

# Camden Local Environmental Plan No 121—Spring Farm (2004 EPI 266)

[2004-266]



New South Wales

## Status Information

### Currency of version

Historical version for 15 September 2006 to 6 December 2007 (accessed 23 December 2024 at 22:32)

Legislation on this site is usually updated within 3 working days after a change to the legislation.

### Provisions in force

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

### Notes—

- **See also**  
[Statute Law \(Miscellaneous Provisions\) Bill \(No 2\) 2007](#)

### Authorisation

This version of the legislation is compiled and maintained in a database of legislation by the Parliamentary Counsel's Office and published on the NSW legislation website, and is certified as the form of that legislation that is correct under section 45C of the [Interpretation Act 1987](#).

File last modified 14 November 2007

# Camden Local Environmental Plan No 121—Spring Farm (2004 EPI 266)



New South Wales

## Contents

<b>Part 1 Preliminary</b> .....	5
1 Name of plan .....	5
2 Land to which plan applies .....	5
3 Statement of desired future character for Spring Farm .....	5
4 Aims and objectives.....	6
5 Relationship to other environmental planning instruments.....	9
6 Suspension of covenants .....	9
7 Adoption of model provisions .....	10
8 Definitions .....	10
9 Consent authority .....	15
<b>Part 2 General control of development</b> .....	15
10 Zones used in this plan.....	15
11 Zone objectives and development control table.....	16
<b>Part 3 Special provisions</b> .....	21
<b>Division 1 Pre-conditions to carrying out development</b> .....	21
12 Development control plan required .....	21
13 Staging of development .....	22
14 Restriction on certain subdivisions .....	23
<b>Division 2 Protection of the environment</b> .....	23

15 Development affected by floodwaters etc .....	23
16 Development within mine subsidence district .....	24
17 Noise reduction .....	24
18 Bush fire protection .....	25
19 Protection of trees .....	25
20 Certain activities affecting trees excepted .....	27
21 Odour buffer .....	27
<b>Division 3 Requirements for particular development</b> .....	<b>28</b>
22 Height of buildings .....	28
23 Village centre.....	28
24 Exhibition homes and villages .....	28
25 Home businesses.....	28
<b>Division 4 Acquisition of land</b> .....	<b>28</b>
26 Land in Zone No 5 (b) .....	28
27 Land in Zone No 5 (c) .....	29
28 Land in Zone No 7 (a).....	30
<b>Division 5 Miscellaneous</b> .....	<b>31</b>
29 Subdivision of land—Zone No 1 (a) .....	31
30 Restricted vehicular access .....	31
31 Community use of school facilities and sites .....	32
32 Council not required to obtain consent.....	32
33 Classification and reclassification of public land as operational land .....	32
34 What is exempt and complying development? .....	33
<b>Part 4 Heritage</b> .....	<b>33</b>
35 Protection of heritage items and relics .....	33
36 Assessment and protection of potential heritage items .....	35
37 Advertising of certain heritage development applications .....	35
38 Conservation incentives .....	35
39 Development affecting places or sites of known or potential Aboriginal heritage significance .....	36
40 Development affecting known or potential archaeological sites of relics of non-Aboriginal heritage significance .....	36

41 Development in the vicinity of a heritage item or potential heritage item.....	36
42 Protection of significant views and view corridors.....	37
<b>Schedule 1 Archaeological sites.....</b>	<b>37</b>
<b>Schedule 2 Heritage items.....</b>	<b>38</b>
<b>Schedule 3 Potential heritage items.....</b>	<b>38</b>
<b>Schedule 4 Significant views.....</b>	<b>38</b>
<b>Schedule 5 Classification and reclassification of public land as operational land</b> .....	<b>39</b>

# Camden Local Environmental Plan No 121—Spring Farm (2004 EPI 266)



New South Wales

## Part 1 Preliminary

### 1 Name of plan

This plan is *Camden Local Environmental Plan No 121—Spring Farm*.

### 2 Land to which plan applies

This plan applies to land in the local government area of Camden shown edged heavy black on the Zoning Map.

### 3 Statement of desired future character for Spring Farm

- (1) Development of Spring Farm will comprise a series of urban villages. The form and character of these villages will be shaped by bush corridors linking William Howe Reserve and Gundungurra Reserve with the Nepean River. The villages will be located within an ecologically sustainable, mixed use environment that meets the needs of its residents and the broader community in terms of housing choice and access to shopping, community services, recreation and public transport.
- (2) Spring Farm's setting within the broader rural environment will be recognised through the conservation of bushland corridors, riparian areas and the continued use of land on the floodplain for agriculture. The bush corridors will be located generally along creeklines and play a role in drainage management and water quality control as well as facilitate the conservation of endangered ecological communities which include Elderslie Banksia Scrub Forest and Cumberland Plain Woodland. Street trees will complement the bushland corridors to enhance the view corridors to and from identified cultural landscapes and Camden Park Estate.
- (3) The urban villages will be serviced by local and regional public transport services that provide a viable alternative to private vehicles.
- (4) Access to the land at a regional level is to be provided by a reservation for the link road from the Camden By-pass to the M5 Motorway and Menangle Road and bus routes to the district centre at Narellan and through Mount Annan to the regional

centre at Campbelltown. At the local level, access will be provided with an urban form that is highly permeable for pedestrians and cyclists, and minimises conflicts with vehicles. Housing location, form and density will be at a scale to encourage an effective public transport network. Schools, shops and open space will provide a focal point for community activity.

