

Campbelltown Local Environmental Plan No 1 (1981 EPI 23)

[1981-23]



New South Wales

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The provisions displayed in this version of the legislation have all commenced.

Authorisation

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- 1 This plan may be cited as *Campbelltown Local Environmental Plan No 1*.
- 2 This plan applies to the land shown edged heavy black on the map.
- 2A This plan does not apply to the land to which *Campbelltown Local Environmental Plan No 32* applies.
- 3 This plan varies *Interim Development Order No 15—City of Campbelltown* by excluding the land to which this plan applies from the operation of that Order.

4

- (1) In this plan, except in so far as the context or subject-matter otherwise indicates or requires:

alter, in relation to a heritage item, means:

- (a) make structural changes to the outside of the item, or
- (b) make non-structural changes to the detail, fabric, finish or appearance of the outside of the item, other than changes that maintain the existing detail, fabric, finish and appearance of the outside of the item.

appointed day means the day upon which this plan is published in the Gazette.

community centre means a building or place owned, leased or subleased by the council and used to provide facilities comprising or relating to any one or more of the following:

- (a) a public library,
- (b) public health services,
- (c) rest rooms,
- (d) meeting rooms,
- (e) indoor recreation,

- (f) child minding,
- (g) any other like purpose.

council means the Council of the City of Campbelltown.

demolish, in relation to a heritage item, means wholly or partly destroy or dismantle the heritage item.

dual occupancy building means a building containing 2 dwellings to which the provisions of the *Strata Titles Act 1973* do not apply.

heritage item means a building, work, relic, tree or place described in Schedule 2.

heritage significance means historic, scientific, cultural, social, archaeological, architectural, natural or aesthetic significance.

hotel means any premises specified in a hotelier's licence granted under the *Liquor Act 1982*.

relic means any deposit, object or material evidence relating to the use or settlement of the area of Campbelltown, not being Aboriginal habitation, which is more than 50 years old.

renovation, in relation to a building or work, means:

- (a) the making of structural changes to the inside or outside of the building or work,
- (b) the making of non-structural changes to the fabric or appearance of the outside of the building or work, including changes that involve the repair or the painting, plastering or other decoration of the outside of the building or work.

the map means the map marked "*Campbelltown Local Environmental Plan No 1*", deposited in the office of the council or a copy of that map, similarly identified, deposited in the office of the Department.

zone means land referred to in Column 1 of the Table to clause 6 and shown on the map by distinctive edging or in some other distinctive manner as referred to in that Column for the purpose of indicating the restrictions imposed by this plan on the development of land.

- (2) The *Environmental Planning and Assessment Model Provisions 1980*, except the definitions of **agriculture** and **map** in clause 4 (1) and clauses 5 (3), 9, 10, 11, 12, 17, 23, 24, 26 and 32, are adopted for the purposes of this plan.

5 The council is the consent authority and is charged with the function of carrying into effect and enforcing the provisions of this plan.

6 Subject to clauses 7-13, the purposes:

- (a) for which development may be carried out only with the consent of the council, and
- (b) for which development is prohibited,

on land within each of the zones specified in Column 1 of the Table to this clause are respectively shown opposite thereto in Columns 2 and 3 of that Table.

Table

Column 1	Column 2	Column 3
Zone and indication on the Map	Purposes for which development may be carried out only with the consent of the council	Purposes for which development is prohibited
1 (c) Rural "C": (Small holdings). Heavy black edging and lettered 1 (c).	Any purpose (other than those included in Column 3).	Aerodromes; airline terminals; airports; amusement parks; animal boarding or training establishments; boarding-houses; bulk stores; bus depots; bus stations; car repair stations; caravan parks; clubs; commercial premises (other than commercial art galleries or refreshment rooms); drive-in theatres; gas holders; generating works; general stores; heliports; hospitals; hotels; industries (other than home industries; rural industries and industries carried on in craftsmen's studios); institutions; intensive livestock keeping; junk yards; liquid fuel depots; motels; motor showrooms; places of assembly; public buildings; recreation facilities; refreshment rooms; residential flat buildings (other than dual occupancy buildings); roadside stalls; road transport terminals; sawmills; service stations; shops; stock and sale yards; taverns; television and broadcasting transmitters and relay stations; timber yards; transport terminals; warehouses.

