



New South Wales

Campbelltown Local Environmental Plan 2015 (Amendment No 33)

under the

Environmental Planning and Assessment Act 1979

The following local environmental plan is made by the local plan-making authority under the *Environmental Planning and Assessment Act 1979*.

MONICA GIBSON

As delegate for the Minister for Planning and Public Spaces

Campbelltown Local Environmental Plan 2015 (Amendment No 33)

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1 Name of plan

This plan is *Campbelltown Local Environmental Plan 2015 (Amendment No 33)*.

2 Commencement

This plan commences on the day on which it is published on the NSW legislation website.

3 Land to which plan applies

This plan applies to land identified as “Appin (Part) Precinct” and “Gilead (Part) Precinct” on the Land Application Map under *State Environmental Planning Policy (Precincts—Western Parkland City) 2021*, Chapter 3.

4 Maps

The maps adopted by the following instruments are amended or replaced, as the case requires, by the maps approved by the local plan-making authority on the making of this plan—

- (a) *Campbelltown Local Environmental Plan 2015*,
- (b) *State Environmental Planning Policy (Precincts—Western Parkland City) 2021*.

Schedule 1 Amendment of State Environmental Planning Policy (Precincts—Western Parkland City) 2021

[1] Section 3.10 Controls applying to growth centre precincts after finalisation of precinct planning

Insert after the matter relating to Appin (Part) Precinct in Table 3—

Gilead (Part) Precinct

Appendix 11

[2] Appendix 10 Appin (Part) Precinct Plan

Insert after section 2.7—

2.8 Temporary use of land

- (1) The objective of this section is to provide for the temporary use of land if the use does not compromise future development of the land, or have detrimental economic, social, amenity or environmental effects on the land.
- (2) Despite any other provision of this precinct plan, development consent may be granted for development on land in any zone for a temporary use for a maximum period of 52 days, whether or not consecutive days, in any period of 12 months.
- (3) Development consent must not be granted unless the consent authority is satisfied that—
 - (a) the temporary use will not prejudice the subsequent carrying out of development on the land in accordance with this precinct plan and any other applicable environmental planning instrument, and
 - (b) the temporary use will not adversely impact on any adjoining land or the amenity of the neighbourhood, and
 - (c) the temporary use and location of any structures related to the use will not adversely impact on environmental attributes or features of the land, or increase the risk of natural hazards that may affect the land, and
 - (d) at the end of the temporary use period the land will, as far as is practicable, be restored to the condition in which it was before the commencement of the use.
- (4) Despite subsection (2), the temporary use of a dwelling as a sales office for a new release area or a new housing estate may exceed the maximum number of days specified in that subsection.
- (5) Subsection (3)(d) does not apply to the temporary use of a dwelling as a sales office mentioned in subsection (4).

[3] Appendix 10, Land Use Table, Zone 1, item 4

Omit “Electricity generating works;”.

[4] Appendix 10, section 5.11

Omit the section. Insert instead—

5.11 Bush fire hazard reduction

Bush fire hazard reduction work authorised by the *Rural Fires Act 1997* may be carried out on any land without development consent.

Note— The *Rural Fires Act 1997* also makes provision relating to the carrying out of development on bush fire prone land.

- [5] **Appendix 10, section 6.1(2)(f)**
Insert “if any,” after “premises,”.
- [6] **Appendix 10, section 6.1(2)(g)(i)**
Omit “outdoor community sports”. Insert instead “active recreation”.
- [7] **Appendix 10, section 6.1(2)(g)(ii)**
Insert “passive” after “space for”.
- [8] **Appendix 10, section 6.1(5)**
Insert “generally” after “must be”.
- [9] **Appendix 10, section 6.1(9)(b) and 6.2(4)(b)**
Insert “, utilities” after “roads” wherever occurring.
- [10] **Appendix 10, section 6.7(5)**
Insert after section 6.7(4)—
(5) Subsection (2) does not apply to development on land that is of a minor nature only, if the consent authority is of the opinion that the carrying out of the development would be consistent with the objectives of Zone C2 Environmental Conservation.
- [11] **Appendix 10, section 6.8(4)**
Insert after section 6.8(3)—
(4) Subsection (3) does not apply to development on land that is of a minor nature only, if the consent authority is of the opinion that the carrying out of the development would be consistent with the objectives of Zone C2 Environmental Conservation.
- [12] **Appendix 11**
Insert after Appendix 10—

Appendix 11 Gilead (Part) Precinct Plan

section 3.10

Part 1 Preliminary

Note— The *Standard Instrument (Local Environmental Plans) Order 2006* sets out matters to be included in standard local environmental plans. While this precinct plan is not a standard local environmental plan, a number of clauses from the *Standard Instrument (Local Environmental Plans) Order 2006* have been included in this precinct plan and the clause numbering from that order has been retained. This means the numbering in this precinct plan may contain some gaps. Additional provisions have been inserted and are numbered accordingly.

1.1 Name of precinct plan

This precinct plan is the *Gilead (Part) Precinct Plan 2023*.

1.1A Commencement

This precinct plan commences on 15 December 2023.