- (5) A range of housing forms comprising a mix of single dwellings on individual lots, attached housing and multi-unit housing will be provided to meet the needs of all sectors of the community, including those who work from home. The dwellings will be designed to take advantage of, but minimise impact on, bush corridors, the large dam and vistas over the river corridor, ensuring a safe and pleasant environment for all residents.
- (6) Springs, Richardson and Macarthur Roads continue to provide evidence of the historic development of the area. Whilst land in the vicinity of these roads will undergo development and change, the alignment of the roads shall be maintained.
- (7) Development of the villages will commence before the completion of the sand mining associated with the recovery of the Elderslie sand deposits. As the sand mining is completed and areas are rehabilitated, development will move towards the reconstructed Springs Road and the Nepean River.
- (8) The housing precincts/urban villages will be protected from the activities of the Jacks Gully waste disposal facility, heavy vehicle access to the Glenlee industrial area and remaining sand mining areas by appropriate buffers and setbacks and restricted access provisions to the major roads. Buffer areas will also protect the housing areas from the electrical substation facilities and transmission lines will be relocated where possible to minimise impact on future urban development.

#### **4 Aims and objectives**

- (1) The aims of this plan are:
  - (a) to rezone the land to which the plan applies to allow for urban development, the conservation of ecological and riparian corridors and to maintain existing agriculture, and
  - (b) to describe the desired future character of the locality and set out the zones and development controls necessary to ensure that the development of the land achieves that desired future character and complements and supports the suburban and historic rural character of the Camden area, and
  - (c) to require that, prior to the subdivision of land into lots of less than 40 hectares for residential uses, that satisfactory arrangements have been made for the provision of regional transport infrastructure, and
  - (d) to ensure that the housing, accessibility and social needs of the growing Camden

community are provided for, and

- (e) to achieve ecological corridors which will link William Howe Reserve and Gundungarra Reserve with the riverine environment of the Nepean River and protect endangered ecological communities, and
- (f) to protect the local environment, particularly in relation to air and water quality in the southwestern Sydney region, by promoting the implementation of ecologically sustainable development practices, and
- (g) to introduce a range of heritage conservation provisions for the land and to provide for protection of heritage items, potential heritage items, archaeological sites and significant views, and
- (h) to ensure that residential amenity of a high quality is maintained, given the proximity of industrial, mining and waste disposal activities, and
- (i) to ensure the urban development and the protection of residential amenity does not jeopardise the recovery of regionally valuable sand deposits, as identified in [Sydney Regional Environmental Plan No 9—Extractive Industry \(No 2—1995\)](#).

(2) The objectives of this plan are:

- (a) to facilitate achievement of the desired future character of the locality by providing for development which:
  - (i) recognises and promotes the distinctive character, ecological value, heritage significance, visual and landscape values and amenity of the locality, and
  - (ii) preserves, where possible, the natural features of the area, such as pockets of remnant bushland, creek corridors, public reserves and exposed ridges and fosters provision of vegetated corridors for biodiversity and migration purposes, and
  - (iii) encourages innovative and efficient forms of housing and patterns of residential subdivision, with densities that support and facilitate a viable public transport service, and
  - (iv) is designed, sited and is of a scale and form that retains view corridors between historic sites, the Camden By-pass and from public places, and
  - (v) addresses the community's regional transport needs by requiring that satisfactory arrangements for regional transport infrastructure are in place before land may be subdivided into lots of less than 40 hectares for residential uses, and
  - (vi) encourages high quality design that will provide a pleasant living environment, and

- (vii) permits a range of activities suitable for Spring Farm, and
  - (viii) allows residents to carry out a reasonable range of activities from their homes, without affecting the living environment of neighbours, and
- (b) to address the community's housing needs by:
- (i) providing a range of lot sizes and housing forms, and
  - (ii) providing housing forms which cater for various groups within the community, including socially and physically disadvantaged people, smaller households of unrelated persons, and older persons, and
  - (iii) increasing the density of residential development near commercial and community facilities, where satisfactory transport services are available or, over time, will be provided, and
  - (iv) ensuring satisfactory acoustic amenity and relief from odour sources, and
- (c) to protect the local ecology, and promote biodiversity, by:
- (i) identifying those areas containing existing endangered ecological communities and providing measures for their protection and preservation through corridor linkages with other vegetated areas, and
  - (ii) incorporating existing creeklines and adjoining riparian areas and, where possible, existing vegetated areas, into corridors to provide improvement of water quality and maintenance of flows, vegetation linkages and open space opportunities, which also serve to define village elements, and
  - (iii) identifying building controls and vegetation preservation measures which will reduce the potential for future salinity affects, and
- (d) to promote ecologically sustainable development practices by:
- (i) ensuring housing areas that are within reasonable walking and cycling proximity to commercial areas, community services and public transport routes, and
  - (ii) implementing ecologically sustainable stormwater management practices which use natural environmental elements and promote water sensitive urban design practices, and
  - (iii) requiring a subdivision pattern which allows for connectivity with adjoining suburban areas, particularly for pedestrians, cyclists and buses, and
  - (iv) encouraging use of passive solar design principles in the design of buildings to conserve energy usage, and



- (e) to conserve the environmental heritage of Spring Farm by:
  - (i) protecting identified heritage items, potential heritage items and archaeological sites and their settings, and
  - (ii) conserving curtilage, settings and view corridors associated with heritage items, potential heritage items and archaeological sites located on land near to, or in the vicinity of, Spring Farm, and
  - (iii) ensuring that new development is planned to minimise adverse impacts on heritage items, potential heritage items and archaeological sites, and
  - (iv) ensuring that known and potential archaeological sites and places of Aboriginal heritage significance are conserved, and
- (f) to minimise hazards from bush fires to life and property in close proximity to bushland, and to have regard to the consequences of bush fires for bushland management and biodiversity conservation in Spring Farm, and
- (g) to protect residential amenity from the activities carried out at the Jacks Gully waste disposal facility, the industrial activities in the Glenlee area and the remaining sand mining sites, by the staged release of residential areas and the timely provision of new access roads, and
- (h) to reduce the risk of harm to human health and the biophysical environment, by ensuring that contaminated land and potentially contaminated land are identified early in the development process and that contaminated land is remediated or otherwise rendered harmless prior to the land being used for the proposed purpose.

