Zone No 5 (b) (Special Uses—Arterial Road) to reflect the extension of Narellan Road, and
- (g) to enable certain land in Porrende Street, Narellan to be used for a club with ancillary recreation facility and motel, and
- (h) to provide for development that recognises and promotes the unique character and role of Narellan, and
- (i) to identify additional heritage items in Narellan, and
- (j) to reclassify land known as Elyard Reserve from community to operational land within the meaning of the *Local Government Act 1993*, and

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- (k) to protect and enhance the natural environment of Narellan (including the watercourses, riparian corridors, remnant patches of native vegetation and biological linkages between remnant areas), and
  - (l) to foster development consistent with the principles of ecologically sustainable development.

**3 Land to which plan applies**

This plan applies to land within Narellan as shown edged heavy black on Sheet 1 of the map marked “Camden Local Environmental Plan No 136” deposited in the office of Camden Council.

**4 Amendment of Camden Local Environmental Plan No 46**

*Camden Local Environmental Plan No 46* is amended as set out in Schedule 1.

**5 Amendment of Camden Local Environmental Plan No 47**

*Camden Local Environmental Plan No 47* is amended as set out in Schedule 2.

**6 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 3.

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Camden Local Environmental Plan No 136—Narellan Township

Schedule 1 Amendment of Camden Local Environmental Plan No 46

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### Schedule 1 Amendment of Camden Local Environmental Plan No 46

(Clause 4)

**[1] Clause 6 Definitions**

Insert in alphabetical order in clause 6 (1):

***building height (or height of building)*** means the vertical distance between ground level (existing) at any point to the highest point of the building, including plant and lift overruns, but excluding communication devices, antennae, satellite dishes, masts, flagpoles, chimneys, flues and the like.

**[2] Clause 6 (1)**

Insert “(or specified sheets of the maps)” after “amended by the maps” in the definition of *the map*.

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

Insert at the end of the definition:

Camden Local Environmental Plan No 136—Sheet 2 (but only to the extent to which it relates to the land to which this plan applied immediately before the commencement of *Camden Local Environmental Plan No 136*)

**[4] Clause 6 (3)**

Insert after clause 6 (2):

(3) Notes included in this plan do not form part of this plan.

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

Insert after the matter relating to Zone No 5 (d) in clause 9:

Zone No 5 (f) Special Uses—Car Park—black edging and lettered 5 (f),

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

Insert at the end of item 1 (c) of the matter relating to Zone No 3 (a) General Business in the Table to the clause:

, and

(d) to encourage a variety of forms of higher density housing in locations that are accessible to public transport, employment, retail, commercial and service facilities.

**[7] Clause 10, Table**

Insert after the matter relating to Zone No 5 (d):

**Zone No 5 (f) Special Uses—Car park**

**1 Objectives of zone**

The objectives of this zone are:

- (a) to identify land required for car parking to satisfy the demands of the locality, and
- (b) to ensure that any car parking facility is sensitively integrated with the surrounding land uses.

**2 Without development consent**

Nil.

**3 Only with development consent**

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

**4 Prohibited**

Any purpose other than a purpose included in item 3.

**[8] Clause 14**

Insert after clause 13:

**14 Services**

Consent must not be granted for development on land to which this plan applies unless the Council has taken into consideration whether the proposed development can be adequately serviced with water, sewerage, drainage, public transport and electricity infrastructure.

**[9] Clause 20A Height**

Omit clause 20A (1). Insert instead:

- (1) A building must not have a building height exceeding 9.5 metres.

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Schedule 1 Amendment of Camden Local Environmental Plan No 46

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### [10] Clause 20A (3)–(5)

Insert after clause 20A (2):

- (3) Notwithstanding subclause (1), a building may have a building height exceeding 9.5 metres on land that is shown on Sheet 4 of the map marked “Camden Local Environmental Plan No 136” if:
  - (a) the land is a corner site within Zone No 3 (a) or 3 (b1) and the building is to take the form of a landmark feature with a building height of not more than 12.5 metres, or
  - (b) the land is Lot 6, DP 812672 and Lots 1 and 2, DP 1085432 in Elyard Street, Narellan and the building height is not more than 15.5 metres.
- (4) Notwithstanding subclauses (1) and (3), the following building height restrictions apply in relation to a building on land within the St Thomas’s Chapel Group, Narellan, as identified on Sheet 3 of the map marked “Camden Local Environmental Plan No 136”:
  - (a) in the case of a building on land between the School Church and Richardson Road or on the church site fronting Wilson Crescent—the building height is not to exceed 6.5 metres,
  - (b) in the case of a building on land on the former Macarthur Anglican School site, being Lot 6, DP 859872 and Lot 3, DP 737284—the building height may exceed 9.5 metres but not 12.5 metres so long as the Council is satisfied that it is located at the southern end of the site,
  - (c) in the case of a building on land located on the corner of the Camden Valley Way and Wilson Crescent development, as shown on Sheet 4 of the map marked “Camden Local Environmental Plan No 136”—the building height is not to exceed 6.5 metres.