1.2 Aims of precinct plan

The aims of this precinct plan are as follows—

- (a) to rezone land to allow for development to occur generally in the way envisaged by the growth centre structure plan for the Greater Macarthur Growth Area,
- (b) to deliver housing choice and affordability by accommodating a wide range of residential dwelling types catering for housing diversity,
- (c) to guide the nature and scale of future development in the Gilead (Part) Precinct to be generally consistent with the growth centre structure plan for the Greater Macarthur Growth Area,
- (d) to protect and enhance conservation areas and areas of significant native vegetation and habitat, as well as to establish development controls requiring the assessment of the impact of development on native flora and fauna, including koalas,
- (e) to rezone land to allow for retail and commercial uses to meet the needs of future residents of the Gilead (Part) Precinct,
- (f) to protect and enhance Aboriginal cultural heritage and environmental heritage.

1.3 Land to which precinct plan applies

This precinct plan applies to the Gilead (Part) Precinct.

1.4 Definitions

In this precinct plan—

Council means Campbelltown City Council.

Gilead (Part) Precinct means the land identified as “Gilead (Part) Precinct” on the Land Application Map.

1.5 Notes

Notes in this precinct plan are provided for guidance and do not form part of this precinct plan.

1.6 Consent authority

The consent authority for the purposes of this precinct plan is, subject to the Act, the Council.

1.8 Repeal of other local planning instruments applying to land

- (1) All local environmental plans and deemed environmental planning instruments applying only to all or part of the Gilead (Part) Precinct are repealed.
- (2) All local environmental plans and deemed environmental planning instruments applying to all or part of the Gilead (Part) Precinct and to other land cease to apply to the Gilead (Part) Precinct.

Note— *Campbelltown Local Environmental Plan 2015* ceases to apply to the Gilead (Part) Precinct.

- (3) This section does not affect the operation of Chapter 3 or this precinct plan.

1.8A Savings provision relating to pending development applications

If a development application in relation to the Gilead (Part) Precinct was made before the commencement of *Campbelltown Local Environmental Plan 2015*

(*Amendment No 33*) and the application was not finally determined before the commencement, the application must be determined as if that plan had not commenced.

1.9 Application of SEPPs

- (1) This precinct plan is subject to the provisions of a State environmental planning policy prevailing over this precinct plan as provided by the Act, section 3.28.

Note— The Act, section 3.28 generally provides that SEPPs prevail over LEPs and other instruments. However, an environmental planning instrument may, by an additional provision included in the instrument, displace or amend a SEPP or LEP to deal specifically with the relationship between the instrument and the SEPP or LEP.

- (2) If there is an inconsistency between this precinct plan and another provision of this or another environmental planning instrument, whether made before or after the commencement of this precinct plan, this precinct plan prevails to the extent of the inconsistency.

Note— This policy, Chapter 3 also contains provisions applying development controls to the Greater Macarthur Growth Area.

Part 2 Permitted or prohibited development

2.1 Land use zones

The land use zones under this precinct plan are as follows—

Urban Development Zones

1 Urban Development

Conservation Zones

C2 Environmental Conservation

2.2 Zoning of land to which precinct plan applies

For the purposes of this precinct plan, land is within the zones shown on the Land Zoning Map.

2.3 Zone objectives and Land Use Table

- (1) The Land Use Table at the end of this part specifies the following for each zone—
 - (a) the objectives for development,
 - (b) development that may be carried out without consent,
 - (c) development that may be carried out only with consent,
 - (d) development that is prohibited.
- (2) The consent authority must consider the objectives for development in a zone when determining a development application for development on land in the zone.
- (3) In the Land Use Table at the end of this part—
 - (a) a reference to a type of building or other thing is a reference to development for the purposes of that type of building or other thing, and
 - (b) a reference to a type of building or other thing does not include, despite a definition in this policy, Chapter 3 or this precinct plan, a reference to a type of building or other thing referred to separately in the Land Use Table in relation to the same zone.

- (4) This section is subject to the other provisions of this precinct plan.
- Note 1—** This precinct plan, Schedule 1 sets out additional permitted uses for particular land.
- Note 2—** This precinct plan, section 2.6 requires consent for the subdivision of land.
- Note 3—** This precinct plan, Part 5 contains other provisions that require consent for particular development.

2.5 Additional permitted uses for particular land

- (1) Development on particular land described or referred to in this precinct plan, Schedule 1 may be carried out, in accordance with the conditions specified in the schedule in relation to the development—
- with development consent, or
 - if the schedule so provides—without development consent.
- (2) This section has effect despite anything to the contrary in the Land Use Table at the end of this part or another provision of this precinct plan.

2.6 Subdivision—consent requirements

Land in the Gilead (Part) Precinct may be subdivided, but only with development consent.

Note 1— If a subdivision is specified as **exempt development** in an applicable environmental planning instrument, such as this precinct plan or *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008*, the Act enables it to be carried out without development consent.

Note 2— *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008*, Part 6 provides that the strata subdivision of a building in certain circumstances is **complying development**.

2.7 Demolition

The demolition of a building or work may be carried out only with development consent.

Note— The demolition of certain buildings and works is identified in *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008* as exempt development.