## **5 Relationship to other environmental planning instruments**

*Camden Local Environmental Plan No 48* is amended by inserting “or *Camden Local Environmental Plan No 121—Spring Farm*” after “*Harrington Park*” in clause 3 (2).

## **6 Suspension of covenants**

- (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, the operation of any agreement, covenant or similar instrument which purports to impose restrictions on the carrying out of development on land to which this plan applies, to the extent necessary to serve that purpose, shall not apply to any such development.
- (2) Nothing in subclause (1) shall affect the rights or interests of the Minister, or the Council or any other public authority, under any registered instrument.
- (3) Pursuant to section 28 of the Act, before the making of this plan, the Governor

approved of subclauses (1) and (2).

## 7 Adoption of model provisions

The *Environmental Planning and Assessment Model Provisions 1980* are adopted for the purposes of this plan, except for:

- (a) the definitions of **child care centre**, **home industry**, **home occupation**, **map** and **residential flat building** in clause 4 (1), and
- (b) clauses 7, 8, 15 and 35 (c).

## 8 Definitions

(1) In this plan:

**advertisement** has the same meaning as in the Act.

**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** has the same meaning as in the Act.

**appointed day** means the day this plan took effect.

**archaeological site** means a site described in Schedule 1. These sites and the items located there are more fully described in the Spring Farm Heritage Study and, in particular, in the *Aboriginal Archaeological Assessment, Spring Farm Release Area* undertaken by Dallas and Irish (2001) included in that study.

**ARI** means Average Recurrence Interval as defined in the *Floodplain Management Manual: the management of flood liable land* (NSW Government, January 2001).

**caravan park** means land used for the accommodation of caravans or other moveable dwellings.

**child care centre** means fixed premises at which a child care service (but not a residential child care service) is provided by a person for the purpose of educating, minding or caring 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 used to provide facilities for the physical, social, cultural, spiritual and intellectual development or welfare of the local community, and may include professional consulting rooms.

**conference facilities** means a building or place used for conferences or for discussion or study groups, and includes associated facilities for refreshments, meals,

overnight accommodation and recreation.

**conservation management plan** means a document prepared in accordance with the requirements of the Heritage Office that establishes the heritage significance of a heritage item or place and identifies conservation policies and management mechanisms that are appropriate to enable that significance to be retained.

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

**demolish** a heritage item, relic, or archaeological site, means wholly or partly destroy, dismantle or deface the heritage item, relic or archaeological site.

**exhibition home** means a dwelling used for display purposes.

**exhibition village** means a group of exhibition homes, and may include a sales office used temporarily for the sale, and financing of the selling, of land and new dwellings.

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

**heritage impact statement** means a document consisting of a statement demonstrating the heritage significance of a heritage item, potential heritage item, or archaeological site, an assessment of the impact that proposed development will have on that significance and proposals for measures to minimise that impact.

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

**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 floor space 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.

**multi-unit housing** 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 townhouses and the like.

**place of Aboriginal heritage significance** means:

- (a) a place that has the physical remains of pre-European occupation by, or is of contemporary significance to, the Aboriginal people. It can (but need not) include items and remnants of the occupation of the land by Aboriginal people, such as burial places, engraving sites, rock art, midden deposits, scarred and sacred trees and sharpening grooves, or
- (b) a natural Aboriginal sacred site or other sacred feature. It includes natural features such as creeks or mountains of long-standing cultural significance, as well as initiation, ceremonial or story places or areas of more contemporary cultural significance.

**potential archaeological site** means a site known to the Council to have potential archaeological significance even if it is not so identified or shown on a map.

**potential heritage item** means a building, relic, work or place described in Schedule 3 and shown on the Potential Heritage Items Map.

**recreation area** means:

- (a) a children's playground, or
- (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 purpose of the physical, cultural or

intellectual welfare of persons within the community,

but does not include a racecourse or a showground.

**relic** means any deposit, object or material evidence (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.

**significant view** means a view associated with heritage items or potential heritage items described in Schedule 4 and shown on the Significant Views Map.

**Spring Farm** means the land shown edged heavy black on the Zoning Map.

**storey** means the space within a building situated between one floor level and the floor level next above or, if there is no floor above, the ceiling or roof above, but does not include:

- (a) a basement level if the ceiling or roof of the basement does not extend more than 1 metre above the finished or natural ground level, or
- (b) a sub-floor area, or
- (c) a roof void if the slope of the roof does not exceed 45°.

**subsurface mining** means mining of an area carried out totally underground by means of access remote from the area.

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

**the Council** means Camden Council.

**the Potential Heritage Items Map** means the map marked “Camden Local Environmental Plan No 121—Potential Heritage Items”.

**the Riparian Area and Bush Corridor Land Uses Map** means the map marked “Camden Local Environmental Plan No 121—Riparian Area and Bush Corridor Land Uses”.

**the Significant Corner Sites Map** means the map marked “Camden Local Environmental Plan No 121—Significant Corner Sites”.