### [11] Clause 23A

Insert after clause 23:

#### 23A Relevant acquisition authority

- (1) The objective of this clause is to identify, for the purposes of section 27 of the Act, the authority of the State that will be the relevant authority to acquire land reserved for certain public purposes if the land is required to be acquired under Division 3 of Part 2 of the *Land Acquisition (Just Terms Compensation) Act 1991 (the owner-initiated acquisition provisions)*.

**Note.** If the landholder will suffer hardship if there is any delay in the land being acquired by the relevant authority, section 23 of the *Land*



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- (c) measures to reduce the risk of harm to human health and the biophysical environment by ensuring that contaminated land and potentially contaminated land are identified early in the development process and that contaminated land is remediated or otherwise rendered harmless prior to the land being used for the proposed purpose,
- (d) the conservation of known and potential archaeological sites and places of Aboriginal heritage significance,
- (e) the conservation of the environmental heritage of Narellan by:
  - (i) protecting identified heritage items, potential heritage items and archaeological sites and their settings, and
  - (ii) conserving curtilage, settings and view corridors associated with heritage items, potential heritage items and archaeological sites, and
  - (iii) ensuring that new development is planned to minimise adverse impacts on heritage items, potential heritage items and archaeological sites, and
  - (iv) encouraging high quality design that will provide a pleasant living environment,
- (f) implementation of ecologically sustainable stormwater management practices that use, where possible, natural environmental elements and promote water sensitive urban design practices,
- (g) identification of measures that conserve landscape function through the management of watercourses and native vegetation.

**Note.** Section 74D of the Act provides that a development control plan, required by an environmental planning instrument, may be prepared by the owners of the land concerned.

### (2) Land fronting the Narellan Road Extension

A person must not carry out development on land that adjoins the Narellan Road Extension (being that section of road connecting Narellan Road with The Northern Road at Narellan) unless vehicular access is by way of another road (not being the Narellan Road Extension).



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**(3) Noise attenuation**

A noise assessment must be undertaken for any proposed residential development located within 100 metres of Narellan Road, The Northern Road or Camden Valley Way. In determining whether to grant consent to a development application in areas significantly affected by road noise, the Council must take into account whether measures to minimise noise impact on that development are proposed.

**26C Multi-unit housing development on certain lands in Narellan**

Notwithstanding any other provision of this plan, development for the purposes of multi-unit housing development may be carried out, with the consent of the Council:

- (a) with a building height of up to a maximum of 15.5 metres on Lots 3, 4, 7, 8, 9, 10 and 11, DP 243184 and Lots 55 and 56, DP 603394, Queen Street and Lord Street, Narellan, subject to the following:
  - (i) all those lots are to be amalgamated before the development is carried out, and
  - (ii) the buildings in the development are to display good built form and aesthetics when viewed from Nott Oval and the civic precinct on Queen Street and to integrate with any existing or likely future development fronting Elyard Street, and
- (b) with a building height of up to a maximum of 12.5 metres on Lots 2, 12, 13, 14 and 15, DP 243184 and Lot 1, DP 552280, Queen Street and Hume Street, Narellan, subject to the following:
  - (i) all those lots are to be amalgamated before the development is carried out, and
  - (ii) the buildings in the development are to display good built form and aesthetics when viewed from Nott Oval, the residential properties on the south side of Hume Street and the civic precinct on Queen Street, and
- (c) with a building height of up to a maximum of 9.5 metres for buildings fronting Somerset Avenue on Lots 20, 21 and 22, DP 30539 and Lots 23 to 31 inclusive, DP 201585 Somerset Avenue, Narellan, unless it is demonstrated to the Council's satisfaction that the development is designed to integrate with the residential development on the

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adjoining land to the rear, in which case, the Council may permit an increase in building height towards the rear of the land if of the opinion that the additional building height will not be dominant in the Somerset Avenue streetscape.

### [13] Schedule 1

Omit “St Thomas Church Hall” where appearing in the matter relating to Camden Valley Way.