2.8 Temporary use of land

- (1) The objective of this section is to provide for the temporary use of land if the use does not compromise future development of the land, or have detrimental economic, social, amenity or environmental effects on the land.
- (2) Despite any other provision of this precinct plan, development consent may be granted for development on land in any zone for a temporary use for a maximum period of 14 days, whether or not consecutive days, in any period of 12 months.
- (3) If land is owned by the State Government or the Council and is not being used for the purposes of an educational establishment, the land may, with development consent—
- be used for a maximum period of 14 days, whether or not consecutive days, in any period of 12 months by a non-profit community organisation for a community use, or
 - be used for a commercial operation for no more than one day in any calendar year.
- (4) If land is being used for the purposes of an educational establishment, the land may, with development consent—

- (a) be used for a maximum period of 14 days, whether or not consecutive days, in any period of 12 months for a community use or a commercial operation, or
 - (b) be developed for any community purpose, whether or not the development is ancillary to the purposes of a school, college or other educational establishment.
- (5) Development consent must not be granted unless the consent authority is satisfied that—
 - (a) the temporary use will not prejudice the subsequent carrying out of development on the land in accordance with this precinct plan and any other applicable environmental planning instrument, and
 - (b) the temporary use will not adversely impact on any adjoining land or the amenity of the neighbourhood, and
 - (c) the temporary use and location of any structures related to the use will not adversely impact on environmental attributes or features of the land, or increase the risk of natural hazards that may affect the land, and
 - (d) at the end of the temporary use period the land will, as far as is practicable, be restored to the condition in which it was before the commencement of the use.
- (6) Also, development consent must not be granted to development under this section unless the consent authority is satisfied that—
 - (a) effluent management arrangements are in place that have sufficient capacity to cater for peak loads generated by the development and that those arrangements will operate effectively, and
 - (b) the stormwater run-off from the site will be appropriately collected and treated, and
 - (c) the natural environment is not adversely impacted, or the risk of natural hazards increased, and
 - (d) a safe and adequate water supply is available or will be provided to service the temporary use, and
 - (e) appropriate mechanisms are in place to deal with the management of traffic and the requirement for vehicular parking generated by the development, and
 - (f) the temporary use will not have an adverse impact on other users of the land.
- (7) Despite subsection (2), the temporary use of a dwelling as a sales office for a new release area or a new housing estate may exceed the maximum number of days specified in that subsection.
- (8) Subsection (5)(d) does not apply to the temporary use of a dwelling as a sales office mentioned in subsection (7).

Land Use Table

Zone 1 Urban Development

1 Objectives of zone

- To manage the transition of land from non-urban uses to urban uses.

- To encourage the development of well-planned and well-serviced new urban communities in accordance with the growth centre structure plan for the Greater Macarthur Growth Area.
- To ensure a range of uses, and uses located in a way, consistent with the strategic planning for the Gilead (Part) Precinct.
- To safeguard land used for non-urban purposes from development that could prejudice the use of the land for future urban purposes.
- To ensure land adjacent to environmental conservation areas is developed in a way that enhances biodiversity outcomes for the precinct.

2 Permitted without consent

Home occupations

3 Permitted with consent

Any development not specified in item 2 or 4

4 Prohibited

Air transport facilities; Animal boarding or training establishments; Boat building and repair facilities; Camping grounds; Caravan parks; Cemeteries; Charter and tourism boating facilities; Correctional centres; Crematoria; Depots; Extractive industries; Farm buildings; Forestry; Freight transport facilities; Heavy industrial storage establishments; Heavy industries; Home occupations (sex services); Mooring pens; Moorings; Open cut mining; Port facilities; Resource recovery facilities; Rural industries

Zone C2 Environmental Conservation

1 Objectives of zone

- To protect, manage and restore areas of high ecological, scientific, cultural or aesthetic values.
- To prevent development that could destroy, damage or otherwise have an adverse effect on those values.

2 Permitted without consent

Nil

3 Permitted with consent

Environmental facilities; Environmental protection works

4 Prohibited

Any development not specified in item 2 or 3

Part 4 Principal development standards

4.1 Minimum subdivision lot size

- (1) The objectives of this section are as follows—
 - (a) to ensure the minimum size for lots is sufficient for the provision of usable areas for building and open space,
 - (b) to encourage the efficient use of land for residential purposes.

- (2) This section applies to a subdivision of land shown on the Lot Size Map that requires development consent and that is carried out after the commencement of this precinct plan.
- (3) The size of a lot resulting from a subdivision of land to which this section applies must not be less than the minimum size shown on the Lot Size Map in relation to the land.
- (4) This section does not apply a subdivision—
 - (a) in a strata plan, or
 - (b) that results in a lot that is to be reserved or dedicated for a public purpose.

4.3 Height of buildings

- (1) The objectives of this section are as follows—
 - (a) to establish the maximum height of buildings,
 - (b) to minimise visual impact and protect the amenity of adjoining development and land in terms of solar access to buildings and open space,
 - (c) to facilitate higher density development in and around commercial centres and major transport routes.
- (2) The height of a building on any land must not exceed the maximum height shown for the land on the Height of Buildings Map.

4.3A Residential density

- (1) Development consent must not be granted to development resulting in more than 3,300 dwellings in the Gilead (Part) Precinct.
- (2) The density for development for the following purposes must be—
 - (a) for development for the purposes of dwelling houses and dual occupancies—between 15 and 25 dwellings per hectare,
 - (b) for development for the purposes of residential flat buildings, multi dwelling housing, mixed use development, seniors housing and shop top housing—between 25 and 45 dwellings per hectare,
 - (c) for development for the purposes of attached dwellings—between 15 and 45 dwellings per hectare.
- (3) Subsection (2) does not prevent a subdivision providing for individual dwellings to be on separate lots if the consent authority is satisfied the subdivision does not also involve the creation of additional dwelling entitlements.
- (4) In this section—

density means the ratio of the number of dwellings to the area of the land to be occupied by the development, including internal streets and half the width of roads adjoining the development that provide vehicular access to the development, but excluding land used for non-residential purposes.

4.3B Retail floor areas

The total gross floor area used for the purposes of retail premises in the Gilead (Part) Precinct must not exceed 7,500m².