**the Significant Views Map** means the map marked “Camden Local Environmental Plan No 121—Significant Views”.

**the Spring Farm Heritage Study** means the publication titled *Spring Farm Urban Release Area—Heritage Assessment*, Godden, Mackay, Logan (June 2002) a copy of which is available for inspection at the office of the Council.

**the Zoning Map** means the map marked “*Camden Local Environmental Plan No 121—Zoning*”.

**tree** means any tree, sapling or shrub which:

- (a) is 3 metres or more in height, or
- (b) has a girth of 300 millimetres 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 as at the appointed day and the other dwelling results from the conversion of a second building that (as at the appointed day) 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 the Council is satisfied that it will not be further subdivided (whether or not under the *Strata Schemes (Freehold Development) 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 consent authority 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, and

(f) the floor space of one of the dwellings does not exceed 60 square metres.

**village centre** means a group of buildings situated on land and which comprises shops, offices and medical or other professional consulting rooms.

(2) In this plan:

(a) a reference to a building or place used for a purpose includes a reference to a building or place intended to be used for the purpose, and

(b) a reference to a map is a reference to a map deposited in the office of the Council, and

(c) a reference to land within a zone specified in clause 11 is a reference to land shown on the Zoning Map in the manner indicated in clause 10 as the means of identifying land of the zone so specified, and

(d) a reference to *Camden Development Control Plan No 112* is a reference to that development control plan as approved by the Council on 22 May 2000.

## 9 Consent authority

The Council is the consent authority for the purposes of this plan, subject to the Act.

## Part 2 General control of development

### 10 Zones used in this plan

Land to which this plan applies is within a zone specified below if it is shown on the Zoning Map in the distinctive manner specified below for the zone:

(a) Zone No 1 (a) (Rural “A” (40ha) Zone)—edged heavy black and lettered “1 (a)”.

(b) Zone No 2 (d) (Residential Zone)—edged heavy black and lettered “2 (d)”.

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

(d) Zone No 5 (b) (Special Uses—Local Road and Future Arterial Road Zone)—edged heavy black and lettered “5 (b)”.

(e) Zone No 5 (c) (Special Uses—Future Arterial Road Widening Zone)—edged heavy black and lettered “5 (c)”.

(f) Zone No 7 (a) (Environmentally Sensitive Land Zone)—edged heavy black and lettered “7 (a)”.

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

- (1) The objectives of the zones 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 the zone specified in clause 10:
  - (a) the development that may be carried out without development consent, and
  - (b) the development that may be carried out only with development consent, and
  - (c) the development that is prohibited,is 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, consent must not be granted to the carrying out of development on land to which this plan applies unless the consent authority is of the opinion that the carrying out of the development is consistent with:
  - (a) the desired future character for Spring Farm set out in clause 3, and
  - (b) the objectives of this plan and of the zone in which the development is proposed to be carried out.

Table

### **Zone No 1 (a) (Rural “A” (40ha) Zone)**

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

The objectives of this zone are:

- (a) to provide suitable land for agricultural use, and
- (b) to promote the conservation of economic units of productive agricultural land, particularly those areas designated as having prime crop and pasture potential, by regulating subdivision to prevent the fragmentation of actual or potentially productive rural holdings, and
- (c) to enable compatible forms of development, including recreation and tourist orientated uses, to be carried out, if they are in keeping with the rural character of the locality and carried out in an environmentally sensitive manner, and
- (d) to permit the development of extractive industries to occur in an environmentally acceptable manner, and



- (e) to ensure that development does not detract from the existing rural character of the area or create unreasonable or uneconomic demands for provision or extension of public amenities and services.

## **2 Without development consent**

Exempt development as listed in *Camden Development Control Plan No 112*.

Development for the purpose of:

agriculture (not including intensive horticulture or use of livestock keeping establishments); forestry.

## **3 Only with development consent**

Development not included in item 2 or 4.

## **4 Prohibited**

Development for the purpose of:

brothels; bulk stores; car repair stations; cluster housing; commercial premises (other than home businesses); heliports; industries (other than extractive industries, home businesses and rural industries;); junk yards; liquid fuel depots; motor showrooms; multi-unit housing; residential flat buildings; roadside stalls; shops; warehouses.

## **Zone No 2 (d) (Residential Zone)**

### **1 Objectives of zone**

The objectives of this zone are:

- (a) to permit a range of compatible activities which will support residential development, and
- (b) to provide for a range of housing types, which take into account accessibility, open space and scenic considerations, and
- (c) to provide for a subdivision pattern which allows for connectivity with the adjoining existing suburban areas and permeability within the urban village, particularly for pedestrians and cyclists, and
- (d) to provide for a village centre which is a focal point for transport and community activities and allows an appropriate range of retail, commercial, residential, community and recreational activities, and

- (e) to protect the ecological integrity of bush corridors by sensitive development at the interface with land in the Zone No 7 (a) and to integrate existing vegetated areas into planning for open space and active recreation areas, and
- (f) to ensure that development retains the heritage significance of heritage items, potential heritage items and archaeological sites and their settings and conserves significant views, and
- (g) to protect residential amenity in relation to noise from the Camden By-pass and the proposed Spring Farm arterial road, and
- (h) to provide for a variety of recreation forms within open space areas, and
- (i) to require urban drainage to provide a variety of sustainable water quality and quantity controls, and
- (j) to allow for educational, recreational, community and religious activities which support the wellbeing of the community.

## **2 Without development consent**

Exempt development as listed in *Camden Development Control Plan No 112*.

## **3 Only with development consent**

Any development not included in item 2 or 4.

