

Camden Local Environmental Plan No 46 (1989 EPI 1)

[1989-1]



New South Wales

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New South Wales

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Camden Local Environmental Plan No 46 (1989 EPI 1)



New South Wales

Part 1 Preliminary

1 Name of plan

This plan may be cited as *Camden Local Environmental Plan No 46*.

2 Aims

This plan aims:

- (a) to promote the retention of, and to enhance, the characteristics of the different localities in which housing is or will be situated within the area of Camden by:
 - (i) providing for development that takes into account and promotes the distinctive character and amenity of those localities, and preserves or will create a strong physical and visual distinction between those localities, and
 - (ii) maintaining and strengthening the landscape characteristics and heritage features of those localities, and
 - (iii) encouraging development that results in a clear and attractive identity for each residential release area, and
 - (iv) maintaining the advantages of the traditional lifestyle provided by separate towns in a rural setting, and
 - (v) encouraging innovative and attractive forms of housing and patterns of residential subdivision, and
- (b) to provide for a wide range of housing needs by:
 - (i) allowing a choice of housing options in each town, and
 - (ii) satisfying the housing needs of the community, including socially and physically disadvantaged people, and
 - (iii) increasing the density of residential development near commercial and

- community facilities where satisfactory transport services are available, and
- (iv) promoting more affordable housing, and
- (c) to achieve a high quality of development by:
- (i) encouraging a high design quality, which will provide a pleasant living environment, and
 - (ii) promoting development suitable to particular localities, and
 - (iii) allowing people to carry out a reasonable range of activities from their homes, where such activities are not likely to affect the living environment of neighbours, and
- (d) to achieve sustainable development by:
- (i) maintaining the existing quality of life, and
 - (ii) encouraging development that efficiently uses and makes a feature of natural environmental factors, and
 - (iii) minimising waste and harm to the environment in the use of land, energy and material resources, and
 - (iv) ensuring that services and facilities will be adequate to support additional development, and
- (e) to promote the use of buildings which are designed, sited and constructed, using passive solar principles, so as to maximise energy efficiency by reducing the consumption of non-renewable forms of energy for heating and cooling purposes, and
- (f) to conserve the environmental heritage of the area of Camden, by:
- (i) integrating heritage conservation into the planning and development control processes, and
 - (ii) providing for public involvement in the conservation of environmental heritage, and
 - (iii) requiring the assessment of development with regard to the principle that any development should not adversely affect the heritage significance of heritage items and heritage conservation areas and their settings.

3 Land to which plan applies

- (1) Except as provided by subclause (2), this plan applies to the land in the Municipality of Camden shown by heavy black edging on the map.
- (2) This plan does not apply to land shown uncoloured, edged heavy black and marked

“Deferred” on the map, being land excluded from the operation of this plan pursuant to sections 68 (5) and 70 (4) of the Act.

4 Relationship to other environmental planning instruments

This plan:

- (a) amends Interim Development Orders Nos 3 and 7—Municipality of Camden and Camden Local Environmental Plans Nos 11 and 39 in the manner set out in clause 5, and
- (b) repeals such other local environmental plans and deemed environmental planning instruments as, immediately before the appointed day, applied to the land to which this plan applies, but to the extent only to which those plans or instruments so applied to that land.

5 Amendment of certain environmental planning instruments

- (1) *Interim Development Order No 3—Municipality of Camden* is amended by inserting before clause 2 the following clause:

1B Excluded land

This order does not apply to the land to which the following plan applies:

Camden Local Environmental Plan No 46

- (2) *Interim Development Order No 7—Municipality of Camden*, is amended by inserting at the end of clause 1A the following words:

Camden Local Environmental Plan No 46

- (3) *Camden Local Environmental Plan No 11* is amended by inserting after clause 2 the following clause:

2A Excluded land

This plan does not apply to the land to which the following plan applies:

Camden Local Environmental Plan No 46

- (4) *Camden Local Environmental Plan No 39* is amended by inserting after clause 2 the following clause:

2A Excluded land

This plan does not apply to the land to which the following plan applies:

Camden Local Environmental Plan No 46

6 Definitions

(1) In this plan:

advertisement means the display of symbols, messages or other devices for promotional purposes or for conveying information, instructions, directions or the like, whether or not it includes the erection of an advertising structure.

advertising sign means an advertisement that is painted directly onto an existing part of a building (such as a fascia, wall or shop window) and requires no other supporting structure for its display.

advertising structure means a structure used or principally used for the display of an advertisement (such as a pole sign, flagpole, under awning, flash-mounted or projecting wall sign) and is affixed to a building or premises.

agriculture means horticulture and land husbandry, which includes the keeping or breeding of livestock or bees, and the growing of fruit and vegetables and the like, but does not include intensive animal husbandry, the use of feed lots, piggeries, poultry farming establishments or intensive stables, mushroom growing and other agricultural activities undertaken in large sheds.

alter, in respect of a heritage item or a building, work or relic within a heritage conservation area, means:

- (a) the making of structural changes to its exterior, or
- (b) the making of non-structural changes to the detail, fabric, finish or appearance of its exterior, except changes resulting from any maintenance necessary for its ongoing protective care which does not adversely affect its heritage significance.

animal boarding establishment means a building or place where cats, dogs, horses or other animals are bred, trained, accommodated or nurtured for grain or reward, and includes a riding school.

appointed day means the day on which this plan takes effect.

bed and breakfast establishment means a dwelling-house operated by its permanent residents to provide short term paid accommodation (which may include meals) and includes ancillary buildings within the curtilage of the dwelling-house.

brothel means a building or place used for the purpose of prostitution by one or more prostitutes or a building that is designed for that purpose.

bulky goods shop means a building or place used primarily for the sale by retail or auction, or the hire or display, of items (whether goods or materials) which are of such a size, shape, range or weight as to require:

- (a) a large area for handling, storage and display, and
- (b) direct vehicular access to the site of the building or place by members of the public, for the purpose of loading items into their vehicles after purchase or hire.

child care centre means fixed premises at which a child care service is provided by a person for the purpose of educating, minding or caring (but without providing residential care) for 4 or more children (disregarding any children who are related to the person providing the service) who are under 6 years of age and who do not ordinarily attend school.

conservation plan means a document establishing the heritage significance of a heritage item or heritage conservation area and identifying conservation policies and management mechanisms that are appropriate to enable that significance to be retained in the future use and development of the item or area.

Council means the Council of the Municipality of Camden.

demolish, in respect of a heritage item or a building, work, relic, tree or place within a heritage conservation area, means wholly or partly destroying, damaging or dismantling that item, building, work, relic, tree or place.

health care practice means the use of a room or a number of rooms forming part of, attached to, or within the curtilage of a dwelling-house, by not more than 2 legally qualified medical practitioners, dentists or health care professionals to practise their profession, but only if they do not employ more than 1 employee in connection with the practice.

heritage assessment report means an assessment of the impact of proposed development on the heritage significance of a heritage item and its setting and any heritage conservation area within which it is situated which may or may not include a management strategy for the ongoing conservation of the item or area.

heritage conservation area means land shown edged heavy black on Sheet 2 of the map marked “Camden Local Environmental Plan No 98—Heritage” and described in Schedule 1 and includes buildings, works, relics, trees and places situated on or within that land.

heritage item means a building, work, relic, tree or place (which may or may not be situated on or within land that is a heritage conservation area) described in Schedule 1.

heritage significance means historic, scientific, cultural, social, archaeological,

architectural, natural or aesthetic significance.

home business means an industry or occupation, carried on in a dwelling or in a building the use of which is ancillary to a dwelling where the dwelling and the land on which the dwelling is located are primarily used for residential purposes and where the industry or occupation:

- (a) is carried on by the permanent residents of the dwelling and not more than one non-resident, if any, and
- (b) does not take up floorspace of more than 50 square metres in the whole dwelling or ancillary building, and
- (c) does not interfere with the amenity of the locality because of the emission of noise, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil, or otherwise, and
- (d) does not involve exposure to view from any adjacent premises or from any public place of any unsightly matter, goods or products, and
- (e) does not give rise to traffic levels out of keeping with those of the surrounding locality, and
- (f) does not include acts of prostitution between persons of different sexes or of the same sex, such as:
 - (i) sexual intercourse, as defined in section 61H of the *Crimes Act 1900*, for payment, and
 - (ii) masturbation of one person by another, for payment.

intensive animal husbandry means a building, a place or land used for the purposes of nurturing livestock either wholly or partially by a feeding method other than natural grazing, but does not include the keeping of livestock or poultry intended solely for personal consumption or enjoyment of the owner or occupier of the land.

motor vehicle depot means a building or place used principally for the purpose of parking, and used incidentally for the servicing of motor vehicles, which may include trucks, trailers and buses.

multi-unit housing development means residential development (not being two-dwelling development) resulting in two or more dwellings on one lot, whether the dwellings are attached or detached, and includes town-houses and the like.

professional consulting room means a room or number of rooms forming part of, attached to, or within the curtilage of, a dwelling-house, and used by one legally qualified medical practitioner, by one dentist (within the meaning of the *Dentists Act 1934*) or by one health care professional who practices his or her profession therein as

a sole practitioner, or in partnership with not more than one other practitioner practising the same profession, being premises in which he or she or the partners, as the case may be, employs or employ not more than one employee in connection with the practice, and in which he or she or his or her partner permanently resides.

recreation area means:

- (a) a children's playground, or
- (b) an area used for sporting activities or sport facilities, or
- (c) an area used by the Council to provide recreation facilities for the physical, cultural or intellectual welfare of the community, or
- (d) an area used by a body of persons associated for the purposes of the physical, cultural or intellectual welfare of the community to provide recreation facilities for those purposes,

but does not include a racecourse or a showground.

recreation facility means a building or place used for the purpose of or consisting of:

- (a) a swimming pool (longer than 20 metres),
- (b) a bowling green,
- (c) 2 or more tennis courts, or
- (d) a table tennis centre, squash court, gymnasium, health studio, bowling alley, or any other similar recreational facility, whether used for the purpose of gain or not,

but does not include a place of assembly or a club licensed under the [Registered Clubs Act 1976](#).

relic means any deposit, object or material evidence (which may consist of human remains), relating to:

- (a) the use or settlement of the area of Camden, not being Aboriginal habitation, which is more than 50 years old, or
- (b) Aboriginal habitation of the area of Camden whether before or after its occupation by persons of European extraction.

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.

retail plant nursery means a building or place primarily used for growing plants and for selling, exposing or offering for sale by retail, plants, landscape supplies, landscape products, horticultural products and as an ancillary purpose only, for selling or offering for sale by retail items associated with outdoor gardening and food for consumption on the premises only.

service industry means an industry offering facilities for the repair, manufacture or maintenance of goods, articles or installations and which requires a high level of access by the general public, and includes the sale by retail of items related to the housing industry.

shop-top housing means a room or suite of rooms occupied or used, or so constructed or adapted as to be capable of being occupied or used, as one or more separate domiciles attached to a building within which a retail or commercial activity is undertaken.

the map means the map marked “*Camden Local Environmental Plan No 46*”, as amended by the maps marked as follows:

Camden Local Environmental Plan No 50

Camden Local Environmental Plan No 52

Camden Local Environmental Plan No 54

Camden Local Environmental Plan No 55

Camden Local Environmental Plan No 60

Camden Local Environmental Plan No 68

Camden Local Environmental Plan No 71

Camden Local Environmental Plan No 87

Camden Local Environmental Plan No 96

Camden Local Environmental Plan No 101

Camden Local Environmental Plan No 102—Sheet 1

Camden Local Environmental Plan No 105

Camden Local Environmental Plan No 106

Camden Local Environmental Plan No 123

Camden Local Environmental Plan No 124

Camden Local Environmental Plan No 130

tourist facility means an establishment providing holiday accommodation or recreation facilities, or both, on a short-term use basis, and may consist of or include:

- (a) motels, bed and breakfast establishments, serviced apartments, holiday cabins, caravan parks, camping grounds, and associated swimming pools, golf courses and tennis courts, and
- (b) restaurants, and
- (c) souvenir shops, arts and craft galleries and exhibition centres.

tree means any tree, sapling or shrub which:

- (a) is 3 metres or more in height,
- (b) has a girth of 300mm or more at a height of 1 metre above natural ground surface, or
- (c) has a branch span of 3 metres or more.

two-dwelling development means residential development resulting in two dwellings (but no more) on one lot, where:

- (a) the development involves an addition or alteration to an existing dwelling-house, the erection of a single building containing two dwellings on a vacant lot or the conversion into a dwelling of a building situated on the same lot as a dwelling-house, and
- (b) both dwellings are attached and under the one roof in one building which has the appearance of a single dwelling-house, except where:
 - (i) one of the dwellings was a dwelling-house situated on the lot when *Camden Local Environmental Plan No 72* commenced and the other dwelling results from the conversion of a second building that (when that plan commenced) was situated on the lot and used for a purpose ancillary to the use of that dwelling-house, and
 - (ii) the conversion will not result in any extension to the second building, and
- (c) the total amount of the site area occupied by buildings does not exceed two thirds of the site area, and
- (d) the lot has an area of not less than 400 square metres and is not further subdivided (whether or not under the [Strata Titles Act 1973](#) or the [Community Land Development Act 1989](#)), and
- (e) in the case of the erection of a single building containing two dwellings, the building is of no more than single storey construction, but may be of two storey construction if:

- (i) adjacent land is occupied by two storey dwellings or is vacant (but is not public land), and
- (ii) the Council is satisfied that the proposed building will suit the streetscape and have no adverse effect in terms of character, design, scale, bulk, privacy and overshadowing.

veterinary establishment means a building or place used for the purpose of medical or surgical treatment of animals.

(2) In this plan:

- (a) a reference to a map is a reference to a map deposited in the office of the Council,
- (b) a reference to land within a zone specified in the Table to clause 10 is a reference to land shown on the map in the manner indicated in clause 9 as the means of identifying land of the zone so specified, and
- (c) 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.

7 Adoption of Model Provisions

The *Environmental Planning and Assessment Model Provisions 1980* (except the definitions of **agriculture, home industry, home occupation, map, professional consulting rooms, recreation facility, residential flat building, retail plant nursery** and **tourist facilities** in clause 4 (1) and clauses 8, 15, 35 (c) and 36) are adopted for the purposes of this plan.

8 Consent authority

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

Part 2 General restrictions on development of land

9 Zones indicated on the map

For the purpose 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 1 (a) Rural (40 hectares)—coloured light brown,

Zone No 2 (a) Residential—coloured light scarlet,

Zone No 2 (b) Residential Medium Density—coloured light scarlet with dark-scarlet edging and lettered “2 (b)”,

Zone No 2 (c) Residential Craft—coloured light scarlet with dark-scarlet edging and

lettered “2 (c)”,

Zone No 3 (a) General Business—coloured light blue,

Zone No 3 (b) Business Special—coloured light blue with dark-scarlet edging and lettered “3 (b)”,

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

Zone No 3 (c) Neighbourhood Business—coloured medium blue,

Zone No 3 (d) Business Automotive—coloured light blue with dark-scarlet edging and lettered “3 (d)”,

Zone No 4 (a) General Industrial—coloured purple,

Zone No 4 (b) Service Industrial—coloured purple with dark-scarlet edging and lettered “4 (b)”,

Zone No 5 (a) Special Uses—coloured yellow with scarlet lettering,

Zone No 5 (b) Special Uses—Arterial Road—coloured white with a single red centre-line,

Zone No 5 (b1) Special Uses—Arterial Road Widening—coloured by red and white bands with black edging,

Zone No 5 (d) Special Uses—Proposed Local Roads Reservation—shown in blue stipple,

Zone No 6 (a1) Open Space Existing—coloured dark green,

Zone No 6 (b) Open Space Proposed—coloured light green with dark green edging,

Zone No 6 (c) Open Space Private—coloured dark-green with yellow edging.