3 (c1)	Neighbourhood Business. Heavy black edging and lettered 3 (c1).	Any purpose (other than those included in Column 3).	Amusement parks; caravan parks; extractive industries; gas holders; generating works; hotels; industries; institutions; junk yards; liquid fuel depots; mines; stock and sale yards; transport terminals.
5	SPECIAL USES: (a) Special Uses "A". Heavy black edging and lettered 5 (a).	The particular purposes indicated by heavy black lettering on the map; drainage; open space; roads; utility installations (other than gas holders or generating works).	Any purpose (other than those included in Column 2).
6	OPEN SPACE: (a) Local Open Space. Heavy black edging and lettered 6 (a).	Any purpose authorized by Division 2 or 3 of Part 13 of the <i>Local Government Act 1919</i> ; drainage; roads; showgrounds; utility installations (other than gas holders or generating works).	Any purpose (other than those included in Column 2).

7

- (1) This clause applies to land within Zone No 1 (c).
- (2) Land to which this clause applies shall not be subdivided except in accordance with this clause.
- (3) Except as provided in subclause (4), the council shall not consent to the subdivision of land to which this clause applies unless each separate allotment of land created by the subdivision has an area of not less than 10 hectares.
- (4) The council may consent to:
 - (a) the subdivision of land to which this clause applies where the land proposed to be subdivided was in existence as a separate parcel as at the appointed day and had an area of not less than 10 hectares, and the proposed subdivision will result in the creation of not more than 2 allotments each of which shall have an area of not less than 2 hectares, or
 - (b) the subdivision of land to which this clause applies where that subdivision is carried out by the council, a Government department or a statutory body so as to create a number of allotments, the area of any of which is less than 10 hectares, the number of allotments so created is not greater than the number of allotments which existed in the parcel of land proposed to be subdivided as at the date of the application for consent to subdivision and the residue of the land if any is to be provided as public open space or is to be made available for use for public purposes.
 - (c) (Repealed)

8 A person shall not subdivide land within Zone No 3 (c1), 5 (a) or 6 (a) except with the consent of the council.

9

(1) A dwelling-house shall not be erected on land within Zone No 1 (c) unless that land:

(a) has an area of not less than 10 hectares,

(b) is an allotment created by a subdivision in accordance with clause 7 (4), or

(c) was in existence as a separate parcel as at the appointed day.

(2) One additional dwelling-house may, with the consent of the Council, be erected on land referred to in subclause (1) (a) or (c).

(3) The Council shall not grant the consent referred to in subclause (2) unless it is satisfied that one of the dwelling-houses will be used as a rural worker's dwelling.

(4) In subclause (3), **rural worker's dwelling** means a dwelling occupied by a person engaged or employed by the owner of the land for the purpose of agriculture.

9A (Repealed)

10 The council shall not consent to the development of any land unless it is satisfied that the development will not interfere with the amenity of the area by reason of the emission of noise, vibration, smell, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil or otherwise.

11 The council, as a condition of its consent to the carrying out of any development, may impose a requirement that the site be landscaped, and that landscaping be maintained, to the satisfaction of the council.

12 The council shall not consent to the erection of a building or the carrying out of any work, with the exception of fencing, on the land shown on the map edged by a heavy black broken line.

13 A person shall not carry out development involving the removal of soil or bush stones from land within Zone Nos 1 (c), 3 (c1), 5 (a) and 6 (a).

14

(1) A person shall not ringbark, cut down, top, lop or wilfully destroy any tree without the consent of the council.

(2) On granting its consent under this clause, the council may impose such conditions as it thinks fit.

15

(1) As a consequence of the carrying out of development in accordance with this plan, this plan identifies a likely increased demand for public amenities and public services

which may require a dedication or contribution under section 94 (1) of the Act to be made as a condition of any consent to that development.

- (2) The council may, in granting consent to the carrying out of development which it is satisfied will or is likely to require the provision of or increase the demand for public amenities and public services, as specified in Schedule 1, within the area, impose a condition requiring:
- (a) the dedication of land free of cost, or
 - (b) the payment of a monetary contribution,
- or both.