## **4 Prohibited**

Development for the purpose of:

airline terminals; amusement centres; bulk stores; bus depots; car repair stations; caravan parks; commercial premises (other than as home businesses or as part of a village centre); generating works; helipads; heliports; hospitals; hotels; industries (other than home businesses); junk yards; liquid fuel depots; mining (other than subsurface mining); motor showrooms; professional consulting rooms (other than as part of a village centre or as a home business); road transport terminals; roadside stalls; sawmills; shops (other than as part of a village centre); stock and sale yards; warehouses; all other land uses (other than landscaping) on sites having direct vehicular access to the Camden By-pass.

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

**1 Objectives of zone**

The objective of this zone is to make land available for particular specialised uses identified for the land on the Zoning Map and for ordinarily incidental or ancillary uses.

**2 Without development consent**

Nil.

**3 Only with development consent**

The particular use indicated by black lettering on the Zoning Map or any use ordinarily incidental or ancillary to that purpose; subsurface mining; utility installations.

**4 Prohibited**

Any development not included in item 3.

**Zone No 5 (b) (Special Uses—Local Road and Future Arterial Road Zone)**

**1 Objectives of zone**

The objectives of this zone are:

- (a) to identify land required for local road use, and
- (b) to control vehicular access to and from roads in the zone so as not to inhibit the free flow of traffic.

**2 Without development consent**

Nil.

**3 Only with development consent**

Development for the purpose of:

bush fire hazard reduction; roads; subsurface mining.

**4 Prohibited**

Any development not included in item 3.

**Zone No 5 (c) (Special Uses—Future Arterial Road Widening Zone)**

## **1 Objectives of zone**

The objectives of this zone are:

- (a) to identify and protect land held in reserve for future arterial road use, and
- (b) to allow for the development of such land prior to its acquisition for road purposes.

## **2 Without development consent**

Development for the purpose of:

drainage; roads; subsurface mining; utility installations.

## **3 Only with development consent**

Development for the purpose of:

bush fire hazard reduction.

## **4 Prohibited**

Any development not included in item 2 or 3.

## **Zone No 7 (a) (Environmentally Sensitive Land Zone)**

### **1 Objectives of zone**

The objectives of this zone are:

- (a) to ensure protection and management of environmentally sensitive land for the principal purpose of biodiversity conservation where this land has been identified for this purpose on the Riparian Area and Bush Corridor Land Uses Map, and
- (b) to conserve, restore and enhance native flora and fauna habitat and the ecological viability of land identified for biodiversity protection purposes, and
- (c) to provide a buffer around areas identified for biodiversity protection purposes, and
- (d) to provide for development in locations identified on the Riparian Area and Bush Corridor Land Uses Map that will not destroy, damage or compromise:

- (i) the extent, quality or integrity of the ecological attributes of the land or watercourses, or
  - (ii) the potential for restoration and enhancement of native fauna and flora habitat on the land identified for biodiversity protection, or
- (e) to provide links with other natural areas, as part of an open space and bush corridor network.

## **2 Without development consent**

Nil.

## **3 Only with development consent**

Development for the purpose of:

bush fire hazard reduction; drainage works and associated infrastructure; environmental protection works; recreation areas; removal and destruction of noxious weeds; roads; subsurface mining; utility installations.

Subdivision.

## **4 Prohibited**

Any development not included in item 3.

# **Part 3 Special provisions**

## **Division 1 Pre-conditions to carrying out development**

### **12 Development control plan required**

Development consent must not be granted for any development of land to which this plan applies unless the consent authority has taken into consideration a development control plan approved by the Council that contains the following:

- (a) proposals for stormwater and water quality management controls, incorporating:
  - (i) recommended restrictions for residential development on land at or below the 100 year ARI that take into account the necessity for the safe passage of flows in excess of the 100 year ARI, and
  - (ii) proposals for evacuation routes in extreme events,
- (b) a strategy for development of the land to which this plan applies that is consistent with the New South Wales Government's objective of achieving a minimum target

density of 15 dwellings per hectare after excluding land within Zones Nos 1 (a), 5 (a), 5 (b), 5 (c) and 7 (a),

- (c) proposals for protection of the ecological integrity of bush corridors requiring appropriate sensitive development at the interface with land within Zone No 7 (a) and the integration of existing vegetated areas into open space and active recreation areas,
- (d) proposals that will allow land for pedestrian and cycle routes between areas of activity,
- (e) subdivision, building and landscaping proposals,
- (f) recommendations for the protection and conservation of potential heritage items and archaeological sites and their settings,
- (g) proposals for the preservation of significant views and view corridors between, to and from identified heritage items, potential heritage items and landscape elements,
- (h) recommendations for the materials to be used in the exterior of buildings, trees to be retained, plantings to be carried out, fencing and the position of building envelopes and access roads,
- (i) proposals for design controls which detail how development can achieve sustainable water quality and quantity measures and conserve energy usage by using passive solar design principles in the design of buildings,
- (j) an overall landscaping strategy for the protection and enhancement of the creek corridors and remnant vegetation, including detailed planting measures for both the public domain and private land, to achieve the ecological and cultural landscape outcomes set out in the aims and objectives of this plan,
- (k) a detailed investigation of contamination, taking into account the Council's adopted *Policy for Management of Contaminated Land*.