10 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 within a zone specified in the Table to this clause, the purposes (if any) for which:
 - (a) development may be carried out without development consent, and
 - (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 1 (a) Rural (40 hectares)

1 Objectives of zone

The objectives of this zone are:

- (a) to promote the conservation of economic units of productive agricultural land,
- (b) to discourage fragmentation of landholdings into areas which are inadequate to support viable commercial agricultural practices,
- (c) to permit the development of appropriate agricultural land-uses and prevent development of inappropriate non-agricultural land-uses,
- (d) to discourage alienation of good farming land while at the same time permitting selected non-agricultural land uses such as rural industries which are in keeping with the principal zone objectives and which will not adversely affect agricultural productivity,
- (e) to permit the development of a number of rural retreats and horse riding and training schools, subject to compliance with suitable performance standards and provided agricultural productivity is not adversely affected and development does not occur on lands subject to environmental hazards, such as bushfire or flood, and
- (f) to ensure that development does not detract from the existing rural character or create unreasonable or uneconomic demands for provision or extension of public amenities and services.

2 Without development consent

Agriculture; forestry.

3 Only with development consent

Any purpose other than a purpose included in item 2 or 4.

4 Prohibited

Amusement centres; animal boarding establishments; boarding-houses; brothels; bulk stores; bulky goods shops; bus depots; bus stations; caravan parks; car repair stations; commercial premises (other than home businesses); general stores; health care practices; hotels; industries (other than rural industries and home businesses); junk yards; liquid fuel depots; mines; motels; motor showrooms; multi-unit housing development; recreation facilities; refreshment rooms; residential flat buildings; road transport terminals; taverns; service stations; shops; shop-top housing; transport terminals; warehouses.

Zone No 2 (a) Residential

1 Objectives of zone

The objective of this zone is to set aside sufficient land for detached housing within suitable living areas of the Camden local government area.

2 Without development consent

Nil.

3 Only with development consent

Any purpose other than a purpose included in item 2 or 4.

4 Prohibited

Airline terminals; amusement centres; animal boarding establishments; boarding houses; brothels; bulk stores; bulky goods shops; bus depots; caravan parks; car repair stations; clubs; commercial premises (other than home businesses); educational establishments; forestry; gas holders; generating works; health care practices; helipads; heliports; hospitals; hotels; industries (other than home businesses); institutions; intensive animal husbandry; junk yards; liquid fuel depots; mines; motels; motor showrooms; motor vehicle depots; multi-unit housing development; recreation facilities; refreshment rooms; retail plant nurseries; roadside stalls; road transport terminals; sawmills; service stations; shops; shop-top housing; stock and sale yards; taverns; timber yards; transport terminals; warehouses.

Zone No 2 (b) Residential Medium Density

1 Objectives of zone

The objectives of this zone are:

- (a) to provide land for all forms of residential development to be carried out in a functional, aesthetic and environmentally sensitive manner, and
- (b) to encourage redevelopment of land for medium density housing, including town-houses, villas, cluster housing, semidetached housing, small lots and the like, in locations close to main activity centres within the Camden local government area.

2 Without development consent

Nil.

3 Only with development consent

Any purpose other than a purpose included in item 2 or 4.

4 Prohibited

Airline terminals; amusement centres; animal boarding establishments; brothels; bulk stores; bulky goods shops; bus depots; caravan parks; car repair stations; clubs; commercial premises (other than home businesses); educational establishments; forestry; gas holders; generating works; health care practices; helipads; heliports; hospitals; hotels; industries (other than home businesses); institutions; intensive animal husbandry; junk yards; liquid fuel depots; mines; motels; motor showrooms; motor vehicle depots; recreation facilities; refreshment rooms; retail plant nurseries; roadside stalls; road transport terminals; sawmills; service stations; shops; shop-top housing; stock and sale yards; taverns; timber yards; transport terminals; warehouses.

Zone No 2 (c) Residential Craft

1 Objectives of zone

The objectives of this zone are:

- (a) to provide land for detached residential development to permit other forms of accommodation compatible with the amenity of immediate neighbourhood, and
- (b) to enable land within the zone to be developed for certain craft

industries together with ancillary shops which may utilise existing buildings, or to be developed for new buildings designed to be compatible with the existing residential development.

2 Without development consent

Nil.

3 Only with development consent

Arts and craft centres; art galleries; bed and breakfast establishments; boarding-houses; craft industries; craft studios; dwelling-houses; two-dwelling development; health care practices; home businesses; museums; professional consulting rooms; refreshment rooms.

4 Prohibited

Any purpose other than a purpose included in item 2 or 3.

Zone No 3 (a) General Business

1 Objectives of zone

The objectives of this zone are:

- (a) to provide sufficient opportunities for the development of retail and commercial activities designed to satisfy the needs of the community in an environmentally sensitive manner,
- (b) to encourage the development and expansion of business activities which will contribute to the economic growth of, and the creation of employment opportunities within, the Municipality of Camden, and
- (c) to encourage a wide range of retail, commercial and recreational facilities.

2 Without development consent

Nil.

3 Only with development consent

Any purpose other than a purpose included in item 4.

4 Prohibited

Agriculture; airline terminals; animal boarding establishments; bed and

breakfast establishments; boarding houses; brothels; bus depots; caravan parks; car repair stations; dwelling-houses (other than those used in conjunction with shops or commercial premises); forestry; gas holders; generating works; heliports; industries; institutions; junk yards; liquid fuel depots; mines; motor vehicle depots; road transport terminals; sawmills; transport terminals.

Zone No 3 (b) Business Special

1 Objectives of zone

The objectives of this zone are:

- (a) to support general retail development of land within Zone No 3 (a) Business General in identified centres by providing land adjoining the centres for generally large scale retail and display activities requiring extensive site areas or generating low returns per unit of floor area or which require a relatively free standing location to facilitate loading and unloading of goods,
- (b) to support general retail and commercial development of land within Zone No 3 (a) Business General in identified centres by providing land for uses which service the needs of activities carried on in those centres, and
- (c) to set aside certain land for provision of services required by the travelling public and the tourist industry and for the development of facilities for refreshment, accommodation, recreation and amusement.

2 Without development consent

Nil.

3 Only with development consent

Any purpose other than a purpose included in item 4.

4 Prohibited

Agriculture; airline terminals; animal boarding establishments; bed and breakfast establishments; boarding houses; brothels; bus depots; car repair stations; caravan parks; dwelling-houses (other than those used in conjunction with shops or commercial premises); forestry; gas holders; generating works; heliports; industries (other than those referred to in Schedule 2); institutions; junk yards; liquid fuel depots; mines; road transport

terminals; sawmills; stock and sale yards; transport terminals.

Zone No 3 (b1) Business Support

1 Objectives of zone

The objectives of this zone are:

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

2 Without development consent

Nil.

3 Only with development consent

Any purpose other than a purpose included in item 4.

4 Prohibited

Agriculture; animal boarding establishments; bed and breakfast establishments; boarding-houses; bulk stores; bus depots; bus stations; caravan parks; commercial uses specified in Schedule 7; dwelling-houses (other than those associated with permitted uses); extractive industries; forestry; gas holders; generating works; health care practices; heliports; home businesses; hospitals; industries (other than those uses specified in Schedule 9); institutions; intensive animal husbandry; junk yards; liquid fuel depots; mines; mineral sand mines; offensive or hazardous industries; professional consulting rooms; road transport terminals; roadside stalls; rural industries; rural workers' dwellings; service industries; shops (other than bulky goods shops or shops specified in Schedule 8); transport terminals; two-dwelling development; units for aged persons; warehouses.

Zone No 3 (c) Neighbourhood Business

1 Objectives of zone

The objectives of this zone are to accommodate the establishment of retail, commercial and professional services for local residents in conveniently located business centres where the scale and type of business development is compatible with the amenity of the surrounding areas and is sufficient to meet the day to day retail needs of the immediate neighbourhood.

2 Without development consent

Nil.

