

Camden Local Environmental Plan No 47 (1990 EPI 542)

[1990-542]



New South Wales

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New South Wales

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Camden Local Environmental Plan No 47 (1990 EPI 542)



New South Wales

Part 1 Preliminary

1 Name of plan

This plan may be cited as *Camden Local Environmental Plan No 47*.

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 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.

3 Land to which plan applies

(1) This plan applies to land in the Municipality of Camden as shown by heavy black edging on the map.

(2) This plan does not apply to the land marked "Deferred" on the map, being land excluded from the operation of this plan pursuant to section 68 (5) of the Act.

4 Relationship to other environmental planning instruments

This plan:

(a) amends Camden Local Environmental Plans Nos 11 and 42, and *Interim Development Order No 7—Municipality of Camden*, 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 only to the extent to which those instruments so applied to that

land.

5 Amendment of certain environmental planning instruments

- (1) *Camden Local Environmental Plan No 11* is amended by inserting at the end of clause 2A the following words:

Camden Local Environmental Plan No 47

- (2) *Camden Local Environmental Plan No 42* is amended by inserting after clause 1 the following clause:

1A Excluded land

This plan does not apply to land to which the following environmental planning instruments apply:

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

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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 pole sign, flagpole, under awning, flash-mounted or projecting wall sign) and is affixed to a building or premises.

Act means the *Environmental Planning and Assessment Act 1979*.

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.

caravan park means land used for the accommodation of caravans or other movable dwellings within the meaning of section 289E of the [Local Government Act 1919](#).

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.

community centre means a building or place owned or controlled by the Council and used to provide facilities comprising or relating to any one or more of the following:

- (a) a public welfare referral service,
 - (b) counselling services,
 - (c) public health services including baby health centres,
 - (d) a public library or branch of such a library,
 - (e) rest rooms (including refreshment facilities associated with rest rooms),
 - (f) meeting rooms,
 - (g) passive recreation,
 - (h) child minding facilities,
 - (i) public halls,
 - (j) exhibition spaces,
 - (k) public buildings,
 - (l) places of public worship,
- or any other like facilities.

conference facilities means facilities for delegates attending conferences, discussions or study groups, including associated facilities for refreshments, meals, overnight accommodation, and recreation where such facilities are adequate for not less than 50 delegates.

convenience shop means a building or place that provides an extended hours retail service to cater for the day-to-day minor shopping needs of local residents.

Council means the Council of the Municipality of Camden.

hand made goods means goods that are not mass produced but are constructed and assembled by hand.

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 of grit, 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,
- (f) does not include acts of prostitution between persons of different sexes or of the same sex, and includes:
 - (i) sexual intercourse as defined in section 61H of the [Crimes Act 1900](#), and
 - (ii) masturbation committed by one person on another, for payment.

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.

neighbourhood centre means a comprehensively designed small centre having a total site area of not more than 7,500 square metres and including all or any of the following:

- (a) shops having a combined total net floor area of not greater than 60 percent of the total site area,
- (b) facilities for petrol sales,
- (c) child care centres,
- (d) community facilities,
- (e) buildings for public worship,
- (f) recreation facilities.

professional consulting rooms means a room or number of rooms forming part of, attached to, or within the curtilage of, a dwelling-house, and used by one qualified medical practitioner, by one dentist within the meaning of the *Dentists Act 1934*, or by one health care professional, who practises 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.

recreation area means:

- (a) a children's playground,
- (b) an area used for sporting activities or sporting facilities, or
- (c) an area used to provide facilities for recreational activities capable of promoting the physical, cultural or intellectual welfare of persons within the community, being facilities provided by:
 - (i) the Council, or
 - (ii) a body of persons associated for the purposes of the physical, cultural or intellectual welfare of persons within the community,

but does not include a racecourse or a showground.

relic means any deposit, object or material evidence (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.

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, maintenance, assembly or low volume manufacturing of goods, articles or installations, generally requiring a high level of contact with or access by the general public, and includes the ancillary sale of goods or parts, if such sales are related to the repair, maintenance, assembly or manufacturing activities of the industry.

the map means the map marked “*Camden Local Environmental Plan No 47*”, as amended by the maps (or, if any sheets of maps are specified, by the specified sheets of the maps) marked as follows:

Editorial note—

The amending maps are not necessarily listed in the order of gazettal. Information about the order of gazettal can be determined by referring to the Historical notes at the end of the plan.

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Camden Local Environmental Plan No 62

Camden Local Environmental Plan No 64

Camden Local Environmental Plan No 68

Camden Local Environmental Plan No 70

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Camden Local Environmental Plan No 113—Sheet 1

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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.