### **13 Staging of development**

Consent must not be granted for development involved in creating residential areas on land to which this plan applies unless the consent authority has taken into consideration:

- (a) the extent to which ecological restoration works in accordance with the *Spring Farm Conservation Strategy Documents* (Anne Clements and Associates Pty Ltd September 2003), a copy of which is available for inspection at the office of the Council, have been completed, and
- (b) whether the proposed development can be adequately serviced with water, sewerage, drainage and electricity infrastructure and has access to the local road and future arterial road and the Camden By-pass, and

- (c) whether the proposed development will sterilise significant extractive materials, and
- (d) the extent to which the proposed development will be located so that it will not be adversely affected by industry, mining, extractive industries and waste disposal activities, including heavy vehicle access to and from those activities.

#### **14 Restriction on certain subdivisions**

- (1) The object of this clause is to require assistance towards the provision of regional transport infrastructure and services to satisfy needs that will arise from development of land to which this clause applies, but only if that land is developed intensively for urban purposes.
- (2) This clause applies to land within Zone 2 (d).
- (3) Despite any other provision of this plan, consent must not be granted for a subdivision of land to which this clause applies that will create a lot with an area of less than 40 hectares unless the Director-General has certified in writing to the consent authority that satisfactory arrangements have been made to contribute to the provision of regional transport infrastructure in relation to the land comprising that lot.
- (4) The reference in subclause (3) to a lot with an area of less than 40 hectares does not include a reference to any such lot:
  - (a) identified in the certificate as a residue lot, or
  - (b) that is proposed in the development application to be reserved or dedicated for public open space, public roads, public utilities, educational facilities, or any other public purpose.
- (5) Subclause (3) does not apply to a subdivision for the purpose only of rectifying an encroachment on any existing allotment.
- (6) *State Environmental Planning Policy No 1—Development Standards* does not apply to this clause.

### **Division 2 Protection of the environment**

#### **15 Development affected by floodwaters etc**

Consent must not be granted to the carrying out of development on any land to which this plan applies if the consent authority is satisfied that the proposed development is likely:

- (a) to be adversely affected by floodwaters or overland drainage flows, or
- (b) to adversely affect the flood peak at any point upstream or downstream of the site of the development, or
- (c) to adversely affect, to a substantial degree, the flow of floodwater on adjoining land,

or

- (d) to cause avoidable erosion, siltation or unnecessary destruction of creek bank vegetation in the area, or
- (e) to have an adverse effect on the water table to that land or any adjoining land, or
- (f) to adversely affect creek bank stability, or
- (g) to be isolated by floodwaters.

#### **16 Development within mine subsidence district**

- (1) This clause applies to land within an area that has been proclaimed as a mine subsidence district under section 15 of the *Mine Subsidence Compensation Act 1961*.
- (2) Consent must not be granted to the carrying out of development on land to which this clause applies without the concurrence of the Mine Subsidence Board.
- (3) In deciding whether concurrence should be granted as referred to in subsection (2), the Mine Subsidence Board must 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
  - (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 that, if granted, would be likely to sterilise coal resources.

#### **17 Noise reduction**

- (1) Consent must not be granted to the subdivision for residential purposes of any land within Zone No 5 (b) or adjoining the Camden By-pass unless the consent authority is satisfied that a program, detailing appropriate noise attenuation measures to reduce traffic noise to potentially affected properties, has been prepared and can be implemented.
- (2) The program detailing appropriate noise attenuation measures must be prepared by a person who, in the opinion of the consent authority, is a qualified noise consultant and who has formulated the program based on current acoustic assessment.
- (3) The environmental criteria for road traffic noise and noise attenuation measures will be assessed in accordance with the requirements of the *Environmental Criteria for Road Traffic Noise* (Environment Protection Authority, 1999).



- (4) Noise attenuation measures must not block identified view corridors.

### **18 Bush fire protection**

- (1) Before granting consent to any development on land within Zone No 2 (d) that is adjacent to land within Zone No 1 (a) or 7 (a), the consent authority must take into account whether:
- (a) the development is likely to have a significant adverse effect on the implementation of any strategies for bush fire control and fuel management adopted by the consent authority, and
  - (b) a significant threat to the lives of residents, visitors or emergency services personnel may be created or increased as a result of the development or the access arrangements to and from the site of the development, and
  - (c) the increased demand for emergency services during bush fire events created by the development would lead to a significant decrease in the ability of the emergency services personnel to effectively control major bush fires, and
  - (d) the measures to be adopted to avoid or mitigate the threat from bush fire, including siting of the development, design of structures and materials used, clearing of vegetation, fuel free and fuel reduced areas and landscaping and fire control aids, such as roads and water supplies, are inadequate for the locality or would result in unacceptable environmental impacts.
- (2) In taking into account matters as required by subclause (1), the consent authority must have regard to the provisions of the publication *Planning for Bushfire Protection* (December 2001) produced by the Department and the NSW Rural Fire Service.

### **19 Protection of trees**

- (1) A person must 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 consent authority receives a development application for a consent 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 consent authority must specify in a notice under subclause (3) a period within which written submissions may be made to the consent authority 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 the following:
- (a) a tree declared to be a noxious plant or noxious weed by or under any Act,
  - (b) action required by Part 11 of the *Electricity Supply (General) Regulation 2001*, or required or authorised by or under any other Act,
  - (c) a tree that harbours fruit fly,
  - (d) a tree that is dead,
  - (e) the following trees:
    - (i) Privet (*Ligustrum* sp),
    - (ii) African Olive (*Olea africana*),
    - (iii) Honey Locust (*Gleditsia triacanthos*),
    - (iv) Lantana (*Lantana camara*),
    - (v) 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,
  - (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 *Surveying Act 2002*,
  - (h) bush fire hazard reduction works carried out in accordance with the provisions of a bush fire code approved under section 100M of the *Rural Fires Act 1997* and a bush fire management plan.
- (6) The consent authority must not grant a consent 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, watercourses 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 and 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 a copy of which is available from the office of the Council called *Camden Significant Tree and Vegetated Landscape Study*, or
  - (ii) plans of management or vegetation plans approved by the Council, or
  - (iii) tree management policies approved by the Council, or
  - (iv) the *Spring Farm Conservation Strategy Documents* (Anne Clements and Associates Pty Ltd September 2003).