Insert instead “St Thomas’s Chapel Group”.

### [14] Schedule 1

Insert at the end of the matter relating to Camden Valley Way:

No 311, Part Lot A, DP 419829 (Ben Linden)

No 259, Lot 3, DP 773741 (Former Country Milk Depot)

No 269, Lot 1021, DP 1021756 (Former Narellan Country Meats shop)

No 267, Lot 101, DP 739343 (Cottage)

No 279, Lot A, DP 393370 (Narellan Hotel)

No 290, Lot 1, DP 808100 (Narellan Public School)

### [15] Schedule 5

Insert at the end of Schedule 5:

Lots 63–70 inclusive, DP 25582, Doncaster Avenue, Narellan—commercial buildings, but only if the buildings:

- (a) are developed in conjunction with a rear decked car park, and
- (b) have frontage to Doncaster Avenue, and
- (c) have a maximum depth of 15 metres.

Lots 1, 2 and 3, DP 847690, Lot 1, DP 782191, Lot 8, DP 744960, Lots 70 and 71, DP 806800, Lot 61, DP 1036014, Lot 1, DP 795656, Part Lot 4, DP 217026, Lot 1, DP 735948, Lot 2, DP 779732, Lot 103, DP 1024086, Lot 1, DP 312981 and Part Portion 2557, Corner Camden Valley Way and The Northern Road, Narellan, as shown by hatching on Sheet 2 of the map marked “Camden Local Environmental Plan No 136”—shops, but only if:

- (a) the total floor area of shops does not exceed 11,300 square metres, and

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- (b) all of those lots are consolidated before the development is carried out, and
  - (c) the proposed development on the site is designed to reinforce the main street function and character of both the Northern Road and Camden Valley Way frontages.

Lots 218 and 219, DP 1048557, Porrende Street, Narellan—club with ancillary recreation facility and motel.

**[16] Schedule 6 Classification and reclassification of public land as operational land**

Insert in alphabetical order of locality in Columns 1 and 2 of Part 3 of Schedule 6:

**Narellan**

Elyard Street	Lot 18, DP 30539, as shown edged heavy black on Sheet 2 of the map marked “Camden Local Environmental Plan No 136”
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Camden Local Environmental Plan No 136—Narellan Township

Schedule 2 Amendment of Camden Local Environmental Plan No 47

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## Schedule 2 Amendment of Camden Local Environmental Plan No 47

(Clause 5)

### [1] Clause 6 Definitions

Insert at the end of the definition of *the map* in clause 6 (1):

Camden Local Environmental Plan No 136—Sheet 2 (but only to the extent to which it relates to the land to which this plan applied immediately before the commencement of *Camden Local Environmental Plan No 136*)

### [2] Clause 30A

Insert after clause 30:

#### 30A Development of land—Narellan CBD and environs

Development consent must not be granted for any development on land to which this plan applies shown on Sheet 1 of the map marked “Camden Local Environmental Plan No 136” unless a development control plan has been prepared by the Council that applies to all of that land and addresses, where the Council considers appropriate, the following matters in relation to that land:

- (a) proposals for general design principles, incorporating the following:
  - (i) criteria for built form,
  - (ii) setback,
  - (iii) block precinct development principles,
  - (iv) street frontage design,
  - (v) landmark features,
  - (vi) character,
  - (vii) car parking,
  - (viii) signage,
  - (ix) crime prevention through environmental design,
- (b) the identification of building controls and vegetation preservation measures that will reduce the potential for future salinity effects,
- (c) measures to reduce the risk of harm to human health and the biophysical environment by ensuring that contaminated land and potentially contaminated land are identified early in the development process and that

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- contaminated land is remediated or otherwise rendered harmless prior to the land being used for the proposed purpose,
- (d) the conservation of known and potential archaeological sites and places of Aboriginal heritage significance,
  - (e) the conservation of the environmental heritage of Narellan by:
    - (i) protecting identified heritage items, potential heritage items and archaeological sites and their settings, and
    - (ii) conserving curtilage and settings associated with heritage items, potential heritage items and archaeological sites, and
    - (iii) ensuring that new development is planned to minimise adverse impacts on heritage items, potential heritage items and archaeological sites, and
    - (iv) encouraging high quality design that will provide a pleasant living environment,
  - (f) implementation of ecologically sustainable stormwater management practices that use, where possible, natural environmental elements and promote water sensitive urban design practices,
  - (g) identification of measures that conserve landscape function through the management of watercourses and native vegetation.