3 Only with development consent

Commercial premises; dwelling-houses; reception lounges; service stations; shops referred to in Schedule 3.

4 Prohibited

Any purpose other than a purpose included in item 3.

Zone No 3 (d) Business Automotive

1 Objectives of zone

The objectives of this zone are:

- (a) to provide opportunities for the development of automotive orientated activities and activities generating numerous short duration vehicle movements in positions with exposure and controlled access, and
- (b) to ensure that such development fulfils a transitional land use role.

2 Without development consent

Nil.

3 Only with development consent

Auto electricians' workshops; automotive spare parts sales; bus depots; bus stations; car battery supplies and repairs; car repair stations; motor showrooms; service stations; agricultural machinery sales and repairs; motels; refreshment rooms; transport terminals; utility installations (other than gas holders or generating works).

4 Prohibited

Any purpose other than a purpose included in item 3.

Zone No 4 (a) General Industrial

1 Objectives of zone

The objectives of this zone are:

- (a) to set aside sufficient land for the purposes of industries (other than offensive of hazardous industries) which can accommodate both traditional and modern forms of industry, manufacturing, warehousing and similar development away from areas used or zoned for residential or business purposes,
- (b) to accommodate larger industry, manufacturing, warehousing and similar developments or those which potentially could cause nuisance on locations separated from residential areas but accessible to the workforce,
- (c) to enable development for the purposes of retailing or commercial offices only where it is associated with, and ancillary to, industry or manufacturing purposes on the same land or where it serves the

convenience needs of the local workforce,

- (d) to minimise any adverse effect of industry on the activities in other zones, and
- (e) to provide sufficient land for industrial purposes, including industries related to scientific research and development.

2 Without development consent

Nil.

3 Only with development consent

Any purpose other than a purpose included in item 4.

4 Prohibited

Amusement centres; bed and breakfast establishments; boarding houses; bulky goods shops; caravan parks; dwelling-houses and residential flat buildings (other than those used in conjunction with industry and situated on land on which such industry is conducted); educational establishments; extractive industries; health care practices; hospitals, hotels; institutions; mines; motels; multi-unit housing development; offensive or hazardous industries; places of assembly; recreation establishments; refreshment rooms; roadside stalls; shops (other than those specified in Schedule 4); shop-top housing; taverns; tourist facilities.

Zone No 4 (b) Service Industrial

1 Objectives of zone

The objectives of this zone are:

- (a) to set aside sufficient land for:
 - (i) the purposes of service industry as defined in this plan, and
 - (ii) the display and retailing by shops of generally large scale merchandise requiring extensive site areas or a free standing location for the transfer of goods, but only where such activities cannot be appropriately located in, or would not adversely affect the range of merchandise offered in, Zone Nos 3 (a) and 3 (b),
- (b) to permit the sale in shops of spare parts and finished goods where such goods would, under normal circumstances, require maintenance or repair

services by the industry located on the same land, and

(c) to permit the sale of low volume goods that are completely or almost completely manufactured on the same land.

2 Without development consent

Nil.

3 Only with development consent

Any purpose other than a purpose included in item 4.

4 Prohibited

Airline terminals; amusement centres; animal boarding establishments; bed and breakfast establishments; boarding houses; brothels; bus depots; caravan parks; commercial premises; dwelling-houses and residential flat buildings (other than those used in conjunction with industry and situated on land on which such industry is conducted); educational establishments; extractive industries; forestry; gas holders; generating works; health care practices; heliports; hospitals; hotels; institutions; intensive animal husbandry; junk yards; liquid fuel depots; mines; motels; multi-unit housing development; offensive or hazardous industries; places of assembly; recreation establishments; refreshment rooms; roadside stalls; sawmills; shops (other than those described in item 1 (a) (ii) and 1 (b)); stock and sale yards; road transport terminals; taverns; tourist facilities; transport terminals, warehouses.

Zone No 5 (a) Special Uses

1 Objectives of zone

The objectives of this zone are to make provision for particular specialised uses.

2 Without development consent

Nil.

3 Only with development consent

Drainage; roads; the particular purpose indicated by scarlet lettering on the map or any purpose ordinarily incidental or subsidiary to that purpose.

4 Prohibited

Any purpose other than a purpose included in item 3.

Zone No 5 (b) Special Uses—Arterial Road

1 Objectives of zone

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

2 Without development consent

Nil.

3 Only with development consent

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

4 Prohibited

Any purpose other than a purpose included in item 3.

Zone No 5 (b1) Special Uses—Arterial Road Widening

1 Objectives of zone

The objective of this zone is to identify lands required for proposed arterial roads, including the widening of existing arterial roads.

2 Without development consent

Nil.

3 Only with development consent

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

4 Prohibited

Any purpose other than a purpose included in item 3.

Zone No 5 (d) Special Uses—Proposed Local Roads Reservation

1 Objectives of zone

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

2 Without development consent

Nil.

3 Only with development consent

Road construction, including drainage and services; landscaping.

4 Prohibited

Any purpose other than a purpose included in item 3.

Zone No 6 (a1) Open Space Existing

1 Objectives of zone

The objectives of this zone are:

- (a) to ensure there is provision of adequate open space areas to meet the needs of all residents and provide opportunities to enhance the total environmental quality of the Municipality of Camden;
- (b) to identify land which is now owned by the Council for open space or public recreational purposes, and
- (c) to identify certain land which is owned by the Crown and under the care, control and management of the Council as public open space.

2 Without development consent

Nil.

3 Only with development consent

Advertising structures; agriculture; any purpose ancillary to the use of the land for public recreation; caravan parks; drainage; forestry; racecourses; recreation facilities; roads; showgrounds; sportsgrounds; utility installations (other than generating works or gas holders).

4 Prohibited

Any purpose other than a purpose included in item 3.

Zone No 6 (b) Open Space Proposed

1 Objectives of zone

The objectives of this zone are to identify land which may be acquired for future open space purposes in accordance with the objectives of Zone No 6 (a1).

2 Without development consent

Nil.

3 Only with development consent

Advertising structures; agriculture; any purpose ancillary to the use of the land for public recreation; caravan parks; drainage; forestry; racecourses; roads; showgrounds; sportsgrounds; utility installations (other than generating works or gas holders).

4 Prohibited

Any purpose other than a purpose included in item 3.

Zone No 6 (c) Open Space Private

1 Objectives of zone

The objectives of this zone are to identify land where private recreation facilities are and may be developed in an environmentally sensitive manner.

2 Without development consent

Nil.

3 Only with development consent

Advertising structures; bed and breakfast establishments; community centres; clubs; drainage; dwelling-houses used in conjunction with purposes permissible in the zone and situated on land on which such purposes are conducted; forestry; utility installations (other than gas holders or generating works); recreation areas; recreation facilities; roads; tourist facilities.

4 Prohibited

Any purpose other than a purpose included in item 3.

Part 3 Special provisions

11 Subdivision of land generally

A person shall not subdivide land to which this plan applies without the consent of the Council.

12 Subdivision in Rural Zone No 1 (a)

- (1) The Council may only consent to an application to subdivide land within Zone No 1 (a) if each separate allotment of land created by the subdivision has an area of not less than 40 hectares.
- (2) Notwithstanding subclause (1), land within Zone No 1 (a) may be subdivided with the consent of the Council if that subdivision is for the purposes of:
 - (a) creating an allotment or allotments intended for open space or other public purposes,
 - (b) making minor adjustments to common property boundaries,
 - (c) enlarging the area of any existing allotment without reducing the area of any existing allotment below the minimum for that zone,
 - (d) rectifying any encroachment upon an existing allotment, or
 - (e) amalgamating allotments.

12A Dwelling-houses

- (1) This clause applies to land within Zone No 1 (a).
- (2) The Council may grant consent to the erection of a dwelling-house on land to which this clause applies only if:
 - (a) the erection of that dwelling-house results in there being only one dwelling on the land, and
 - (b) the allotment has been created pursuant to clause 12 or has an area equal to or greater than 40 hectares as required by clause 12.
- (3) Notwithstanding subclause (2), a dwelling-house may be erected on an allotment of land lawfully created or approved by the Council before the appointed day, and on which a dwelling-house could have been lawfully erected immediately prior to that day, but only if the erection of the dwelling-house would not result in there being more than one dwelling on that allotment.