(2) In this plan:

- (a) a reference to a map is a reference to a map deposited in the office of the Council, and
- (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 within 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* (other than the definitions of **child care centre**, **home industry**, **home occupation**, **map**, **professional consulting rooms**, **residential flat building** and **retail plant nursery** in clause 4 (1) and clauses 8, 15 and 35 (c) 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 restriction on development of land

9 Zones indicated on the map

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

Zone No 2 (d) (Residential “D” (Release Areas) Zone)—shown with heavy black edging and lettered “2 (d)”

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

Zone No 3 (g) (District Business Zone)—shown with heavy black edging and lettered “3 (g)”

Zone No 4 (a) (General Industrial Zone)—shown with heavy black edging and lettered “4 (a)”

Zone No 4 (b) (Service Industrial Zone)—shown with heavy black edging and lettered “4 (b)”

Zone No 5 (a) (Special Uses Zone)—shown with heavy black edging and lettered “5 (a)”

Zone No 5 (b) (Special Uses—Arterial Road Zone)—shown with heavy black edging, a single black centre-line and lettered “5 (b)”

Zone No 6 (d) (Regional Open Space Zone)—shown with heavy black edging and lettered “6 (d)”

Zone No 7 (d1) (Environmental Protection (Scenic) Zone)—shown with heavy black edging and lettered “7 (d1)”

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 purpose (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 heading “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 2 (d) (Residential “D” (Release Areas) Zone)

1 Objectives of zone

The objectives are:

- (a) to promote a distinctive character and quality of development in each release area, based on the historic and natural characteristics of the land, and
- (b) to retain a close physical and visual contact with the rural setting, and
- (c) to ensure the provision of accessible and convenient commercial, social, recreational, community and employment facilities and satisfactory public transport to serve the needs of the residential district for educational, recreational, religious, community service and welfare activities, and
- (d) to provide land for use as an appropriate urban drainage system in an environmentally sensitive manner so that it may also be used as recreational land, and
- (e) to provide accessible open space suitable for the active and passive

recreation of the population generally and of young children in particular, and

(f) to allow land for pedestrian and cycle routes between areas of activity.

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; brothels; bulk stores; bulky goods shops; bus depots; car repair stations; caravan parks; commercial premises except as part of a neighbourhood centre or as a home business; extractive industries; generating works; helipads; heliports; hospitals; hotels; industries (other than home businesses); junk yards; liquid fuel depots; mines; motor showrooms; motor vehicle depots; road transport terminals; roadside stalls; sawmills; stock and sale yards; taverns; warehouses.

Zone No 3 (b1) Business Support Zone

1 Objectives of zone

The objectives 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 vehicle 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.

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 4; dwelling-houses (other than those associated with permitted uses); extractive industries; forestry; gas holders; generating works; heliports; home businesses; hospitals; industries (other than those uses specified in Schedule 6); 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 5); transport terminals; two-dwelling development; units for aged persons; warehouses.

Zone No 3 (g) (District Business Zone)

1 Objectives of zone

The objectives are:

- (a) to provide a district centre with retail, commercial, community and recreational facilities, which are fully serviced, drained and landscaped, to meet the requirements of the Narellan growth area, and

- (b) to provide medium density residential development on any part of the land included in this zone which is not required for development for other purposes permissible in this zone.

2 Without development consent

Nil.

3 Only with development consent

Bus stations; child care centres; clubs; commercial premises; community centres; drainage; dwelling-houses and dwellings attached to and used in conjunction with any purpose specified in this item; educational establishments; hospitals; hotels; medium density housing; places of assembly and public worship; public buildings; recreation areas; recreation facilities; refreshment rooms; retail plant nurseries; roads; service industries; service stations; shops; taverns; 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 Zone)

1 Objectives of zone

The objectives are:

- (a) to set aside land for the purposes of industry (other than offensive or hazardous industry) and bulk warehousing separated from, but with convenient access to, sources of employment in the Municipality of Camden and having convenient access to the Macarthur and adjoining regions, and
- (b) to facilitate the expansion of existing industry and the establishment of new industry in order to expand the local economic base and local employment opportunities, and
- (c) to minimise any adverse effect of industry on the activities in other zones, and
- (d) to allow shops within this zone only if they are associated with and ancillary to industry or if they service the day to day needs of the local industrial workforce, and

- (e) to allow commercial premises only where they are associated with and ancillary to development for industrial, manufacturing, warehousing or similar purposes 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

Amusement centres; bed and breakfast establishments; boarding-houses; bulky goods shops; caravan parks; dwelling-houses or other residential buildings (other than those used in conjunction with industry and situated on land on which such industry is conducted); educational establishments; extractive industries; hospitals; hotels; institutions; mines; motels; offensive or hazardous industries; places of assembly; recreation establishments; refreshment rooms; roadside stalls; shops (other than those specified in Schedule 1); taverns; tourist facilities.

