

# Campbelltown Local Environmental Plan—District 8 (Central Hills Lands) (1988 EPI 12)

[1988-12]



New South Wales

## Status Information

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### Provisions in force

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### Authorisation

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New South Wales

## Part 1 Preliminary

### 1 Name of plan

This plan may be cited as *Campbelltown Local Environmental Plan—District 8 (Central Hills Lands)*.

### 2 Aims, objectives etc

This plan aims to ensure that the Central Hills Lands District of the City of Campbelltown retains the rural character that was envisaged for it during the planning that preceded the urbanisation of that City.

### 3 Land to which plan applies

This plan applies to land in the Central Hills Lands District of the City of Campbelltown as shown on the map, with boundaries as indicated on the map, other than the land to which the following environmental planning instruments apply:

*Campbelltown Local Environmental Plan No 93*

### 4 Relationship to other environmental planning instruments

(1) This plan:

- (a) repeals the environmental planning instruments referred to in subclause (2), and
- (b) amends *Interim Development Order No 19—City of Campbelltown* in the manner set out in subclause (3).

(2) The following environmental planning instruments are repealed:

- (a) *Interim Development Order No 14—City of Campbelltown*,
- (b) such other deemed environmental planning instruments and local environmental

plans as, immediately before the appointed day, applied to the land to which this plan applies, but to the extent only to which those instruments and plans so applied to that land.

- (3) *Interim Development Order No 19—City of Campbelltown* is amended by omitting clause 1A and by inserting instead the following clause:

**1A** This Order does not apply to the land to which the following environmental planning instruments apply:

*Campbelltown Local Environmental Plan No 62.*

*Campbelltown Local Environmental Plan—District 8 (Central Hills Lands).*

## 5 Interpretation

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

**appointed day** means the day on and from which this plan takes effect.

**Central Hills Lands** means the land to which this plan applies.

**Council** means the Council of the City of Campbelltown.

**demolition**, in relation to a building or work, means the damaging, defacing, destruction, pulling down or removal of the building or work, in whole or in part.

**dual occupancy building** means a building containing 2 dwellings only.

**freeway** means land shown on the map by means of a broken black line in the breaks of which appears the letter “F”.

**hotel** means any premises specified in a hotelier’s licence granted under the [Liquor Act 1982](#).

**item of the environmental heritage** means a building, work, relic or place that is identified or described in Schedule 1.

**market gardening** means the growing of vegetables for commercial purposes.

**recreation area** means:

- (a) a children’s playground,
- (b) an area used for sporting activities or sporting facilities, or
- (c) an area used to provide facilities for recreational activities which promote the physical, cultural or intellectual welfare of persons within the community, being

facilities provided by:

- (i) the Council, or
- (ii) a body of persons associated for the purpose of the physical, cultural or intellectual welfare of persons within the community,

but does not include a racecourse or a showground.

**relic** means any deposit, object or material evidence relating to the settlement (including Aboriginal habitation), prior to 1 January 1900, of the Central Hills Lands.

**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, or
- (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 building or work.

**the map** means the map marked “*Campbelltown Local Environmental Plan—District 8 (Central Hills Lands)*”.

- (2) In this plan, except in so far as the context or subject-matter otherwise indicates or requires:
  - (a) a reference to a building or place used for a purpose includes a reference to a building or place intended to be used for the purpose,
  - (b) a reference to a map is a reference to a map deposited in the office of the Council, and
  - (c) a reference to land within a zone specified in clause 9 is a reference to land shown on the map in the manner indicated in clause 8 as the means of identifying land of the zone so specified.

## 6 Adoption of 1980 Model Provisions

The *Environmental Planning and Assessment Model Provisions 1980*, except for:

- (a) the definitions of **agriculture**, **hotel**, **map** and **tavern** in clause 4 (1), and
- (b) clauses 7, 8, 15–28 and 31–33,

are adopted for the purposes of this plan.

## 7 Consent authority

The Council shall be the consent authority for the purposes of this plan.