13 Development standards for two-dwelling development

Two-dwelling development is subject to the following standard and requirement, which are

intended to be development standards:

- (a) the floor space of one of the dwellings that result from carrying out the development is not to exceed 60 square metres, and
- (b) if the development involves the conversion into a dwelling of a building situated on the same lot as a dwelling-house, the building is required to be within 4 metres of the dwelling-house.

14 (Repealed)

15 Industrial development

The Council shall have regard to the introduction of appropriate noise control measures when considering applications for industrial development.

16 Protection of heritage items, heritage conservation areas and relics

- (1) The following may be carried out only with development consent in respect of a heritage item or a building, work, relic or tree within a heritage conservation area:
 - (a) demolishing, defacing, damaging or moving,
 - (b) external and internal structural changes,
 - (c) excavation of land for the purpose of discovering, exposing or moving a relic,
 - (d) erecting a building on, or subdividing land, on which a heritage item is located or which is within a heritage conservation area,
 - (e) non-structural changes to the detail, fabric, finish or appearance of the exterior, except changes resulting from any maintenance necessary for its ongoing protective care which does not adversely affect its heritage significance,
 - (f) damaging any tree on land on which any such item, building, work or relic is situated.
- (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 or the heritage conservation area.
- (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 or heritage conservation area.
- (4) When considering applications for consent to the erection of a building within a heritage conservation area or in the vicinity of a heritage item, the Council must consider an assessment of:

- (a) the pitch and form of the roof, if any, and
- (b) the style, size, proportion and position of the openings for windows or doors, if any, and
- (c) whether the colour, texture, style, size, type and decoration or finish of the materials to be used on the exterior of the building are compatible with those of the materials used in existing buildings within the heritage conservation area or adjoining the heritage item, and
- (d) the bulk-massing, proportion, size and general design of the proposed development, and
- (e) the proximity of any proposed excavation to any heritage item and its likely effects.

(5) The Council must not consent to development involving a heritage item unless it has considered a heritage assessment report or a conservation plan.

17 Notice of certain heritage development applications

Sections 84, 85, 86, 87 (1) and 90 of the Act as in force on 30 June 1998 (which provided for the giving of notice, and for the making and consideration of submissions, about proposed development) apply to the:

- (a) demolishing, defacing or damaging of a heritage item or a building, work, relic, tree or place within a heritage conservation area, and
- (b) use of a building or land referred to in clause 19A for a purpose which, but for that clause, would be prohibited by this plan,

in the same way as those provisions applied to designated development.

18 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.

19 Development in the vicinity of heritage items, heritage conservation areas and archaeological sites

The Council must consider the likely effect the proposed development will have on the heritage significance of a heritage item, heritage conservation area, archaeological site or potential archaeological site, when determining an application for consent to carry out development on land in its vicinity.

19A Conservation incentives

- (1) The Council may grant consent to the use, for any purpose, of a building that is a heritage item or is within a heritage conservation area, 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 heritage item or heritage conservation area, and
 - (b) the conservation of the building depends on the granting of the consent.
- (2) When considering an application for consent to erect a building on land on which a heritage item is located or on land within a heritage conservation area, the Council may, for the purpose of determining the floor space ratio and number of parking spaces to be provided on-site, exclude the floor space of the building erected on the land, but only if the Council is satisfied that the conservation of the building depends on such exclusion.

20 Development of known or potential archaeological sites

- (1) The Council may grant consent to the carrying out of development on an archaeological site that has Aboriginal heritage significance (such as a site that is the location of an Aboriginal place or a relic, within the meaning of the *National Parks and Wildlife Act 1974*) or a potential archaeological site that is reasonably likely to have Aboriginal heritage significance only if:
 - (a) it has considered an assessment of how the proposed development would affect the conservation of the site and any relic known or reasonably likely to be located at the site prepared in accordance with any guidelines for the time being notified to it by the Director-General of National Parks and Wildlife, and
 - (b) it has notified the Director-General of its intention to do so and taken into consideration any comments received from the Director-General within 28 days after the notice was sent, and
 - (c) it is satisfied that any necessary consent or permission under the *National Parks and Wildlife Act 1974* has been granted.
- (2) The Council may grant consent to the carrying out of development on an archaeological site that has non-Aboriginal heritage significance or a potential archaeological site that is reasonably likely to have non-Aboriginal heritage significance only if:
 - (a) it has considered an assessment of how the proposed development would affect the conservation of the site and any relic known or reasonably likely to be located at the site prepared in accordance with any guidelines for the time being notified

to it by the Heritage Council, and

- (b) it has notified the Heritage Council of its intention to do so and taken into consideration any comments received from the Heritage Council within 28 days after the notice was sent, and
- (c) it is satisfied that any necessary excavation permit required by the *Heritage Act 1977* has been granted.

20A Height

- (1) A building must not exceed two storeys in height. A storey does not include a roof void if the pitch of the roof does not exceed 45 degrees.
- (2) Basement car parking must not extend more than 1 metre above ground level.

21 Flood prone land

The Council may refuse consent to the carrying out of any development on land to which this plan applies and which has been identified by the Council as being subject to periodic inundation by floodwaters where the development, in its opinion, will:

- (a) affect the flood level at any point above or below the development,
- (b) increase, to a substantial degree, the flow of water on any adjoining flood liable lands,
- (c) cause soil erosion, siltation or destruction of river bank vegetation,
- (d) affect the water table of any adjoining land, or
- (e) adversely affect river bank stability.

21A Landforming operations

- (1) Development for the purpose of a landforming operation may be carried out on land to which this plan applies only with the consent of the Council.
- (2) In this clause, **landforming operation** means the carrying out of any work or other activity that affects an area of land greater than 100 square metres and that:
 - (a) alters a drainage pattern or a flood level, or
 - (b) raises or lowers the surface of the land at any point so as to alter the natural ground level by more than one metre, or
 - (c) raises or lowers by more than one metre at any point any level of land that has been created by previous excavation or filling.

22 Suspension of certain laws etc

- (1) For the purpose of enabling development to be carried out in accordance with this plan (as in force at the time the development is carried out) or in accordance with a consent granted under the Act, any covenant, agreement or instrument imposing restrictions on the carrying out of the development, to the extent necessary to serve that purpose, shall not apply to the development.
- (2) Nothing in subclause (1) shall affect the rights or interests of any statutory authority under any registered instrument.
- (3) Pursuant to section 28 of the Act, before the making of this plan the Governor approved of subclause (1).

23 Reserved land

- (1) The owner of any land within Zone No 5 (b) may, by notice in writing, require the Council to acquire the land.
- (2) Upon receipt of a notice referred to in subclause (1), the Council shall acquire the land to which the notice relates.
- (3) Except as provided by subclause (4), a person shall not, on land within Zone No 5 (b), carry out development other than the carrying out of a permanent work or a permanent excavation required for or incidental to the purposes of road widening and a person shall not spoil or waste land so reserved or spoil or waste any such land so as to render it unfit for road widening purposes.
- (4) Where it appears to the Council that road widening cannot be carried into effect on any land within Zone No 5 (b) within a reasonable time after the appointed day, the owner of the land may, with the consent of the Council, carry out any other development on the land.
- (5) A consent referred to in subclause (4) shall not be granted unless the Council is satisfied that proper arrangements have been made (whether by the imposition of conditions under section 91 of the Act or otherwise) with respect to the following:
 - (a) the removal or alteration of the work or excavation,
 - (b) the reinstatement of the land,
 - (c) the removal of any waste material or refuse from the land.
- (6) Nothing in this clause shall operate to prohibit the creation of a fence on land within Zone No 5 (b) or the erection or construction, with the consent of the Council, on any such land of any essential utility installation (other than a gas holder or generating works).

