

Canterbury Local Environmental Plan No 171 (1998 EPI 266)

[1998-266]



New South Wales

Status Information

Currency of version

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Provisions in force

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

Authorisation

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Canterbury Local Environmental Plan No 171 (1998 EPI 266)



New South Wales

1 Name of plan

This plan may be cited as *Canterbury Local Environmental Plan No 171*.

2 Aims, objectives etc

This plan aims to control development of certain land within the City of Canterbury by zoning this land so as to permit the most appropriate use of the land.

3 Land to which plan applies

This plan applies to land situated in the City of Canterbury, known as 154, Bonds Road, Riverwood, being lot 14 in DP 26649, and 7 Larkin Street, Riverwood, being lot 12 in DP 26649, and shown edged red on the map marked “*Canterbury Local Environmental Plan No 171*” deposited in the office of the Council of the City of Canterbury.

4 Relationship to other environmental planning instruments

The *Canterbury Planning Scheme Ordinance* does not apply to the land to which this plan applies.

5 Definitions

Some of the terms used in this plan are defined in the Dictionary at the end of this plan.

6 Consent authority for this plan

The Council is the consent authority for the purposes of this plan.

7 Zone indicated on the map

For the purposes of this plan, land to which this plan applies is within the zone specified below if the land is shown on the map in the manner specified below in relation to the zone:

Zone No 3 (f)
(Specialised Business)

Specialised Business Zone:
coloured light blue with red edging and
lettered "3 (f)".

8 Zone objectives

The objectives of Zone No 3 (f) are:

- (a) to recognise the special character and function of main road frontages within the City of Canterbury, and
- (b) to allow low density retail, display, commercial and office development which does not:
 - significantly compete with or detract from existing retail centres within the City, or
 - generate significant traffic, and
- (c) to allow uses which are compatible with main road frontage without adversely affecting the amenity of properties in the vicinity, and
- (d) to enable a flexible yet comprehensive approach to redevelopment in areas that may be physically and economically in need of renewal, and
- (e) to provide employment opportunities, and
- (f) to allow interim use of properties without affecting the potential for long-term comprehensive redevelopment, and
- (g) to enable the Council to prepare development control plans for the purpose of providing additional details, controls and guidelines.

9 When development consent is required

- (1) All development of land in Zone No 3 (f) requires the consent of the Council.
- (2) The Council is not to grant consent to the carrying out of development unless it is satisfied that the proposed development is compatible with the objectives of that zone.

10 Permissible development

- (1) The following development may be carried out in Zone No 3 (f):
 - (a) identified development,
 - (b) development for the purposes of a building, place, work or land use listed in Table 1 to this plan.

(2) Land within Zone No 3 (f) may be subdivided.

11 Prohibited development

All other development is prohibited in Zone No 3 (f).

12 What is exempt and complying development?

- (1) Development of minimal environmental impact listed in Schedule 1 to *Development Control Plan No 31—Exempt and Complying Development Code* as adopted by the Council on 10 May 2001 is **exempt development**, despite any other provision of this plan.
- (2) Development listed in Schedule 2 to *Development Control Plan No 31—Exempt and Complying Development Code* as adopted by the Council on 10 May 2001 is **complying development** if:
 - (a) it is local development of a kind that can be carried out with consent on the land on which it is proposed, and
 - (b) it is not an existing use, as defined in section 106 of the Act.
- (3) Development is exempt or complying development only if it complies with the development standards and other requirements applied to the development by *Development Control Plan No 31—Exempt and Complying Development Code* as adopted by the Council on 10 May 2001.
- (4) A complying development certificate issued for any complying development is to be subject to the conditions for the development specified in Schedule 3 to *Development Control Plan No 31—Exempt and Complying Development Code* adopted by the Council, as in force when the certificate is issued.