## **Part 2 General restrictions on development of land**

### **8 Zones indicated on the map**

For the purposes of this plan, land to which this plan applies shall be within a zone specified hereunder if the land is shown on the map in the manner specified hereunder in relation to that zone:

Zone No 5 (a) (Special Uses “A”)—stippled black and lettered “5 (a)”.

Zone No 5 (c) (Proposed Local Roads and Local Roads Widening)—stippled black and lettered “5 (c)”.

Zone No 5 (d) (Special Uses “D” (Railways))—stippled black and lettered “5 (d)”.

Zone No 5 (g) (Special Uses “G” (Botanic Gardens))—lettered “5 (g)”.

Zone No 6 (c) (Open Space (Regional))—lettered “6 (c)”.

Zone No 7 (d1) (Environmental Protection (Scenic))—lettered “7 (d1)”.

### **9 Zone objectives and development control table**

- (1) The objectives of a zone are set out in the Table to this clause under the heading “Objectives of zone” appearing in the matter relating to the zone.
- (2) Except as otherwise provided by this plan, in relation to land with a zone specified in the Table to this clause, the purposes (if any) for which:
  - (a) development may be carried out without development consent,
  - (b) development may be carried out only with development consent, and
  - (c) development is prohibited,are specified under the headings “Without development consent”, “Only with development consent” and “Prohibited”, respectively, appearing in the matter relating to the zone.
- (3) Except as otherwise provided by this plan, the Council shall not grant consent to the carrying out of development on land to which this plan applies unless the Council is of the opinion that the carrying out of the development is consistent with the objectives of the zone within which the development is proposed to be carried out.

Table

#### **Zone No 5 (a) (Special Uses “A”)**

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

The objective of this zone is to set aside certain land for community

purposes.

**2 Without development consent**

Nil.

**3 Only with development consent**

The purpose indicated by the lettering on the map; drainage; roads.

**4 Prohibited**

Any purpose not included in Item 3.

**Zone No 5 (c) (Proposed Local Roads and Local Roads Widening)**

**1 Objectives of zone**

The objective of this zone is to set aside certain land for proposed local roads and local roads widening.

**2 Without development consent**

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

**3 Only with development consent**

Nil.

**4 Prohibited**

Any purpose not included in Item 2.

**Zone No 5 (d) (Special Uses “D” (Railways))**

**1 Objectives of zone**

The objective of this zone is to set aside certain land for railway purposes.

**2 Without development consent**

Any purpose authorised under the [Government Railways Act 1912](#); roads; utility installations (other than gas holders or generating works).

**3 Only with development consent**

Nil.



#### **4 Prohibited**

Any purpose not included in Item 2.

### **Zone No 5 (g) (Special Uses “G” (Botanic Gardens))**

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

The objective of this zone is to set aside certain land for use as a Botanic Garden.

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

Agriculture; horticulture; works for the purpose of landscaping, gardening and bushfire hazard reduction.

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

Purposes that, in the opinion of the Council, are ancillary to any of the purposes referred to in Item 2.

#### **4 Prohibited**

Any purpose not included in Item 2 or 3.

### **Zone No 6 (c) (Open Space (Regional))**

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

The objective of this zone is to recognise the regional open space that has been identified by the Department of Environment and Planning.

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

Works for the purpose of landscaping, gardening and bushfire hazard reduction.

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

Buildings which are used in connection with a purpose referred to in this Item and which are under the care, control and management of the Council; drainage; forestry; recreation areas; refreshment rooms; roads.

#### **4 Prohibited**

Any purpose not included in Item 2 or 3.

## **Zone No 7 (d1) (Environmental Protection (Scenic))**

### **1 Objectives of zone**

The objectives of this zone are:

- (a) to set aside certain land as a protected scenic environment,
- (b) to ensure that that land will remain a rural environment providing visual contrast to the urban areas of Campbelltown, Camden and Liverpool,
- (c) to ensure that the inhabitants of Campbelltown will continue to have views of, and access to, a rural environment,
- (d) to maintain a stock of land that is capable of being developed for the purpose of providing recreation establishments of the kind that require large areas of open space, and
- (e) to preserve existing farming and agricultural research activities.