4.6 Exceptions to development standards

- (1) The objectives of this section are as follows—
 - (a) to provide an appropriate degree of flexibility in applying certain development standards to particular development,
 - (b) to achieve better outcomes for and from development by allowing flexibility in particular circumstances.
- (2) Subject to this section, development consent may be granted for development even though the development would contravene a development standard imposed by this or another environmental planning instrument, other than a development standard expressly excluded from the operation of this section.
- (3) Development consent must not be granted to development that contravenes a development standard unless the consent authority is satisfied the applicant for development consent has demonstrated that—
 - (a) compliance with the development standard is unreasonable or unnecessary in the circumstances, and
 - (b) there are sufficient environmental planning grounds to justify the contravention of the development standard.

Note— The *Environmental Planning and Assessment Regulation 2021* requires the development application to be accompanied by a document setting out the grounds on which the applicant seeks to demonstrate the matters in paragraphs (a) and (b).
- (4) The consent authority must keep a record of its assessment carried out under subsection (3).
- (5) Development consent must not be granted under this section for a subdivision of land in Zone C2 Environmental Conservation if—
 - (a) the subdivision will result in 2 or more lots of less than the minimum area specified for the lots by a development standard, or
 - (b) the subdivision will result in 1 or more lots with less than 90% of the minimum area specified for the lots by a development standard.
- (6) This section does not allow development consent to be granted for development that would contravene 1 or more of the following—
 - (a) a development standard for complying development,
 - (b) a development standard arising, under the regulations under the Act, in connection with a commitment set out in a BASIX certificate for a building to which *State Environmental Planning Policy (Sustainable Buildings) 2022* applies or for the land on which the building is situated,
 - (c) section 4.3A,
 - (d) section 5.4,
 - (e) section 6.5.

Part 5 Miscellaneous provisions

5.2 Classification and reclassification of public land

- (1) The objective of this section is to enable the Council to classify or reclassify public land as “operational land” or “community land” in accordance with the *Local Government Act 1993*, Chapter 6, Part 2.
- (2) The public land described in this precinct plan, Schedule 4, Part 1 or Part 2 is classified, or reclassified, as operational land for the purposes of the *Local Government Act 1993*.

- (3) The public land described in this precinct plan, Schedule 4, Part 3 is classified, or reclassified, as community land for the purposes of the *Local Government Act 1993*.
- (4) The public land described in this precinct plan, Schedule 4, Part 1—
 - (a) does not cease to be a public reserve to the extent it is a public reserve, and
 - (b) continues to be affected by trusts, estates, interests, dedications, conditions, restrictions or covenants affecting the land before its classification, or reclassification, as operational land.
- (5) The public land described in this precinct plan, Schedule 4, Part 2, to the extent it is a public reserve, ceases to be a public reserve when the description of the land is inserted into Part 2 and is discharged from all trusts, estates, interests, dedications, conditions, restrictions and covenants affecting the land or a part of the land, except—
 - (a) those specified for the land in this precinct plan, Schedule 4, Part 2, Column 3, and
 - (b) a reservation that excepts land out of the Crown grant relating to the land, and
 - (c) reservations of minerals, within the meaning of the *Crown Land Management Act 2016*.

Note— In accordance with the *Local Government Act 1993*, section 30(2), before a description of public land is inserted in this precinct plan, Schedule 4, Part 2, the Governor must approve subsection (5) applying to the land.

5.4 Controls relating to miscellaneous permissible uses

(1) **Bed and breakfast accommodation**

If development for the purposes of bed and breakfast accommodation is permitted under this precinct plan, the accommodation provided to guests must consist of no more than 3 bedrooms.

Note— Development providing for a certain number of guests or rooms may involve a change in the class of building under the *Building Code of Australia*.

(2) **Home businesses**

If development for the purposes of a home business is permitted under this precinct plan, the carrying on of the business must not involve the use of more than 50m² of floor area.

(3) **Home industries**

If development for the purposes of a home industry is permitted under this precinct plan, the carrying on of the home industry must not involve the use of more than 50m² of floor area.

(4) **Industrial retail outlets**

If development for the purposes of an industrial retail outlet is permitted under this precinct plan, the retail floor area must not exceed the lesser of the following—

- (a) 43% of the gross floor area of the industry or rural industry located on the same land as the retail outlet,
- (b) 400m².

(5) **Farm stay accommodation**

If development for the purposes of farm stay accommodation is permitted under this precinct plan, the accommodation provided to guests must consist of no more than 5 bedrooms.

(6) **Kiosks**

If development for the purposes of a kiosk is permitted under this precinct plan, the gross floor area must not exceed 20m².

(7) **Neighbourhood shops**

If development for the purposes of a neighbourhood shop is permitted under this precinct plan, the retail floor area must not exceed 400m².

(8) **Roadside stalls**

If development for the purposes of a roadside stall is permitted under this precinct plan, the gross floor area must not exceed 75m².

(9) **Secondary dwellings**

If development for the purposes of a secondary dwelling is permitted under this precinct plan, the total floor area of the dwelling, excluding an area used for parking, must not exceed the greater of the following—

- (a) 60m²,
- (b) 25% of the total floor area of the principal dwelling.