## **20 Certain activities affecting trees excepted**

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.

## **21 Odour buffer**

Consent must not be granted for development for the purpose of dwellings on land to the east of the odour buffer, shown as a broken black line on the Zoning Map, unless the consent authority is satisfied that adequate works have been or will be undertaken to manage odour and any other environmental impacts associated with the Jacks Gully waste disposal facility.

## **Division 3 Requirements for particular development**

### **22 Height of buildings**

- (1) Subject to subclauses (2) and (3), a building erected on land to which this plan applies must not exceed two storeys in height.
- (2) Consent may be granted to a building containing three storeys, if the third storey is:
  - (a) located wholly within the roof space, and
  - (b) the building is designed and located to minimise bulk, particularly when viewed from the downslope sides of the land, and
  - (c) the building will not block views.
- (3) Consent may be granted to a building that includes a three storey element comprising no more than one room and associated stairs or other access if the site has been nominated as a significant corner site on the Significant Corner Sites Map.

### **23 Village centre**

Consent must not be granted to development for the purpose of a village centre if, as a result of the proposed development, the combined floor area of all shops, offices and medical or other professional consulting rooms in the village centre would exceed 2,500 square metres.

### **24 Exhibition homes and villages**

Despite any other provision of this plan, a person may, with development consent, carry out development for the purpose of an exhibition home or an exhibition village on land within Zone No 2 (d).

### **25 Home businesses**

Development for the purpose of home businesses on land within Zone No 2 (d) is advertised development, for the purposes of the Act.

## **Division 4 Acquisition of land**

### **26 Land in Zone No 5 (b)**

- (1) The owner of land within Zone No 5 (b) may, by notice in writing, require the Council to acquire the land.
- (2) On receipt of such a notice, the Council must acquire the land if:
  - (a) the land is included in a program for the acquisition of land approved by the Council and current at the time of receipt of the notice, or

- (b) the Council is of the opinion that the owner of the land will suffer hardship if the land is not acquired immediately.
- (3) Until land referred to in subclause (1) is acquired by the Council, a person may, with development consent, carry out any development on that land.
- (4) In granting consent referred to in subclause (3), the consent authority may impose conditions requiring:
  - (a) the removal of any building or work for which it grants consent, or
  - (b) the reinstatement of the land or removal of any waste materials or refuse, with or without the payment of compensation by the Council.
- (5) Before granting a consent referred to in subclause (3), the consent authority must take into consideration:
  - (a) the effect of the proposed development on the cost of acquisition, and
  - (b) the imminence of acquisition.
- (6) Land acquired under this clause may be developed with development consent for any purpose, until such time as it is required for the purpose for which it was acquired.

**27 Land in Zone No 5 (c)**

- (1) The owner of any vacant land within Zone No 5 (c) may, by notice in writing, require:
  - (a) RTA—in the case of land that is included in the 5-year works program of the RTA current at the time of receipt of the notice, and
  - (b) the Corporation—in any other case,to acquire the land.
- (2) The owner of any land within Zone No 5 (c) that is not vacant may, by notice in writing, require the RTA to acquire the land if:
  - (a) the land is included in the 5-year works program of the RTA current at the time of receipt of the notice, or
  - (b) the RTA has decided not to give concurrence under subclause (4) to an application for consent to the carrying out of development on the land, or
  - (c) the RTA is of the opinion that the owner of the land will suffer hardship if the land is not acquired immediately.
- (3) On receipt of a notice under this clause, the RTA or the Corporation, as the case may be, must acquire the land unless the land might reasonably be required to be

dedicated for public roads.

- (4) A person may, with development consent granted:
- (a) in the case of vacant land, with the concurrence of the RTA and the Corporation, or
  - (b) in the case of land that is not vacant, with the concurrence of the RTA,
- carry out development on land within Zone No 5 (c):
- (c) if the development may be carried out on land in an adjoining zone, or
  - (d) if the development is, in the opinion of the consent authority, compatible with development which may be carried out on land in an adjoining zone.
- (5) In deciding whether to grant concurrence to proposed development under this clause, the RTA and the Corporation must take the following matters into consideration:
- (a) the need to carry out development on the land for the purpose of classified roads or proposed classified roads,
  - (b) the imminence of acquisition,
  - (c) the likely additional cost to the RTA or the Corporation resulting from the carrying out of the proposed development.
- (6) Land acquired under this clause may, with development consent, be developed for any purpose, until such time as it is required for the purpose for which it was acquired.
- (7) In this clause:

**the Corporation** means the Corporation constituted by section 8 (1) of the Act.

**the RTA** means the Roads and Traffic Authority constituted under the [Transport Administration Act 1988](#).

**vacant land** means land on which, immediately before the day on which a notice under the subclause (1) is given, there were no buildings other than fences, or the following buildings, namely greenhouses, conservatories, garages, summerhouses, private boathouses, fuel sheds, tool sheds, cycle sheds, aviaries, milking bails, hay sheds, stables, fowlhouses, pig styes, barns or the like.