### **2 Without development consent**

Nil.

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

Any purpose not included in 4.

### **4 Prohibited**

Aerodromes; animal boarding or training establishments; airports; boarding-houses; bulk stores; bus depots; car repair stations; caravan parks; clubs; commercial premises; drive-in theatres; entertainment and amusement parks; extractive industries; gas holders; general stores; generating works; hotels; heliports; industries (other than home industries or rural industries); intensive horticulture; intensive livestock keeping; junk yards; liquid fuel depots; mines; motels; motor showrooms; places of assembly; recreation facilities; refreshment rooms; residential flat buildings; roadside stalls; sawmills; service stations; shops; tourist facilities; transport terminals; warehouses.

## **Part 3 Special provisions**

### **10 Subdivision**

- (1) Land to which this plan applies shall not be subdivided except with the consent of the

Council.

- (2) The council shall not consent to the subdivision of land within Zone No 7 (d1) unless each of the allotments to be created by the subdivision has an area of not less than 100 hectares.

## **11 Dwelling-houses**

- (1) The Council shall not consent to the erection of a dwelling-house on an allotment of land that has an area of less than 100 hectares.
- (2) Subclause (1) does not prevent the Council from consenting to the erection of a dwelling-house on an allotment of land that has an area of less than 100 hectares, if the allotment:
  - (a) was in existence immediately before 20 September 1974, and was not then owned by any person who owned any other allotment of land adjacent to or adjoining that allotment, or
  - (b) is identified or described in Schedule 2.
- (3) Not more than one dwelling-house may be erected on an allotment of land within Zone No 7 (d1).
- (4) Notwithstanding subclause (3), one additional dwelling-house may, with the consent of the Council, be erected on an allotment of land within Zone No 7 (d1) for each 40 hectares of the land if the Council is satisfied that each such additional dwelling-house will be occupied by a person employed or engaged by the owner of the land in the use, for the purposes of agriculture (other than intensive animal or horticultural husbandry), of that land or of other land that belongs to that owner and that adjoins or is adjacent to that land.
- (5) Notwithstanding subclause (3), one additional dwelling-house may, with the consent of the Council, be erected on an allotment of land within Zone No 7 (d1) if the Council is satisfied:
  - (a) that the allotment:
    - (i) was, immediately before the appointed day, being used, and
    - (ii) has, since the appointed day, been continually used, for the purposes of market gardening, and
  - (b) that the additional dwelling-house will be occupied by a person employed or engaged by the owner of the land in the use, for the purposes of market gardening, of that land.

## 12 Dual occupancy buildings

- (1) A person may, with the consent of the Council:
  - (a) erect a dual occupancy building, or
  - (b) alter or add to a dwelling-house so as to create a dual occupancy building,on an allotment of land on which a dwelling-house may be erected pursuant to this plan.
- (2) A reference in subclause (1) to a dwelling-house does not include a reference to an additional dwelling-house referred to in section 11 (4).
- (3) The Council shall not consent to the erection or creation of a dual occupancy building on any allotment of land unless it is satisfied that appropriate arrangements have been made for the provision of water, sewerage and drainage services to that land.
- (4) The Council may, as a condition of its consent to the erection of a dual occupancy building on any allotment of land, impose a condition to the effect that:
  - (a) the owner of the allotment shall occupy one of the dwellings in the building, or
  - (b) the dual occupancy building shall be so designed and constructed as to have the appearance of a single dwelling-house,as may impose both of those conditions.
- (5) For the purpose of enabling development to be carried out in accordance with this clause (as in force at the time the development is carried out) or in accordance with a consent granted under the Act, the operation of any agreement, covenant or instrument which purports to impose restrictions on the carrying out of development on land to which this plan applies, to the extent necessary to serve that purpose, shall not apply to any such development.
- (6) Pursuant to section 28 of the Act, the Governor approved of subclause (5) before the making of this plan.

### 12A Refreshment rooms within existing dwelling-houses—Zone No 7 (d1)

A person may, with the consent of the Council, carry out development for the purposes of refreshment rooms within existing dwelling-houses within Zone No 7 (d1).