5.6 Architectural roof features

- (1) The objectives of this section are—
 - (a) to ensure architectural roof features are decorative elements only, and
 - (b) to ensure the majority of roof features are within the prescribed building height.
- (2) Development including an architectural roof feature that exceeds, or causes a building to exceed, the height limits set by section 4.3 may be carried out, but only with development consent.
- (3) Development consent must not be granted unless the consent authority is satisfied that—
 - (a) the architectural roof feature—
 - (i) comprises a decorative element on the uppermost portion of a building, and
 - (ii) is not an advertising structure, and
 - (iii) does not include floor space area and is not reasonably capable of modification to include floor space area, and
 - (iv) will cause minimal overshadowing, and
 - (b) building identification signage or equipment for servicing the building, such as plant, lift motor rooms or fire stairs, contained in or supported by the roof feature is fully integrated into the design of the roof feature.

5.8 Conversion of fire alarms

- (1) This section applies to a fire alarm system that can be monitored by Fire and Rescue NSW or by a private service provider.
- (2) The following development may be carried out, but only with development consent—

- (a) converting a fire alarm system from connection with the alarm monitoring system of Fire and Rescue NSW to connection with the alarm monitoring system of a private service provider,
 - (b) converting a fire alarm system from connection with the alarm monitoring system of a private service provider to connection with the alarm monitoring system of another private service provider,
 - (c) converting a fire alarm system from connection with the alarm monitoring system of a private service provider to connection with a different alarm monitoring system of the same private service provider.
- (3) Development to which subsection (2) applies is complying development if it consists only of—
- (a) internal alterations to a building, or
 - (b) internal alterations to a building together with the mounting of an antenna, and a support structure, on an external wall or roof of a building so as to occupy a space of not more than 450mm × 100mm × 100mm.
- (4) A complying development certificate for complying development under this section is subject to a condition that building work may only be carried out between 7am and 6pm on Monday to Friday and between 7am and 5pm on Saturday, and must not be carried out on a Sunday or a public holiday.
- (5) In this section—
- private service provider*** means a person or body that has an agreement in force with Fire and Rescue NSW to monitor fire alarm systems.

5.10 Heritage conservation

Note— Heritage items are listed and described in this precinct plan, Schedule 5. Heritage conservation areas are shown on the Heritage Map as well as being described in Schedule 5.

(1) **Objectives**

The objectives of this section are as follows—

- (a) to conserve the environmental heritage of the Gilead (Part) Precinct,
- (b) to conserve the heritage significance of heritage items and heritage conservation areas, including associated fabric, settings and views,
- (c) to conserve archaeological sites,
- (d) to conserve Aboriginal objects and Aboriginal places of heritage significance.

(2) **Requirement for consent**

Development consent is required for the following—

- (a) demolishing, moving or altering the exterior of 1 or more of the following, including by making changes to the detail, fabric, finish or appearance of a building—
 - (i) a heritage item,
 - (ii) an Aboriginal object,
 - (iii) a building, work, relic or tree in a heritage conservation area,
- (b) altering a heritage item that is a building by making structural changes to its interior or by making changes to anything inside the item that is specified for the item in this precinct plan, Schedule 5,

- (c) disturbing or excavating an archaeological site while knowing, or having reasonable cause to suspect, the disturbance or excavation will or is likely to result in a relic being discovered, exposed, moved, damaged or destroyed,
- (d) disturbing or excavating an Aboriginal place of heritage significance,
- (e) erecting a building on land—
 - (i) on which a heritage item is located or in a heritage conservation area, or
 - (ii) on which an Aboriginal object is located or in an Aboriginal place of heritage significance,
- (f) subdividing land—
 - (i) on which a heritage item is located or in a heritage conservation area, or
 - (ii) on which an Aboriginal object is located or in an Aboriginal place of heritage significance.

(3) When consent not required

Development consent under this section is not required if—

- (a) the applicant has notified the consent authority of the development and the consent authority has advised the applicant in writing before any work is carried out that it is satisfied the development—
 - (i) is of a minor nature or is for the maintenance of the heritage item, Aboriginal object, Aboriginal place of heritage significance or archaeological site or a building, work, relic, tree or place in the heritage conservation area, and
 - (ii) will not adversely affect the heritage significance of the heritage item, Aboriginal object, Aboriginal place, archaeological site or heritage conservation area, or
- (b) the development is in a cemetery or burial ground and the development—
 - (i) is the creation of a new grave or monument, or the excavation or disturbance of land for the purpose of conserving or repairing monuments or grave markers, and
 - (ii) would not cause disturbance to human remains, relics, Aboriginal objects in the form of grave goods, or to an Aboriginal place of heritage significance, or
- (c) the development is limited to the removal of a tree or other vegetation the Council is satisfied is a risk to human life or property, or
- (d) the development is exempt development.

(4) Effect of development on heritage significance

The consent authority must, before granting development consent under this section for development involving a heritage item or heritage conservation area, and regardless of whether a heritage management document is prepared under subsection (5) or a heritage conservation management plan is submitted under subsection (6), consider the effect of the development on the heritage significance of the item or area.

(5) Heritage assessment

The consent authority may require a heritage management document to be prepared to assess the extent to which the carrying out of development would

affect the heritage significance of a heritage item or a heritage conservation area before granting development consent to development on the following land—

- (a) land on which a heritage item is located,
- (b) land in a heritage conservation area,
- (c) land near land referred to in paragraph (a) or (b).

(6) Heritage conservation management plans

After considering the heritage significance of a heritage item and the extent of change proposed to it, the consent authority may require the submission of a heritage conservation management plan before granting development consent under this section.