Table 1 Development table

(Clause 10 (1) (b))

	Zone 3 (f)
Advertising Structure	o
Bulky Goods Salesroom	o
Business Premises	o
Child Care Centre	o
Community Facility	o
Dwelling(s) attached to Specialised Business Premises or Office Premises	o
Entertainment Facility	o

Light Industry	o
Motel	o
Office Premises	o
Public Building	o
Public Parking	o
Recreation Facility	o
Restaurant	o
Retail Plant Nursery	o
Service Station	o
Specialised Business	o
Utility Undertaking	o
Vehicle Sales Centre	o
Warehouse and Distribution Centre	o

Dictionary

advertisement means a display, by use of a symbol, sign or other device for promotional purposes or for conveying information, instructions, directions or the like, whether or not the display involves the erection of a structure or the carrying out of a work.

advertising structure means a structure used or to be used for the display of an advertisement.

bulky goods salesroom means a building or place used for the sale of goods (other than food and clothing) which are of such a size and shape as to require:

- (a) a large area for handling, storage or display, and
- (b) easy and direct vehicular access to enable the goods to be collected by customers after sale.

business premises means a building or place in or at which there is carried on an occupation, profession, light industry or trade which provides a service directly or regularly to the public, but does not include a building or place elsewhere defined in this dictionary.

child care centre means a building or place used for supervising or caring for children which:

- (a) caters for 5 or more under school age children, whether or not those children are related to the owner or operator of the building or place, and
- (b) may include an educational function, and
- (c) may be operated for the purpose of gain,

but does not include a building or place providing residential care for those children.

community facility means a building or place, owned or controlled by a public authority or a body of persons, which provides for the physical, social, cultural or intellectual development or welfare of the local community, but does not include a building or place elsewhere defined in this dictionary.

Council means the Canterbury City Council.

dwelling-house means a dwelling which is the only dwelling erected on an allotment of land.

entertainment facility means a building or place used for the purpose of entertainment, exhibitions or displays, and includes a theatre, cinema, music hall, concert hall, open air theatre, drive-in and the like.

identified development means development which is compatible with its locality, that is not described as being allowed in a zone in Table 1 to this plan and which, in the opinion of the Council, is suitable due to the circumstances of the site and is identified in a development control plan.

light industry means:

- (a) a manufacturing process within the meaning of the *Factories, Shops and Industries Act 1962*, or
- (b) the breaking up or dismantling of any goods or an article for trade or sale or gain or as ancillary to any business,

in which the processes carried on, the transportation involved or the machinery or materials used, do not interfere unreasonably with the amenity of the neighbourhood.

motel means premises, not being a hotel, used for the temporary or short-term accommodation of travellers.

office premises means a building or place used for an administrative, clerical, technical or professional purpose, but does not include a building or place elsewhere defined in this dictionary.

public building means a building or place used as a business or office by a public authority or an organisation established for public purposes.

public parking means land owned or operated (or both) by the Council and used for the parking of motor vehicles.

recreation facility means a building or place used for sporting activities, recreation or leisure activities, whether or not operated for the purpose of gain, but does not include a building or place elsewhere defined in this dictionary.

restaurant means a building or place, the principal purpose of which is the provision of food to people for consumption on the premises.

retail plant nursery means a building or place used for growing plants and selling plants by retail, whether or not landscape supplies (including earth products) or other landscape and horticultural products are also sold.

service station means a building or place used for the fuelling of motor vehicles, involving the sale by retail of petrol, oil or other petroleum products, whether or not the building or place is also used for one or more of the following:

- (a) the hiring of trailers,
- (b) the retail selling or the installing of spare parts and accessories for motor vehicles,
- (c) the washing and greasing of motor vehicles,
- (d) the repairing or servicing of motor vehicles (other than body building, panel beating or spray painting),
- (e) the retail selling or hiring of small consumer goods.

specialised business means the display or retail sale of goods (including bulky goods, but not including food or clothing) that satisfy a regional or specialised demand rather than a local demand.

the Act means the [Environmental Planning and Assessment Act 1979](#).

the map means the map held in the office of the Council, certified by the General Manager of the Council and marked "Canterbury Local Environmental Plan No 171".

utility installation means a building or work used for a utility undertaking.

utility undertaking means any undertaking carried out by or under the authority of any Government department, or in pursuance of any Commonwealth or State Act, for the purpose of:

- (a) railway, road, water or air transport, or wharf or river undertakings, or
- (b) the provision of sewerage or drainage services, or
- (c) the supply of water, hydraulic power, electricity or gas, or
- (d) telecommunications facilities, or
- (e) communications facilities.

vehicle sales centre means a building or place used for the display or sale of motor vehicles, caravans or boats, whether or not motor vehicle accessories, caravan accessories or boat accessories are also sold or displayed there.

warehouse and distribution centre means a building or place (other than a building or place used for retail sales) used for the principal purpose of storing or handling items (whether goods or materials) which have been produced or manufactured for distribution to other premises.