## 13 Escarpment Preservation Area

- (1) In this clause:

**Escarpment Preservation Area** means land shown cross-hatched black on the map.

**external surfaces**, in relation to a building, includes the external walls of the building

and any cladding thereon and any doors, door and window frames, columns, roofs, fences and any other surfaces of the building visible from the outside of the building.

***prescribed materials*** means materials that are:

- (a) dark-coloured and of low reflective quality, or
  - (b) painted or similarly treated with dark-coloured paint of low reflective quality,
- and that blend with the landscape of the site of the building of which they form part.

(2) A person shall not:

- (a) carry out development with an Escarpment Preservation Area, or
  - (b) clear vegetation from land within an Escarpment Preservation Area,
- except with the consent of the Council.

(3) In determining whether to grant consent as referred to in subclause (2), the Council shall have regard to:

- (a) the existing vegetation on the allotment concerned, and
- (b) any provision made in the relevant development application for the planting of vegetation.

(4) A person shall not erect a building on an allotment of land within an Escarpment Preservation Area if the proposed building will have a maximum height above natural ground level of more than 7.6 metres.

(5) A person shall not erect a building on an allotment of land within an Escarpment Preservation Area unless the external surfaces of the building consist of prescribed materials.

#### **14 Development on steep land**

(1) This clause applies to land within Zone No 6 (c) or 7 (d1).

(2) A person shall not carry out any development on land having a gradient of more than 1 in 6 except with the consent of the Council.

(3) Subclause (2) does not require a person to obtain the consent of the Council for the excavation or filling of land if the level of the land to be excavated or filled is not likely, when the excavation or filling has been completed, to vary by more than 0.5 metre from the natural level of the land.

(4) In deciding whether or not to grant consent as referred to in subclause (2), the Council shall have regard to such details regarding:

- (a) the proposed excavation or filling,
  - (b) the means whereby the stability of the land will be maintained, and
  - (c) the existing vegetation and any proposed plantings in and around the land to be excavated or filled,
- as the Council may consider appropriate.

### **15 Tree preservation**

A person shall not, on land within any zone other than Zone No 5 (g), ringbark, cut down, lop or wilfully destroy any tree except with the consent of the Council.

### **16 Advertising structures**

- (1) An advertising structure shall not be erected, and an advertisement shall not be displayed, on land to which this plan applies except with the consent of the Council.
- (2) The Council shall not grant consent as referred to in subclause (1) unless the advertisement appearing on the proposed advertising structure, or the advertisement proposed to be displayed, as the case may be:
  - (a) relates to the land upon which the advertising structure is proposed to be erected, or the advertisement is proposed to be displayed, as the case may be, and
  - (b) specifies one or more of the following particulars:
    - (i) the purposes for which the land is used,
    - (ii) the name of any person occupying, or carrying on business on, the land,
    - (iii) a description of the business carried on on the land,
    - (iv) a description of any goods or services supplied from premises on the land.

### **17 Retail plant nurseries in Zone No 7 (d1)**

A person shall not, on land within Zone No 7 (d1), use a retail plant nursery for the purpose of selling goods other than plants grown on the land.

### **18 Items of the environmental heritage**

- (1) A person shall not, in respect of a building, work, relic or place that is an item of the environmental heritage:
  - (a) demolish, renovate or extend the building or work,
  - (b) damage or despoil the relic or place or any part of the relic or place,
  - (c) excavate any land for the purpose of exposing or removing the relic,

- (d) erect a building on the land on which the building, work or relic is situated or on the land which comprises that place, or
  - (e) subdivide the land on which the building, work or relic is situated or the land which comprises that place,
- except with the consent of the Council.

(2) The Council shall not grant consent as referred to in subclause (1) unless it has made an assessment of:

- (a) the significance of the item as an item of the environmental heritage of the Central Hills Lands,
- (b) the extent to which the carrying out of the development in accordance with the consent would affect the historic, scientific, cultural, social, archaeological, architectural, natural or aesthetic significance of the item and its site,
- (c) whether the setting of the item, and in particular whether any stylistic, horticultural or archaeological features of the setting, should be retained, and
- (d) whether the item constitutes a danger to the users or occupiers of the item or to the public.