Zone No 4 (b) (Service Industrial Zone)

1 Objectives of zone

The objectives are:

- (a) to set aside land for:
 - (i) the purposes of service industries, and
 - (ii) the display and retailing of generally large scale merchandise requiring extensive site area or a free standing location for the transfer of goods, but only where such activities cannot be appropriately located in, and would not adversely affect the range and competitiveness of merchandise offered in, the retail and commercial zones elsewhere in the Municipality of Camden, and
- (b) to permit the sale of spare parts and finished goods where:
 - (i) the sale of goods and parts will be and will remain ancillary to the principal service industry aspect of the business on the same land, and

(ii) the finished goods would, under normal circumstances, require maintenance or repair services by the service industry on the same land, and

(c) to permit the low volume sale of hand made goods that are 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 or other residential 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; heliports; hospitals; hotels; institutions; intensive animal husbandry; junk yards; liquid fuel depots; mines; motels; offensive or hazardous industries; places of assembly; recreation establishments; refreshment rooms; road transport terminals; roadside stalls; sawmills; shops (other than those referred to in Schedule 1); stock and sale yards; taverns; tourist facilities; transport terminals; warehouses.

Zone No 5 (a) (Special Uses Zone)

1 Objectives of zone

The objectives are to identify land that has been acquired or has been precisely identified for acquisition by a public authority, and for the purpose indicated on the map.

2 Without development consent

Nil.

3 Only with development consent

The particular purpose indicated on the map.

4 Prohibited

Any purpose other than a purpose included in item 3.

Zone No 5 (b) (Special Uses—Arterial Road Zone)

1 Objectives of zone

The objective 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 6 (d) (Regional Open Space Zone)

1 Objectives of zone

The objective is to identify land acquired for regional open space purposes.

2 Without development consent

Nil.

3 Only with development consent

Contour ripping; fire trails; path construction; picnic facilities; planting of native and exotic plants; structures directly connected with the public enjoyment of regional open space.

4 Prohibited

Any purpose other than a purpose included in item 3.

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

1 Objectives of zone

The objectives are to identify and protect the scenic qualities of the

environment which enhance visual amenity.

2 Without development consent

Nil.

3 Only with development consent

Contour ripping; fire trails; path construction; picnic facilities; planting of native and exotic plants; structures directly connected with the public enjoyment of open space.

4 Prohibited

Any purpose other than a purpose included in item 3.

Part 3 Special provisions

11 Services

The Council shall not grant consent to the carrying out of any subdivision of or other development of any land unless and until arrangements satisfactory to the Water Board have been made with that Board by the owner of the land to which the application relates for the amplification and reticulation of water and sewerage services to that land.

12 Subdivision of land generally

A person shall not subdivide land to which this plan applies except with the consent of the Council.

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 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, and
 - (b) whether coal resources will be sterilised by the proposed development and the measures (if any) to be taken to prevent that sterilisation, and
 - (c) whether conditions to prevent the surface effects of mine subsidence should be imposed on any 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 sterilised coal resources.

14A 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.

Part 4 Miscellaneous

15 Noise attenuation

- (1) This clause applies to all land shown by fine black hatching on the map.
- (2) The Council shall not consent to the subdivision of any land to which this clause applies for the purpose of residential building unless a programme, approved by the Council and not involving any cost to the Council, will be undertaken for the purpose of traffic noise attenuation.

- (3) The Council shall not approve of a programme for traffic noise attenuation unless a noise assessment survey has been undertaken and a person who, in the opinion of the Council, is a qualified noise consultant attests to the ability of the programme to achieve or surpass the environmental goal.
- (4) For the purposes of this clause, the environmental goal for traffic noise is a maximum LA10, 18-hour noise level of 63dB(A) when measured at one metre from the residential facade lines or other sensitive locations relative to Camden By-Pass and Narellan Road, respectively.

16 Community use of school facilities and sites

- (1) Where land to which this plan applies is used for the purposes of an educational establishment, the site and facilities of the establishment may, with the consent of the Council, be used for the purposes of meeting rooms, public halls, public libraries, entertainment, sport or recreation or for any other community purpose, whether or not any such use is a commercial use of the land.
- (2) Nothing in this clause requires development consent to be granted for the carrying out of development on any land if that development could, but for subclause (1), be carried out on that land pursuant to this plan (or any other environmental planning instrument) without development consent.

17 Flood prone land

The Council may refuse consent to any development which in its opinion will:

- (a) affect the flood peak at any point upstream or downstream of the development, or
- (b) affect, to a substantial degree, the flow of flood water on adjoining land, or
- (c) cause avoidable erosion, siltation or unnecessary destruction of river-bank vegetation in the area, or
- (d) affect the water table on any adjoining land, or
- (e) adversely affect river-bank stability.