24 Protection of trees

- (1) A person shall not ringbark, cut down, top, lop, remove, injure or wilfully destroy any living tree, or cause such a tree to be ringbarked, cut down, removed or wilfully destroyed, without development consent.
- (2) Subclause (1) extends to a public authority except in relation to the pruning of a tree growing on, overhanging or encroaching onto land owned by the Council or under its care, control and management.
- (3) If the Council receives an application for its consent as required by this clause, it must, within 14 days of receiving the application, give notice of it to the persons who appear to it to own or occupy the land adjoining the land to which the application relates if, in its opinion, the enjoyment of the adjoining land would be detrimentally affected by the action proposed in the application.
- (4) The Council must specify in a notice under subclause (3) a period within which written submissions may be made to the Council concerning the application and must not determine the application until that period has expired and it has considered any submission received within that period.
- (5) This clause does not apply to or in respect of:
 - (a) a tree declared to be a noxious plant or noxious weed by or under any Act,
 - (b) action required by clause 23 of the [Electricity \(Overhead Line Safety\) Regulation 1991](#),
 - (c) a tree that harbours fruit fly,
 - (d) a tree that is dead,
 - (e) the following trees:
 - Privet (*Ligustrum* sp)
 - African Olive (*Olea africana*)
 - Honey Locust (*Gleditsia triacanthos*)
 - Lantana (*Lantana camara*)
 - Coccus Palm (*Syagrs rhomanzofianum*),
 - (f) a tree located on land that is subject to a development consent for the erection of a building or the carrying out of a work that authorises the removal of that tree, or
 - (g) the destruction or removal of a tree within 0.5 metres of the boundary between land owned or occupied by different persons, for the purpose of enabling a survey

to be carried out along that boundary by a surveyor registered under the [Surveyors Act 1929](#).

- (6) The Council must not grant consent as required by this clause unless it has taken into consideration such of the following matters as are of relevance to the application:
- (a) the aesthetic, botanical, environmental, historic and heritage importance of the tree,
 - (b) whether the tree presents or is likely to present a health or safety hazard to persons,
 - (c) whether the tree has damaged (or would be likely to damage) property,
 - (d) the extent to which the tree diminishes sunlight to habitable rooms in buildings and outdoor areas,
 - (e) whether the tree obstructs or would be likely to obstruct accessways, footpaths, roads, utility services, drainage lines or the like or would otherwise cause a nuisance to, or endanger the movement of, persons or their vehicles,
 - (f) the impact of the action or work on the appearance, health or stability of the tree and the general amenity of the surrounding area,
 - (g) in the case of an application for consent to remove a tree:
 - (i) whether the pruning of the tree would be a more practical and desirable alternative, or
 - (ii) whether a replacement tree or trees should be planted,
 - (h) guidelines, plans and policies adopted by the Council from time to time that are available for public inspection at the Council's offices concerning the preservation and protection of trees, including those identified in:
 - (i) the document called "*Camden Significant Tree and Vegetated Landscape Study*", or
 - (ii) plans of management or vegetation plans, or
 - (iii) tree management policies.

24A Development affecting trees

Anything affecting a tree that must be done to carry out an activity in accordance with an approval granted under Part 1 of Chapter 7 of the [Local Government Act 1993](#) may be done without development consent, if the tree and the thing that must be done were specified in the application for the approval.

24B Clearing

- (1) Land within Zone No 1 (a), 5 (a), 6 (a1), 6 (b) or 6 (c) must not be cleared for any purpose, except with the consent of the Council.
- (2) In considering whether to grant consent as required by this clause, the Council must take into consideration the extent to which clearing would adversely affect the amenity of the natural and rural landscape.
- (3) In this clause:

biological diversity means variability among living organisms and the ecological systems of which they are part, and includes diversity within species, between species and of ecosystems.

clearing of vegetation (including native vegetation) means directly or indirectly:

- (a) killing, destroying or burning vegetation, or
- (b) removing vegetation, or
- (c) severing or lopping branches, limbs, stems or trunks of vegetation, or
- (d) substantially damaging vegetation in any other way,

but does not include sustainable grazing.

critical habitat has the same meaning as in the [Threatened Species Conservation Act 1995](#).

native grasslands means a plant community dominated by native grasses and containing a variety of other native herbaceous plants, and may comprise the dominant layer of vegetation (treeless and shrubless communities) or the understorey in tree or shrub-dominated communities (grassland understoreys).

native vegetation means vegetation that is indigenous to the Camden local government area, including trees, shrubs, understorey plants and native grasslands, indigenous vegetation being a species which existed in the Camden local government area before European settlement.

remnant vegetation means any patch of native vegetation around which most or all of the native vegetation has been removed.

riparian vegetation means the native vegetation which is located on land which is situated within, or within 40 metres of, the bed or bank of any river or lake, in each case within the meaning of the [Water Administration Act 1986](#).

threatened species, population or ecological community has the same meaning as in the [Threatened Species Conservation Act 1995](#).

vegetation means plants, including trees, shrubs and understorey plants.

- (4) This clause does not apply to or in respect of the following:
- (a) vegetation located on land that is subject to a development consent for the erection of a building or the carrying out of a work that authorises the removal of that vegetation,
 - (b) mistletoe control (the lopping of vegetation for mistletoe control to the minimum extent necessary for the vegetation's continued health),
 - (c) burning (the clearing of vegetation as authorised under the *Bush Fires Act 1949*),
 - (d) public utilities and emergency work (the clearing, to a minimum extent, of vegetation for the maintenance of public utilities associated with the provision of power lines, transmission of electricity, water, gas, electronic communications or the like, for air navigation purposes, or which may reasonably be thought likely to be at risk of causing personal injury or damage to property),
 - (e) planted vegetation (the clearing of vegetation planted for forestry, agriculture, agroforestry, woodlots, gardens or horticultural purposes),
 - (f) private forestry (the clearing of vegetation in a forest in the course of its being selectively logged on a sustainable basis or managed for forestry purposes, such as timber production),
 - (g) regrowth (the removal of vegetation, whether seedlings or regrowth, of less than 10 years of age if the land has been previously cleared for cultivation, pastures or forestry plantation purposes),
 - (h) noxious weeds (the clearing of vegetation declared a noxious weed by or under any Act),
 - (i) vertebrate pest control (the clearing of vegetation to the minimum extent necessary for vertebrate pest control),
 - (j) the destruction or removal of vegetation, within 0.5 metre of the boundary between land owned or occupied by different persons for the purpose of enabling a survey to be carried out along that boundary by a surveyor registered under the *Surveyors Act 1929*.
- (5) The Council must not grant consent as required by this clause unless it has taken into consideration the likely social, environmental and economic consequences of granting or refusing to grant consent, and such of the following matters as are of relevance to the application:
- (a) whether the vegetation is remnant vegetation in a region that has been extensively cleared,

- (b) whether the area has a high biological diversity,
- (c) whether the area contains any of the following:
 - disjunct populations of a native species or a species that is near the limit of its geographic range,
 - riparian vegetation,
 - vegetation associated with wetlands,
- (d) whether the area has connective importance as, or as part of, a corridor of native vegetation (meaning native vegetation forming a connection that allows for the potential passage of species of flora or fauna between two or more other patches of vegetation),
- (e) whether the area is, or is part of, land identified as wilderness in a wilderness assessment report prepared by the Director-General of National Parks and Wildlife,
- (f) whether the vegetation is adequately represented in a conservation reserve system,
- (g) whether the area is an “inholding” situated within land reserved or dedicated under the [National Parks and Wildlife Act 1974](#),
- (h) whether the area is important as a site along a migratory route for wildlife,
- (i) whether the area functions as an important drought refuge for wildlife,
- (j) whether clearance would be likely to contribute significantly to any of the following problems:
 - soil erosion,
 - salinisation of soil and water,
 - acidification of soil,
 - land slip,
 - deterioration in the quality of surface or ground water,
 - increased flooding,
- (k) whether there is any need for conservation of all or some of the vegetation because of:
 - its unusually good condition or integrity as a sample of its type, or
 - the low boundary to area ratio of the area, or