(7) Archaeological sites

The consent authority must, before granting development consent under this section to the carrying out of development on an archaeological site, other than land listed on the State Heritage Register or to which an interim heritage order under the *Heritage Act 1977* applies—

- (a) notify the Heritage Council of its intention to grant consent, and
- (b) if the Heritage Council provides a response within 28 days after the notice is sent, take the response into consideration.

(8) Aboriginal places of heritage significance

The consent authority must, before granting development consent under this section to the carrying out of development in an Aboriginal place of heritage significance—

- (a) consider the effect of the development on the heritage significance of the place, and an Aboriginal object known or reasonably likely to be located at the place, by an adequate investigation and assessment, which may involve consideration of a heritage impact statement, and
- (b) notify local Aboriginal communities, in writing or another appropriate manner, about the application and if a community provides a response within 28 days after the notice is sent, take the response into consideration.

(9) Demolition of nominated State heritage items

The consent authority must, before granting development consent under this section for the demolition of a nominated State heritage item—

- (a) notify the Heritage Council about the application, and
- (b) if the Heritage Council provides a response within 28 days after the notice is sent, take the response into consideration.

(10) Conservation incentives

The consent authority may grant development consent to development involving a building that is a heritage item or on the land on which the building is erected, or on an Aboriginal place of heritage significance, even though the development would otherwise not be allowed by this precinct plan, if the consent authority is satisfied—

- (a) conservation of the heritage item or Aboriginal place of heritage significance is facilitated by the granting of consent, and
- (b) the development is in accordance with a heritage management document approved by the consent authority, and

- (c) consent to the development will require all necessary conservation work identified in the heritage management document to be carried out, and
- (d) the development will not adversely affect the heritage significance of the heritage item, including its setting, or the heritage significance of the Aboriginal place of heritage significance, and
- (e) the development will not have a significant adverse effect on the amenity of the surrounding area.

5.11 Bush fire hazard reduction

Bush fire hazard reduction work authorised by the *Rural Fires Act 1997* may be carried out on any land without development consent.

Note— The *Rural Fires Act 1997* also makes provision relating to the carrying out of development on bush fire prone land.

5.12 Infrastructure development and use of existing buildings of the Crown

- (1) This precinct plan does not restrict or prohibit, or enable the restriction or prohibition of, the carrying out of development, by or on behalf of a public authority, that is permitted to be carried out with or without development consent, or that is exempt development, under *State Environmental Planning Policy (Transport and Infrastructure) 2021*, Chapter 2.
- (2) This precinct plan does not restrict or prohibit, or enable the restriction or prohibition of, the use of existing buildings of the Crown by the Crown.

Part 6 Additional local provisions

6.1 Structure plan

- (1) The Planning Secretary may approve a structure plan for the Gilead (Part) Precinct.
- (2) A structure plan must provide for the general layout of the precinct, including by identifying the following—
 - (a) the land proposed to be used for medium and low density residential development,
 - (b) the land proposed to be used for drainage and stormwater management,
 - (c) the land in Zone 1 Urban Development on which existing native vegetation must be protected and enhanced,
 - (d) the land in Zone C2 Environmental Conservation,
 - (e) the proposed height of buildings,
 - (f) the location of educational facilities, roads and transport infrastructure and retail and business premises, if any,
 - (g) the location of at least 29.1ha of open space, including—
 - (i) at least 20.9ha of open space for active recreation, including playing fields and associated facilities, and
 - (ii) at least 8.2ha of open space for passive recreation, including parks, gardens, conservation bushland and nature reserves,
 - (h) a koala underpass on Appin Road.
- (3) The 29.1ha of open space identified in the structure plan under subsection (2)(g) must not include land identified as “Koala Corridor” on the Koala Corridors Map.

- (4) A structure plan may contain other matters the Planning Secretary considers appropriate.
- (5) A structure plan must be generally consistent with this precinct plan and the growth centre structure plan for the Greater Macarthur Growth Area.
- (6) A structure plan approved by the Planning Secretary must be published on the Department's website and takes effect on the day it is published.
- (7) A structure plan may be amended and this section applies to the amendment of the structure plan in the same way it applies to a structure plan.
- (8) Development consent must not be granted to development unless the consent authority is satisfied that the development is generally consistent with the structure plan.
- (9) Subsection (8) does not apply to development for the following purposes—
 - (a) a subdivision for the purpose of a realignment of boundaries that does not create additional lots,
 - (b) a subdivision of land if any of the lots proposed to be created is to be reserved or dedicated for public open space, public roads, utilities or any other public or environment protection purpose,
 - (c) a subdivision of land in a zone in which the erection of structures is prohibited,
 - (d) development on land that is of a minor nature only, if the consent authority is of the opinion that the carrying out of the development would be consistent with the objectives of the zone in which the land is situated.