17A 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 the land that has been created by previous excavation or filling

18 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 camera*)
 - 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 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*.

(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.

18A 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.

18B Clearing

- (1) Land within Zone No 2 (d), 5 (a), 6 (d) or 7 (d1) 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.

19 (Repealed)

20 Suspension of certain laws

- (1) For the purpose of enabling development to be carried out in accordance with this plan or in accordance with a consent granted under the Act, any agreement, covenant or instrument imposing restrictions as to the erection or use of buildings for certain purposes or as to the use of land for certain purposes, to the extent necessary to serve that purpose, shall not apply to development carried out in accordance with this plan.
- (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 clause, the Governor approved of subclause (1).

21 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 2 for a purpose specified in relation to that land in that 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 that subclause applies, of such of the provisions of this plan as 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 under subclause (1).

22 Acquisition of certain land

- (1) This clause applies to land within Zone No 5 (a).
- (2) The owner of any land to which this clause applies may, by notice in writing, require the public authority indicated on the map in relation to that land to acquire that land.
- (3) On receipt of a notice referred to in subclause (2), the public authority must acquire the land.

23 Use of open space

The Council shall not consent to the carrying out of development on land within Zone No 6 (d), being land owned or controlled by the Council, unless consideration has been given to:

- (a) the need for the proposed development on that land, and
- (b) the impact of the proposed development on the existing or likely future use of the land, and
- (c) the need to retain the land for its existing or likely future use.

24 Development near zone boundaries

- (1) This clause applies to land within 50 metres of a boundary between any two of Zones Nos 2 (d), 3 (g), 4 (a), 4 (b), 5 (a) and 7 (d1).
- (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.

25 Exhibition homes and villages

- (1) Despite the other provisions of this plan, a person may, with the consent of the Council, carry out development for the purpose of an exhibition home or an exhibition village on land within Zone No 2 (d).
- (2) The carrying out of development for the purpose of an exhibition home or an exhibition village on any other land to which this plan applies is prohibited.
- (3) Despite the other provisions of this plan, a person may, with the consent of the Council, use an exhibition home for the purpose of the sale, and financing associated with the purchase, of vacant land and new dwellings, but only if the Council restricts that use to a specified period by imposing a condition on the consent.
- (4) In this clause:

exhibition home means a dwelling used for display purposes.

exhibition village means a group of exhibition homes.

26 Land fronting Narellan Road

Despite the other provisions of this plan, a person must not use land for any purpose if the land has frontage only to Narellan Road.

26A Classification and reclassification of public land as operational land

The public land described in Schedule 3 is classified, or reclassified, as operational land for the purposes of the *Local Government Act 1993*.

27 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.

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 street of the map marked "*Camden Local Environmental Plan No 93—Sheet 2 Smeaton Grange*" 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 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.

28A (Renumbered as cl 30)

29 Camden Local Environmental Plan No 113—saving

- (1) The amendment made by clause 5 (a) of *Camden Local Environmental Plan No 113* allows the erection of a dwelling-house on land rezoned to Zone No 2 (d) by that plan only with development consent.
- (2) The amendment made by clause 5 (a) of *Camden Local Environmental Plan No 113* allows subsurface mining on land rezoned by that amendment to be carried out only with development consent.
- (3) In this clause **subsurface mining** means mining of an area carried out totally underground by means of access remote from the area.

30 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.

Schedule 1

(Clause 10)

Bank

Butchers' shop

Chemist's shop

Confectioner's shop and milk bar

Takeaway food establishments

Fruit shop

Corner store

Newsagent's shop

Smallgoods and sandwich shop

Tobacconist's or hairdresser's shop

Schedule 2

(Clause 21)

Land being part Lot 5, DP 248585, fronting Narellan Road—hotels, motels, motor showrooms, showrooms, nurseries, take-away food establishments and the like.

Land being Part Lot 1042, DP 807539, Smeaton Grange Road, Smeaton Grange—bus depot, where consent to the development is granted within 2 years from the date when *Camden Local Environmental Plan No 59* took effect.

Land being Lot 1, DP 709115, Smeaton Grange Road, Smeaton Grange—place of public worship, where consent to the development is granted within 2 years from the date when *Camden Local Environmental Plan No 59* took effect.

Land being lot 6, DP 248585 fronting Narellan Road, Smeaton Grange, as shown edged heavy black on the map marked “*Camden Local Environmental Plan No 70*” telecommunications purposes.

Schedule 3 Classification and reclassification of public land as operational land

(Clause 26A)

Mount Annan

Welling Drive—Lot 51, DP 857052, as shown edged heavy black on the map marked “*Camden Local Environmental Plan No 103*”.

Schedule 4

(Clause 10)

Prohibited commercial uses

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

Schedule 5

(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 6

(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