16 Protection of heritage items and relics

- (1) The following development may be carried out only with development consent:
- (a) demolishing, defacing or damaging a heritage item, or
 - (b) altering a heritage item by making structural changes to its exterior, or
 - (c) altering a heritage item by making non-structural changes to the detail, fabric, finish or appearance of its exterior, or
 - (d) moving a relic that is a heritage item, or a relic (whether or not it is a heritage item) or excavating land for the purpose of discovering or moving any such relic, or
 - (e) erecting a building on, or subdividing, land on which a heritage item is located.
- (2) Development consent is not required by this clause if the Council is of the opinion that the proposed development would not adversely affect the heritage significance of the heritage item.
- (3) When determining a development application required by this clause, the Council must take into consideration the extent to which the carrying out of the proposed development would affect the heritage significance of the heritage item.
- (4) The Council must not grant consent to a development application required by this clause until it has considered a conservation plan that assesses the impact of the proposal on the heritage significance of the item and its setting. A conservation plan is a document establishing the heritage significance of a heritage item and identifying conservation policies and management mechanisms that are appropriate to enable that significance to be retained.

17 Conservation incentives

The Council may grant consent to the use, for any purpose, of a building that is a heritage

item, or of the land on which the building is erected, even though the use would otherwise be prohibited by this plan, if it is satisfied that:

- (a) the proposed use would not adversely affect the heritage significance of the item, and
- (b) the conservation of the building depends on the granting of the consent.

18 Notice of certain heritage development applications

Sections 84, 85, 86, 87 (1) and 90 of the Act (which provide for the giving of notice, and for the making and consideration of submissions, about proposed development) apply to the demolishing, defacing or damaging of a heritage item (and to the use of a building or land referred to in clause 17 for a purpose which, but for that clause, would be prohibited by this plan) in the same way as those provisions apply to designated development.

19 Notice to Heritage Council

Before granting development consent to the demolishing, defacing or damaging of a heritage item, the Council must notify the Heritage Council of its intention to do so and take into consideration any comments received from the Heritage Council within 28 days after the notice is sent.

20 Agriculture, animal boarding or training establishments, intensive horticulture and intensive livestock keeping

(1) In this Plan:

agriculture means the use of land for horticulture and livestock keeping and breeding but does not include intensive horticulture, intensive livestock keeping or the use of land for an animal boarding or training establishment.

animal boarding or training establishment means a building or place used for commercial boarding, breeding, keeping, maintaining, receiving or training of dogs, cats, horses or birds.

intensive horticulture means the use of land to grow a commercial crop of plants, trees or fungi, whether under cover or in the open using any of the following:

- (a) hydroponics,
- (b) sprinkler systems,
- (c) artificial housing,
- (d) crop protection structures,
- (e) market gardening,
- (f) orcharding,

(g) the growing of field flowers,

but does not include the growing of produce solely for personal consumption or enjoyment by an owner or occupier of a dwelling on the land on which they are grown.

intensive livestock keeping means the use of land for keeping and nurturing cattle, sheep, goats, poultry, or other livestock by predominantly supplementary feeding methods and, without limiting the generality of the foregoing, includes the use of land for:

(a) feedlots,

(b) piggeries,

(c) poultry farms,

(d) the farming of fish (including crustaceans),

but does not include the use of land for an animal boarding or training establishment or the use of land for the keeping of livestock intended solely for personal consumption or enjoyment by an owner or occupier of a dwelling on the land.

(2) The Council in determining an application for consent required for any of the uses defined in this clause shall take into consideration the following matters:

(a) the need to protect the quality of downstream watercourses,

(b) the need to conserve native vegetation,

(c) the need to protect environmentally sensitive land, such as riparian land, land containing an endangered species, population or ecological community or a vulnerable species within the meaning of the [Threatened Species Conservation Act 1995](#),

(d) the need to protect the amenity of the area from noise, spray drift, odour or any other potentially offensive consequences,

(e) the need to limit the impact of development on flood liable land,

(f) the cumulative impact of the proposed use and the use of the land for the keeping of livestock or the growing of produce intended solely for personal consumption or enjoyment by an owner or occupier of a dwelling on the land.

Schedule 1

(Clause 15 (2))

Car parking

Open space

Roads

Drainage

Schedule 2 Heritage items

(Clause 4 (1))

“Charcoal Pits”, part Portion 32, Parish of Wedderburn, Wedderburn Road, Wedderburn located to the south of Wedderburn Road.

“Morning Glory”, original building on Portion 6, Parish of Wedderburn, Minerva Road, Wedderburn.

“Old Wedderburn Post Office”, building situated on part portion 32, Parish of Wedderburn, Wedderburn Road, Wedderburn located to the north east of Wedderburn Road.

“Union Church Site”, Lot A, DP 449151, Aberfoyle Road, Wedderburn.