6.2 Development control plan

- (1) The objective of this section is to ensure that development occurs—
 - (a) in a logical and cost-effective manner, in accordance with a staging plan, and
 - (b) only after a development control plan that includes specific controls has been prepared for the land.
- (2) Development consent must not be granted to development in the Gilead (Part) Precinct unless a development control plan that complies with subsection (3) has been prepared for the land.
- (3) The development control plan must provide for the following—
 - (a) a staging plan for the timely and efficient release of urban land, making provision for necessary infrastructure and sequencing,
 - (b) an overall transport movement hierarchy showing the major circulation routes and connections to achieve a simple and safe movement system for private vehicles, public transport, pedestrians and cyclists,
 - (c) an overall landscaping strategy for the protection and enhancement of riparian areas and remnant vegetation, including visually prominent locations, and detailed landscaping requirements for both the public and private domain,
 - (d) a network of active and passive recreation areas,
 - (e) stormwater and water quality management controls,
 - (f) amelioration of natural and environmental hazards, including bush fire, flooding and site contamination and, in relation to natural hazards, the safe occupation of, and the evacuation from, any land so affected,

- (g) detailed urban design controls for significant development sites,
 - (h) measures to encourage higher density living around transport, open space and service nodes,
 - (i) measures to accommodate and control appropriate neighbourhood commercial and retail uses,
 - (j) suitably located public facilities and services, including provision for appropriate traffic management facilities and parking.
- (4) Subsection (2) does not apply to development for the following purposes—
- (a) a subdivision for the purpose of a realignment of boundaries that does not create additional lots,
 - (b) a subdivision of land if any of the lots proposed to be created is to be reserved or dedicated for public open space, public roads, utilities or any other public or environment protection purpose,
 - (c) a subdivision of land in a zone in which the erection of structures is prohibited,
 - (d) development on land that is of a minor nature only, if the consent authority is of the opinion that the carrying out of the development would be consistent with the objectives of the zone in which the land is situated.

6.3 Concurrence of Planning Secretary

- (1) Development consent must not be granted to development in the Gilead (Part) Precinct unless the consent authority has obtained the concurrence of the Planning Secretary.
- (2) In deciding whether to grant concurrence, the Planning Secretary must consider the impact of the development on—
 - (a) the protection of the koala population in the Gilead (Part) Precinct, and
 - (b) the maintenance and delivery of the koala corridor, which is the land identified as “Koala Corridor” on the Koala Corridors Map.

6.4 Concurrence of Transport for NSW

- (1) Development consent must not be granted to the following development unless the consent authority has obtained the concurrence of Transport for NSW—
 - (a) development with a capital investment value of more than \$200,000 on transport corridor land,
 - (b) development that involves the penetration of ground to a depth of at least 2m below ground level (existing) on land within 25m, measured horizontally, of transport corridor land.
- (2) In deciding whether to grant concurrence, Transport for NSW must consider the following—
 - (a) the appropriateness of the development in relation to planned infrastructure on transport corridor land, including the service capability of planned infrastructure and the provision of sustainable transport options,
 - (b) the timing of the carrying out of the development and the timing for constructing infrastructure on transport corridor land,

- (c) the effect of the development on planned infrastructure, including the additional costs of constructing infrastructure on transport corridor land if the development is carried out.
- (3) In this section—
transport corridor land means land shown as “Transit Corridor” on the Transport Corridors Map.

6.5 Public utility infrastructure

- (1) Development consent must not be granted to development in the Gilead (Part) Precinct unless the consent authority is satisfied—
 - (a) public utility infrastructure that is essential for the development is available, or
 - (b) adequate arrangements have been made to make the infrastructure available when it is required.
- (2) This section does not apply to development for the purpose of providing, extending, augmenting, maintaining or repairing public utility infrastructure referred to in this section.
- (3) In this section—
public utility infrastructure includes infrastructure for the following—
 - (a) the supply of water,
 - (b) the supply of electricity,
 - (c) the disposal and management of sewage.

6.6 Development in Zone C2

- (1) This section applies to land in Zone C2 Environmental Conservation, other than land owned by a public authority.
- (2) Development consent must not be granted to development on land to which this section applies unless the consent authority has considered a vegetation management plan that relates to all of the land.
- (3) The vegetation management plan must address, to the satisfaction of the consent authority, the following matters—
 - (a) the environmental values of the land,
 - (b) methods to be used to revegetate and rehabilitate the land,
 - (c) weed control,
 - (d) the monitoring and ongoing management of the land,
 - (e) other measures—
 - (i) to control threats to the health of remnant riparian vegetation on the land, and
 - (ii) to increase species diversification and riparian vegetation cover on the land, and
 - (iii) to improve the land’s resistance to future weed colonisation.
- (4) Subsection (2) does not apply to development on land that is of a minor nature only, if the consent authority is of the opinion that the carrying out of the development would be consistent with the objectives of Zone C2 Environmental Conservation.

- (5) For subsection (2), a biodiversity stewardship agreement, within the meaning of the *Biodiversity Conservation Act 2016*, is taken to be a vegetation management plan.

6.7 Development on land adjoining Zone C2

- (1) The objectives of this section are as follows—
- (a) to ensure the rehabilitation and revegetation of land in Zone C2 Environmental Conservation, other than land owned by a public authority,
 - (b) to ensure land in Zone C2 Environmental Conservation is managed and conserved in a holistic and sensitive way.
- (2) This section applies to development carried out on an area of land that is in both Zone C2 Environmental Conservation and another zone.
- (3) Development consent must not be granted to development to which this section applies unless the consent authority is satisfied arrangements have been made for the revegetation and rehabilitation of the land in Zone C2 Environmental Conservation that—
- (a) provide for the ongoing monitoring and management of the land, and
 - (b) will take effect before, or at the same time as, the development, and
 - (c) are appropriate when considered in conjunction with the vegetation management plan referred to in section 6.8.
- (4) Subsection (3) does not apply to development on land that is of a minor nature only, if the consent authority is of the opinion that the carrying out of the development would be consistent with the objectives of Zone C2 Environmental Conservation.

6.8 Development at Glen Lorne

- (1) This section applies to Lot 2, DP 603674, 982 Appin Road, Gilead, identified as “9” and “Glen Lorne” on the Additional Permitted Uses Map.
- (2) Development consent must not be granted to development on land to which this section applies unless the consent authority is satisfied that the development relates to the heritage item on the land.
- (3) This section does not apply to development for the purposes of roads or water supply systems.