**Note.** Section 74D of the Act provides that a development control plan, required by an environmental planning instrument, may be prepared by the owners of the land concerned.

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Camden Local Environmental Plan No 136—Narellan Township

Schedule 3 Amendment of Camden Local Environment Plan No 74—Harrington Park

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### Schedule 3 Amendment of Camden Local Environment Plan No 74—Harrington Park

(Clause 6)

**[1] Clause 6 Definitions**

Insert in alphabetical order in clause 6 (1):

*conservation area* means an area of land described as a conservation area in Schedule 1.

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

Insert at the end of the definition of *the map* in clause 6 (1):

Camden Local Environmental Plan No 136—Sheet 2 (but only to the extent to which it relates to the land to which this plan applied immediately before the commencement of *Camden Local Environmental Plan No 136*)

**[3] Clause 8 Zones indicated on the map**

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

Zone No 3 (b1) (Business Support)—edged heavy black and lettered “3 (b1)”.

**[4] Clause 8**

Insert after the matter relating to Zone No 5 (a):

Zone No 5 (b) (Special Uses—Arterial Road)—edged heavy black and lettered “5 (b)”.

**[5] Clause 9 Zone objectives and development control table**

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

**Zone No 3 (b1) (Business Support)**

**1 Objectives of zone**

The objectives are as follows:

- (a) to set aside land for land uses requiring extensive site areas or a large area for handling, storage and display of goods on a relatively free-standing location with adequate space for on-site vehicular

- movement, parking and loading and unloading of goods and which is conveniently located with a high level of exposure and accessibility,
- (b) to ensure that the size and scale of development, in terms of site and floor area, are designed to encourage and provide opportunities for the establishment of bulky goods shops,
  - (c) to ensure that land uses are confined to bulky goods retailing, tourist activities and the provision of services to the travelling public and the like,
  - (d) to provide for appropriate forms of commercial development and light industry that will contribute to the economic and social growth of the area and increase employment opportunities in the area,
  - (e) to provide opportunities for residential development which is either ancillary to a permitted use in this zone or in accordance with a development control plan for a comprehensive residential estate integrated with surrounding land uses,
  - (f) to allow shops, other than bulky goods shops, only if they are associated with and ancillary to industry or if they service the day-to-day needs of the immediate neighbourhood, the travelling public or the local workforce,
  - (g) to retain the efficiency of the surrounding road system, maintain safety and reduce vehicular and pedestrian conflicts by rationalising access points.

**2 Without development consent**

Nil.

**3 Only with development consent**

Any purpose other than a purpose included in item 4.

**4 Prohibited**

Agriculture; animal boarding establishments; bed and breakfast establishments; boarding-houses; bulk stores; bus depots; bus stations; caravan parks; commercial uses specified in Schedule 2; dwelling-houses (other than those associated with permitted uses); extractive industries; forestry; gas holders; generating works;

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Schedule 3 Amendment of Camden Local Environment Plan No 74—Harrington Park

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heliports; home businesses; hospitals; industries (other than those uses specified in Schedule 3); institutions; intensive animal husbandry; junk yards; liquid fuel depots; mineral sand mines; mines; offensive or hazardous industries; professional consulting rooms; road transport terminals; roadside stalls; rural industries; rural workers' dwellings; service industries; shops (other than bulky goods shops or shops specified in Schedule 4); transport terminals; two-dwelling development; units for aged persons; warehouses.

### [6] Clause 9

Insert after the matter relating to Zone No 5 (a):

#### **Zone No 5 (b) (Special Uses—Arterial Road)**

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

The objective is to identify lands required for existing arterial roads.

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

Nil.

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

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

##### **4 Prohibited**

Any purpose other than a purpose included in item 3.

### [7] Clause 24 Protection of heritage items, relics and conservation areas

Omit clause 24 (1). Insert instead:

- (1) Development consent is required for any of the following:
  - (a) demolishing, defacing, damaging or moving a heritage item or a building, work or tree within a conservation area,
  - (b) external and internal structural changes to a heritage item or a building or work within a conservation area,
  - (c) excavation of land for the purpose of discovering, exposing or moving a relic,
  - (d) erecting a building on, or subdividing, land on which a heritage item is located or land within a conservation area,



- (e) non-structural changes to the detail, fabric, finish or appearance of the exterior of a heritage item or a building or work within a conservation area, 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 a heritage item is situated or on land within a conservation area.

**[8] Clause 24 (2), (3) and (5)**

Insert “or conservation area” after “heritage item” wherever occurring.

**[9] Clause 24 (4)**

Insert “or on land within a conservation area” after “heritage item” where firstly occurring.