- the existence within the area of Aboriginal sites, or
 - the existence within the area of a site of geological significance,
- (l) guidelines adopted by the Council from time to time that are available for public inspection at the Council's offices concerning the preservation and protection of vegetation (including those identified in plans of management, vegetation plans and vegetation management plans and policies).
- (6) The Council may serve a copy of an application for consent as required by this clause on any one or more of the following:
- (a) the Director-General of the Department of Land and Water Conservation,
 - (b) the Environment Protection Authority,
 - (c) the Director-General of the Department of Agriculture,
 - (d) the Director-General of National Parks and Wildlife,
 - (e) the Director of NSW Fisheries.
- (7) The Council must not grant consent to the application until after taking into consideration any response made to the Council by the public authority concerned within 28 days of service of the copy of the application.
- (8) Despite the other provisions of this clause, if the development that is the subject of an application for consent as required by this clause:
- (a) is on land that is, or is part of, critical habitat, or
 - (b) is likely to significantly affect a threatened species, population or ecological community, or its habitat,
- the application for development consent must be determined in accordance with the procedures specified in sections 77A-77C of the Act.
- (9) For the purposes of subclause (8) (b), the factors specified in section 5A of the Act are to be taken into account by the Council in deciding whether the development is likely to significantly affect a threatened species, population or ecological community, or its habitat.

25 Development for certain additional purposes

- (1) Nothing in this plan prevents a person, with the consent of the Council, from carrying out development on land referred to in Schedule 5 for a purpose specified in relation to that land in the Schedule, subject to such conditions (if any) as are so specified.
- (2) Subclause (1) does not affect the application, to or in respect of development to which

this clause applies, of such of the provisions of this plan are not inconsistent with that subclause or with a consent granted by the Council in respect of the development.

- (3) If a condition referred to in subclause (1) requires a consent to be granted in a specified period from the date of gazettal of an environmental planning instrument, the Council may not grant consent after the expiration of that period (or such longer period as the Minister may, before the expiration of that period, notify by an order published in the Gazette).
- (4) Nothing in subclause (3) prevents the Council from granting consent to the carrying out of alterations or extensions to, or the rebuilding of, a building or place being used for a purpose for which consent has been granted in accordance with subclause (1).

25A Development of certain land—Old Hume Highway, Camden South

- (1) Notwithstanding any other provision of this plan, development shall not be carried out on land within Zone No 3 (b), being Lot 3, DP 628551, Old Hume Highway, Camden South, as shown edged heavy black on the map marked "*Camden Local Environmental Plan No 66*" for any purpose other than cluster housing, dwelling-houses, medium density housing, motels, reception establishments, restaurants and roads.
- (2) This clause does not prevent the subdivision of that land with the consent of the Council.

26 Development within mine subsidence district

- (1) This clause applies to land within an area which has been proclaimed as a mine subsidence district under section 15 of the *Mine Subsidence Compensation Act 1961*.
- (2) The Council shall not consent to the carrying out of development on the land to which this clause applies unless it has first obtained the concurrence of the Mine Subsidence Board to the carrying out of the development.
- (3) In deciding whether concurrence should be granted as referred to in subclause (2), the Mine Subsidence Board shall take into consideration:
 - (a) the potential use of the land for mining purposes,
 - (b) whether coal resources will be sterilised by the proposed development and the measures (if any) to be taken to prevent that sterilisation,
 - (c) whether conditions to prevent the surface effects of mine subsidence should be imposed on the granting of consent to the carrying out of the development, and
 - (d) whether granting concurrence to the carrying out of the development is likely to encourage development applications which, if granted, would be likely to sterilise coal resources.

26A Classification and reclassification of public land as operational land

- (1) The public land described in Schedule 6 is classified, or reclassified, as operational land for the purposes of the *Local Government Act 1993*, subject to this clause.
- (2) Land described in Part 1 of Schedule 6 is not affected by the amendments made by the *Local Government Amendment (Community Land Management) Act 1998* to section 30 of the *Local Government Act 1993*.
- (3) Land described in Part 2 of Schedule 6:
 - (a) to the extent (if any) that the land is a public reserve, does not cease to be a public reserve, and
 - (b) continues to be affected by any trusts, estates, interests, dedications, conditions, restrictions or covenants by which it was affected before its classification, or reclassification, as the case requires, as operational land.
- (4) Land described in Columns 1 and 2 of Part 3 of Schedule 6, to the extent (if any) that it is a public reserve, ceases to be a public reserve on the commencement of the relevant amending plan and, by the operation of that plan, is discharged from all trusts, estates, interests, dedications, conditions, restrictions and covenants affecting the land or any part of the land except:
 - (a) those (if any) specified for the land in Column 3 of Part 3 of Schedule 6, and
 - (b) any reservations that except land out of a Crown grant relating to the land, and
 - (c) reservations of minerals (within the meaning of the *Crown Lands Act 1989*).
- (5) In this clause, **the relevant amending plan**, in relation to land described in Part 3 of Schedule 6, means the local environmental plan that inserted the land description in that Part.
- (6) Before the relevant amending plan inserted a description of land into Part 3 of Schedule 6, the Governor approved of subclause (4) applying to the land.

27 Development near zone boundaries

- (1) This clause applies to land within 50 metres of a boundary between any two of Zones Nos 1 (a), 2 (a), 2 (b), 2 (c), 3 (a), 3 (b), 3 (b1), 3 (c), 3 (d), 4 (a), 4 (b), 5 (a), 5 (d), 6 (a1), 6 (b) and 6 (c).
- (2) Subject to subclause (3), development may, with the consent of the Council, be carried out on land to which this clause applies for any purpose for which development may be carried out in the adjoining zone.
- (3) The Council shall not consent to the carrying out of development referred to in subclause (2) unless, in the opinion of the Council, the carrying out of the

development is desirable due to planning design, ownership, servicing, accessibility or similar criteria relating to the most appropriate development of the land and adjoining lands.

28 Brothels

- (1) Despite any other provision of this plan, development for the purpose of a brothel must not be carried out if the relevant building or place is located:
 - (a) within an area other than the area in Zone No 4 (a) shown hatched on the sheet of the map marked "*Camden Local Environmental Plan No 93—Sheet 1 Narellan*" deposited in the office of the Council of Camden, or
 - (b) adjacent to any property used or partly used for residential purposes.
- (2) In determining an application for consent to carry out development for the purpose of a brothel, the Council must consider the following (in addition to any other matter that it is required by or under the Act to consider):
 - (a) whether the brothel is to operate near, or within view from, a church, hospital, community facility, child care centre, school, residential development, public open space or any place regularly frequented by children for educational, recreational or cultural activities,
 - (b) whether the operation of the brothel is likely to cause disturbance in the neighbourhood when taking into account other brothels operating in the neighbourhood or other land uses within the neighbourhood involving similar hours of operation,
 - (c) whether suitable access is available or is proposed to be provided to the brothel,
 - (d) whether a suitable waiting area is provided in the brothel so as to prevent clients loitering outside the premises,
 - (e) whether sufficient off-street parking is available or proposed to be provided, if appropriate in the circumstances,
 - (f) the design and external appearance of the building and any associated structure and their impact on the character of the surrounding built environment,
 - (g) the content, illumination, size and shape of any advertisement and distinctive external lighting,
 - (h) whether the operation of the brothel is likely to cause a disturbance in the neighbourhood because of its size and the number of people working in it,
 - (i) whether the operation of the brothel is likely to interfere with the amenity of the neighbourhood,

(j) any other environmental planning matter that the Council considers relevant.

29 What is exempt and complying development?

- (1) Development of minimal environmental impact listed as exempt development in *Development Control Plan No 112* as adopted by the Council on 24 September 2001 is **exempt development**, despite any other provision of this plan.
- (2) Development listed as complying development in *Development Control Plan No 112* as adopted by the Council on 24 September 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 112* as adopted by the Council on 24 September 2001.
- (4) A complying development certificate issued for any complying development is to be subject to the conditions for the development specified in *Development Control Plan No 112* adopted by the Council, as in force when the certificate is issued.