6.9 Earthworks

- (1) The objectives of this section are as follows—
- (a) to ensure earthworks for which development consent is required will not have a detrimental impact on environmental functions and processes, neighbouring uses, cultural or heritage items or features of the surrounding land,
 - (b) to allow earthworks of a minor nature without requiring separate development consent.
- (2) Development consent is required for earthworks unless—
- (a) the earthworks are exempt development under this precinct plan or another applicable environmental planning instrument, or
 - (b) the earthworks are ancillary to other development for which development consent has been given.

- (3) In deciding whether to grant development consent to earthworks, the consent authority must consider the following matters—
- (a) the likely disruption of, or detrimental effect on, existing drainage patterns and soil stability in the locality,
 - (b) the effect of the development on the likely future use or redevelopment of the land,
 - (c) the quality of the fill or the soil to be excavated, or both,
 - (d) the effect of the development on the existing and likely amenity of adjoining properties,
 - (e) the source of fill material and the destination of the excavated material,
 - (f) the likelihood of disturbing Aboriginal objects,
 - (g) the proximity to and potential for adverse impacts on a watercourse, drinking water catchment or environmentally sensitive area,
 - (h) appropriate measures proposed to avoid, minimise or mitigate the impacts of the development.

Note—The *National Parks and Wildlife Act 1974*, particularly section 86, deals with disturbing or excavating land and Aboriginal objects.

6.10 Location of sex services premises

- (1) The objective of this section is to minimise land use conflicts and adverse amenity impacts by providing a reasonable level of separation between sex services premises, specified land uses and places regularly frequented by children.
- (2) In deciding whether to grant development consent to development for the purposes of sex services premises, the consent authority must consider whether the premises will be located on land that adjoins, is directly opposite or is separated only by a road from land used for the purposes of a centre-based child care facility, community facility, school or place of public worship.

6.11 Restricted premises

- (1) Development consent must not be granted to development for the purposes of restricted premises if the premises will be located on land abutting or separated only by a road from land used for the purposes of a community facility, school or place of public worship.
- (2) In deciding whether to grant development consent to development for the purposes of restricted premises, the consent authority must consider the following—
- (a) the impact of the development on places of high pedestrian activity,
 - (b) the impact of the development on land frequented by children for care, recreational or cultural purposes,
 - (c) whether the appearance of the restricted premises is sufficiently discreet.

6.12 Affordable housing

- (1) This section applies to development involving the erection of the following—
- (a) attached dwellings,
 - (b) multi-dwelling housing,
 - (c) residential flat buildings,
 - (d) shop top housing.

- (2) Development consent must not be granted to the development unless the consent authority is satisfied—
 - (a) at least 5% of the gross floor area of a building resulting from the development will be used for the purposes of affordable housing, and
 - (b) each dwelling used for the purposes of affordable housing—
 - (i) will have a gross floor area of at least 50m², and
 - (ii) will be located within 400m walking distance of existing or proposed public transport, retail premises or public open space.

6.13 Environmental facilities prohibited in koala corridor

Development for the purposes of environmental facilities is prohibited on land in Zone C2 Environmental Conservation that is identified as “Koala Corridor” on the Koala Corridors Map if the development involves a building.

Schedule 1 Additional permitted uses

section 2.5

1 Use of certain land in Zone C2

- (1) This section applies to land identified as “Additional Permitted Uses” on the Additional Permitted Uses Map.
- (2) Development for the purposes of roads or water supply systems is permitted with development consent.

2 Use of Glen Lorne, 982 Appin Road, Gilead

- (1) This section applies to Lot 2, DP 603674, 982 Appin Road, Gilead, identified as “9” and “Glen Lorne” on the Additional Permitted Uses Map.
- (2) Development for the following purposes is permitted with development consent—
 - (a) building identification signs,
 - (b) car parks,
 - (c) information and education facilities.

3 Use of transport corridor land in Zone C2

- (1) This section applies to land identified as “Transit Corridor” on the Transport Corridors Map.
- (2) Development for the purposes of roads is permitted with development consent.

Schedule 4 Classification and reclassification of public land

section 5.2

Part 1 Land classified, or reclassified, as operational land—no interests changed

| Column 1 | Column 2 |
|----------|-------------|
| Locality | Description |
| Nil | |

Part 2 Land classified, or reclassified, as operational land—interests changed

| Column 1 | Column 2 | Column 3 |
|----------|-------------|-------------------------------|
| Locality | Description | Any trusts etc not discharged |
| Nil | | |

Part 3 Land classified, or reclassified, as community land

| Column 1 | Column 2 |
|----------|-------------|
| Locality | Description |
| Nil | |

Schedule 5 Environmental heritage

section 5.10

| Precinct | Item name | Address | Property description | Significance | Item no |
|---------------|--------------|----------------|--------------------------|--------------|---------|
| Gilead (Part) | “Glen Lorne” | 982 Appin Road | Part of Lot 2, DP 603674 | Local | I55 |

Schedule 2 Amendment of Campbelltown Local Environmental Plan 2015

[1] Schedule 5 Environmental heritage

Omit “982 Appin Road” from Part 1, item no I55. Insert instead “982A Appin Road”.

[2] Schedule 5, item no I55

Omit “Part Lots 1 and 2”. Insert instead “Part of Lot 1”.