### **19 Conservative incentive relating to items of the environmental heritage**

Nothing in this plan prevents the Council from granting consent to the use for any purpose of a building that is an item of the environmental heritage, or of the land on which such a building is erected, where the Council is satisfied that:

- (a) the use is not likely to have any adverse effect on the amenity of the area, and
- (b) conservation of the building depends on the Council granting consent to that use.

### **20 Heritage Council to be given notice of demolition applications**

Where a person applies for consent to demolish a building or work that is an item of the environmental heritage, the Council shall not grant consent until not less than 28 days after it has notified the Secretary of the Heritage Council of its intention to do so.

### **21 Advertising of applications concerning items of the environmental heritage**

- (1) Pursuant to section 30 (4) of the Act, the provisions of sections 84, 85, 86, 87 (1) and 90 of the Act apply to and in respect of:
  - (a) the demolition of a building or work that is an item of the environmental heritage, and
  - (b) the use of a building or land referred to in clause 19 for a purpose for which development would, but for that subclause, be prohibited under this plan,

in the same way as those provisions apply to and in respect of designated development.

- (2) Subclause (1) does not apply to the partial demolition of a building or work where, in the opinion of the Council, the partial demolition is of a minor nature and does not adversely affect the significance of the building or work as an item of the environmental heritage of the Central Hills Lands.

## **22 Acquisition of reserved land**

- (1) The owner of any land:
  - (a) within Zone No 5 (c) or
  - (b) within Zone No 6 (c),may be notice in writing require:
  - (c) the Council, or
  - (d) the corporation,respectively, to acquire that land.
- (2) On receipt of a notice referred to in subclause (1), the public authority concerned shall acquire the land to which the notice relates.

## **23 Use of reserved land pending acquisition**

- (1) Until land within Zone No 5 (c) or 6 (c) has been acquired pursuant to clause 22, development for any purpose may, with the consent of the Council, be carried out on that land.
- (2) The Council shall not grant consent as referred to in subclause (1) to the development of land within Zone No 6 (c) except with the concurrence of the Director.
- (3) In considering whether to grant concurrence under subclause (2), the Director shall take into consideration:
  - (a) the imminence of development of the land for the purpose for which it is zoned,
  - (b) whether the proposed development will render the land unfit for that purpose,
  - (c) the cost of reinstatement of the land for that purpose, and
  - (d) whether a refusal to grant concurrence will cause undue financial hardship to any owner, mortgagee or lessee of the land.

## **24 Advertising of applications concerning certain development**

Pursuant to section 30 (4) of the Act, the provisions of sections 84, 85, 86, 87 (1) and 90



of the Act apply to and in respect of any development proposed to be carried out for the purposes of an educational establishment, a hospital, an institution, a place of public worship or a recreational establishment in the same way as those provisions apply to and in respect of designated development.

**25 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 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 Items of the environmental heritage

(Clause 5 (1))

“Varro Ville”, lot 21, DP 564065.

“Blairmount”, lot 3, DP 527426.

“Campbelltown Reservoir”, Lots A and B, DP 156085, Narellan Road, Kenny Hill.

“Ingleburn Dam”, Part Lot 7, DP 596839, St Andrews Road, Varroville.

“Sydney Water Supply Upper Canal”, generally following western boundary of local government area of the City of Campbelltown and south, in so far as it traverses land under this plan.

## Schedule 2 Existing holdings

(Clause 11 (2))

Lot 502, DP 618380, Raby Road.

Lots 1, 2, 3, 5, 20, 22 and 23, DP 29019, St James Road.

Lot 2, DP 845124, St Andrews Road.

Lot 10, DP 739366, Raby Road.

Lot 71, DP 706546, St Andrews Road.

Lot 610, DP 825193, Columbia Street.

Lot 1002, DP 719093, Torrens Place.

Lots 3002, 3003 and 3004, DP 802845, Menangle Road.