**[10] Clause 24 (4) (c)**

Insert “or the conservation area” after “item”.

**[11] Clause 24 (4) (e)**

Insert “or to a building, work or tree within the conservation area” after “heritage item”.

**[12] Clause 33**

Omit the clause. Insert instead:

**33 Development of land—Narellan CBD and Environs**

**(1) Development control plan required**

Development consent must not be granted for any development on land to which this plan applies shown on Sheet 1 of the map marked “Camden Local Environmental Plan No 136” unless a development control plan has been prepared by the Council that applies to all of that land and addresses, where the Council considers appropriate, the following matters in relation to that land:

- (a) proposals for general design principles, incorporating the following:
  - (i) criteria for built form,
  - (ii) setback,
  - (iii) block precinct development principles,
  - (iv) street frontage design,

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Schedule 3 Amendment of Camden Local Environment Plan No 74—Harrington Park

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- (v) landmark features,
- (vi) character,
- (vii) car parking,
- (viii) signage,
- (ix) crime prevention through environmental design,
- (b) the identification of building controls that will reduce the potential for future salinity effects,
- (c) measures to reduce the risk of harm to human health and the biophysical environment by ensuring that contaminated land and potentially contaminated land are identified early in the development process and that contaminated land is remediated or otherwise rendered harmless prior to the land being used for the proposed purpose,
- (d) the conservation of known and potential archaeological sites and places of Aboriginal heritage significance,
- (e) the conservation of the environmental heritage of Narellan by:
  - (i) protecting identified heritage items, potential heritage items and archaeological sites and their settings, and
  - (ii) conserving curtilage and settings associated with heritage items, potential heritage items and archaeological sites, and
  - (iii) ensuring that new development is planned to minimise adverse impacts on heritage items, potential heritage items and archaeological sites, and
  - (iv) encouraging high quality design that will provide a pleasant living environment,
- (f) implementation of ecologically sustainable stormwater management practices that use, where possible, natural environmental elements and promote water sensitive urban design practices,
- (g) identification of measures that conserve landscape function through the management of watercourses and native vegetation.

**Note.** Section 74D of the Act provides that a development control plan, required by an environmental planning instrument, may be prepared by the owners of the land concerned.

(2) **Land fronting the Narellan Road Extension**

A person must not carry out development on land that adjoins the Narellan Road Extension (being that section of road connecting Narellan Road with The Northern Road at Narellan) unless vehicular access is by way of another road (not being the Narellan Road Extension).

(3) **Noise attenuation**

A noise assessment must be undertaken for any proposed residential development located within 100 metres of Narellan Road, The Northern Road or Camden Valley Way. In granting consent to a development application in areas significantly affected by road noise, the Council must take into account whether measures to minimise noise impact on that development are proposed.

[13] **Schedule 1, heading**

Insert “**and conservation areas**” after “**Heritage items**”.

[14] **Schedule 1**

Insert at the end of the Schedule:

**Stewart Street**

No 11, Lot 52, DP 977597 (Sharman’s Slab Cottage)

**Struggletown Heritage Conservation Area**

Land shown edged heavy black and hatched on Sheet 2 of the map marked “Camden Local Environmental Plan No 136”.

[15] **Schedules 2–4**

Insert after Schedule 1:

**Schedule 2—Prohibited commercial uses in Zone No 3 (b1)**

(Clause 9)

Bank

Credit union

Government business shopfront

Hairdressing and beauty salon

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Schedule 3 Amendment of Camden Local Environment Plan No 74—Harrington Park

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Post office

Travel agency

### **Schedule 3—Permitted industrial uses in Zone No 3 (b1)**

(Clause 9)

Automotive accessory fitting and service

Automotive electrician's workshop

Clothing manufacture

Electrical appliance manufacture, repair and general electrical servicing

Furniture manufacture

Signwriter's workshop

### **Schedule 4—Permitted shops in Zone No 3 (b1)**

(Clause 9)

Antiques (second-hand) furniture shop

Automotive parts and accessories shop

Butcher's shop

Chemist's shop

Corner shop trading principally in groceries, small goods and associated small items

Electrical goods shop

Floor coverings shop

Fruit shop

Furniture shop

Hardware shop

Lighting shop

Newsagent shop

Office supplies shop

Outdoor products (such as lawn mowers, clothes hoists, garden sheds, swimming pool equipment and outdoor furniture) shop

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Schedule 3

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Takeaway food shop

Tobacconist

Toys and sporting equipment shop

Video hire shop