Schedule 1

(Clause 6 (1))

Heritage items

Hume Highway

No 224, lot 2, DP 31361 (former Camden Park Gate Lodge)—1995-00000-5

Menangle Road and Park Street

Macarthur Park—2580-00000-4

Camden Valley Way

No 131, lot 100, DP 716594 (Burton Arms Inn)—548-21200-0

Lot 2, DP 556856 (Studley Park House)—548-25400-2

Lot 70, parts 65/69, part 1, DP 556856, lot 4, DP 563246 (St Thomas Church Hall)—548-22700-8

Cawdor Road

Camden Cemetery

Bruchhauser Crescent

No 23, lot 25, DP 240332 (Residence) (Bruchhauser)—439-02160-1

Richardson Road

Anglican Cemetery—3180-00000-6

Hilder Street

Lot 2, DP 560048 (“Hilsyde”)—1671-40000-8

Broughton Street

No 80, lot 2, DP 530480 (Camden District Hospital)—388-00000-2

Hill Street

No 36, lot B, (Masonic Lodge)—3950/36

Elizabeth Macarthur Drive

No 100, pt lot 11, DP 658458 (Belgenny Farm Group)—2725.475

Heritage Conservation Areas

St Johns Hill Heritage Conservation Area

Land shown edged heavy black on Sheet 2 of the map marked “*Camden Local Environmental Plan No 98—Heritage*”.

Schedule 2

(Clause 10)

Clothing manufacture

Electrical appliance manufacture, repair and general electrical servicing

Furniture manufacture

Printer’s workshop

Signwriter’s workshop

Schedule 3

(Clause 10)

Butcher’s shop

Chemist’s shop

Confectionery shop and milk bar

General store

Greengrocer’s shop

Hardware shop

Newsagent's shop

Produce store

Smallgoods and sandwich shop

Tobacconist's and hairdressing shop

Liquor store

Video shop

Schedule 4

(Clause 10)

Bank

Butcher's shop

Chemist's shop

Confectioner's shop and milk bar

Takeaway food establishment

Fruit shop

Corner shop

Newsagent's shop

Smallgoods and sandwich shop

Tobacconist's or hairdresser's shop

Schedule 5

(Clause 25)

Lot 1, DP 577151—tourist facilities.

Lot 12, DP 570351, Harrington Street, Elderslie, as shown edged heavy black on the map marked "*Camden Local Environmental Plan No 53*"—retail garden centre and landscape supply outlet.

Lot 5, DP 243156, Old Hume Highway, South Camden—40 self-contained dwellings for the purposes of aged persons housing, such development being consistent with concept plans numbered 90/71 and 6-3R1, 6-3R2, 6-3R3 held by the Council, where consent to the development is granted within 2 years from the date when *Camden Local Environmental Plan No 54* took effect.

Lots 1 and 2, DP 612829, Argyle Street, Camden, as shown edged heavy black on the map marked "*Camden Local Environmental Plan No 56*"—turf farm, where consent to the development is granted within 2 years from the date when *Camden Local Environmental Plan No 56* took effect and the consent limits the duration of the additional use to not more than 10 years.

Portions 19, 19A and 20 and Lot 2, DP 813217, Queen and Elyard Streets, Narellan, as shown edged heavy black on the map marked “*Camden Local Environmental Plan No 63*”—public buildings.

Lot 2, DP 801271, George Hunter Drive, Narellan, as shown edged heavy black on the map marked “*Camden Local Environmental Plan No 69*”—refreshment rooms.

Part Lot 17, DP 71863, The Northern Road, Narellan, as shown edged heavy black on the map marked “*Camden Local Environmental Plan No 79*”:

- exhibition homes, associated sales office and financing services,
- customer service centre (separate building),
- the display and retailing of all household items (ie appliances, furniture, carpets, curtains etc, paints and other related hardware accessories and building materials),
- commercial landscaping areas involving the display and retailing of landscaping services/items,
- “events area” and amphitheatre for building demonstration purposes,
- children’s play area,
- associated off-street parking and loading/unloading facilities,

providing consent to the development is granted within 2 years after the date when *Camden Local Environmental Plan No 79* took effect.

Lots 1-7, Pt Lots 59-64, Lot 65 and Pt Lot 66, DP 979345, cnr Camden Valley Way and Macarthur Road, Elderslie, as shown edged heavy black on the map marked “*Camden Local Environmental Plan No 86*”—the sale of fruit and vegetables (whether or not grown on the subject land) from the existing shed on the subject land.

Part of Lot 4, DP 558686, 37 Hilder Street, Elderslie as shown edged heavy black on the map marked “*Camden Local Environmental Plan No 89***medical centre**, meaning a building or place used for the purpose of providing professional health services (such as preventative care, diagnosis, medical or surgical treatment or counselling) to out-patients only, but only if any building used for the purpose of a medical centre is located above the level of the 1% Average Exceedance Probability Flood.

Lots 3 and 9 in DP 243156, Old Hume Highway and Ironbark Avenue, South Camden, as shown edged by a heavy black line on the map marked “*Camden Local Environmental Plan No 99*”—exhibition village, being a group of exhibition homes, which may include a sales office used temporarily for the sale, and financing the selling, of land and new dwellings. For the purposes of this item, **exhibition home** means a dwelling constructed for display purposes to demonstrate aspects of housing form, design, construction, materials and the like, and which may or may not be used for ancillary activities, for example, as a site office used for purposes related to house sales.

Lot 2, DP 1008301, No 23 Harrington Street, Elderslie, as shown edged heavy black on the map marked “*Camden Local Environmental Plan No 129*”—strata subdivided serviced apartments, a convention centre and restaurant.

Schedule 6 Classification and reclassification of public land as

operational land

(Clause 26A)

Part 1 Land classified, or reclassified, under original section 30 of Local Government Act 1993

Narellan

Elyard Street Portions 19A and 20, Parish of Narellan and County of Cumberland, as shown edged heavy black on Sheet 2 of the map marked “*Camden Local Environmental Plan No 102*”.

Queen Street Lot 201, DP 835003, as shown edged heavy black on Sheet 2 of the map marked “*Camden Local Environmental Plan No 102*”

Part 2 Land classified, or reclassified, under amended section 30 of Local Government Act 1993—interests not changed

Locality	Description
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Part 3 Land classified, or reclassified, under amended section 30 of Local Government Act 1993—interests changed

Column 1	Column 2	Column 3
Locality	Description	Any trusts etc not discharged
Camden South		
Lawson Avenue	So much of Lot 547, DP 241403 as is shown edged heavy black on the map marked “ <i>Camden Local Environmental Plan No 134</i> ”.	
Elderslie		
Camden Valley Way	So much of Lot 101, DP 631430, as is shown edged heavy black on the map marked “ <i>Camden Local Environmental Plan No 130</i> ”.	
Camden Valley Way	So much of Lot 5, DP 558686, as is shown edged heavy black on the map marked “ <i>Camden Local Environmental Plan No 132</i> ”.	—

Schedule 7

(Clause 10)

Prohibited commercial uses

Bank
Credit union
Government business shopfront
Hairdressing and beauty salon
Post office
Travel agency

Schedule 8

(Clause 10)

Permitted shops

Antiques (second-hand) furniture shop
Automotive parts and accessories shop
Butcher's shop
Chemist's shop
Corner shop trading principally in groceries, small goods and associated small items for residents in its vicinity
Electrical goods shop
Floor coverings shop
Fruit shop
Furniture shop
Hardware shop
Lighting shop
Newsagent's shop
Office supplies shop
Outdoor products (such as lawn mowers, clothes hoists, garden sheds, swimming pool equipment and outdoor furniture) shop
Takeaway food shop
Tobacconist
Toys and sporting equipment shop
Video hire shop

Schedule 9

(Clause 10)

Permitted industrial uses

Automotive accessory fitting and service
Automotive electrician's workshop
Clothing manufacture
Electrical appliance manufacture, repair and general electrical servicing
Furniture manufacture

Printer's workshop
Signwriter's workshop