## 28 Land in Zone No 7 (a)

- (1) The owner of any land within Zone No 7 (a) may, by notice in writing, require the Council to acquire the land.
- (2) On receipt of such a notice, the Council must acquire the land if:
  - (a) the land is included in a program for the acquisition of land by the Council current

at the time of receipt of the notice, or

- (b) the Council is of the opinion that the owner of the land will suffer hardship if the land is not acquired immediately.
- (3) Until land referred to in subclause (1) is acquired by the Council, a person may, with development consent, carry out development on that land, but only if:
- (a) the existing indigenous vegetation is substantially retained, and
  - (b) endangered species, populations and ecological communities and their habitats are not adversely affected.
- (4) Before granting a consent referred to in subclause (3), the consent authority must take into consideration:
- (a) the effect of the proposed development on the cost of acquisition, and
  - (b) the imminence of acquisition.
- (5) In granting consent referred to in subclause (3), the consent authority may impose any conditions requiring:
- (a) the removal of the building or work for which it has granted consent, or
  - (b) the reinstatement of the land or removal of any waste material or refuse, with or without the payment of compensation by the Council.
- (6) Land acquired under this clause may be developed with the consent of the Council, for any purpose, until such time as it is required for the purpose for which it was acquired.

## **Division 5 Miscellaneous**

### **29 Subdivision of land—Zone No 1 (a)**

- (1) This clause applies to land within Zone No 1 (a).
- (2) Consent must not be granted to the subdivision of land to which this clause applies unless each separate allotment created by the subdivision will have an area of not less than 40 hectares.

### **30 Restricted vehicular access**

- (1) Consent must not be granted to any development, except development for the purpose of a road, if the proposed development involves direct vehicular access to the Camden By-pass or the Arterial Road, which are identified on the Zoning Map as land within Zone No 5 (b) or 5 (c).

- (2) Consent must not be granted to any development for the purpose of new roads having direct vehicular access to the Camden By-pass or the Arterial Road referred to in subclause (1), without the concurrence of the Roads and Traffic Authority.
- (3) In deciding whether to grant concurrence, the Roads and Traffic Authority must take into consideration whether the safety and efficiency of the roads referred to in subclause (1) will be adversely affected by:
  - (a) the location of the proposed direct vehicular access to the new road, and
  - (b) the design of the new road.

### **31 Community use of school facilities and sites**

- (1) Where land to which this plan applies is used for the purpose of an educational establishment, the site and facilities of the establishment may, with development consent, be used for the purpose of meeting rooms, public halls, public libraries, entertainment, sport or recreation or for any other community land use, whether or not any such use is a commercial use of the land.
- (2) Development consent is not required if the other land use could be carried out on that land under another provision of this plan, or under any other environmental planning instrument, without development consent.

### **32 Council not required to obtain consent**

Nothing in this plan prevents the Council from, or requires the Council to obtain development consent for, the carrying out of development by the Council on land within Zone No 2 (d) for the purpose of roads, stormwater drainage, recreation areas (excluding buildings), landscaping, gardening, bush fire hazard reduction, utility installations or flood mitigation works.

### **33 Classification and reclassification of public land as operational land**

- (1) The public land described in Schedule 5 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 5:
  - (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.
- (3) Land described in Columns 1 and 2 of Part 2 of Schedule 5, 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 2 of Schedule 5, 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*).
- (4) In this clause, in relation to land described in Part 2 of Schedule 5, **the relevant amending plan** means the local environmental plan that inserted the land description in that Part.
- (5) Before the relevant amending plan inserted a description of land into Part 2 of Schedule 5, the Governor approved of subclause (3) applying to the land.

### 34 What is exempt and complying development?

- (1) Development of minimal environmental impact listed as exempt development in Chapter 2 of Part B of *Camden Development Control Plan (DCP) 2006* as adopted by the Council on 10 July 2006 is **exempt development**, despite any other provision of this plan.
- (2) Development listed as complying development in Chapter 3 of Part B of *Camden Development Control Plan (DCP) 2006* as adopted by the Council on 10 July 2006 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 Part B of *Camden Development Control Plan (DCP) 2006* as adopted by the Council on 10 July 2006.
- (4) A complying development certificate issued for any complying development is to be subject to the conditions for the development specified in Chapter 3 of Part B of *Camden Development Control Plan (DCP) 2006*, adopted by the Council, as in force when the certificate is issued.

## Part 4 Heritage

### 35 Protection of heritage items and relics

- (1) The following development may be carried out only with development consent:

- (a) demolishing or moving a heritage item or a relic,
  - (b) altering a heritage item or relic by making structural or non-structural changes to its exterior, such as to its detail, fabric, finish or appearance,
  - (c) altering a heritage item or relic by making structural changes to its interior,
  - (d) disturbing or excavating an archaeological site or potential heritage item site while knowing, or having reasonable cause to suspect, that the disturbance or excavation will or is likely to result in a relic being discovered, exposed, moved, damaged or destroyed,
  - (e) moving the whole or a part of a heritage item, potential heritage item or relic,
  - (f) erecting a building on, or subdividing, land on which a heritage item or relic is located or land that is a potential heritage item site.
- (2) **What exceptions are there?** Development consent is not required by this clause if:
- (a) in the opinion of the Council:
    - (i) the proposed development is of a minor nature or consists of maintenance of the heritage item or potential heritage item concerned, and
    - (ii) the proposed development would not adversely affect the significance of the heritage item or potential heritage item, and
  - (b) the proponent has notified the Council in writing of the proposed development and the Council has advised the proponent in writing before any work is carried out that it is satisfied that the proposed development is excepted by this subclause and that development consent is not otherwise required by this plan.
- (3) **What must be included in assessing a development application?** Before granting a consent required by this clause for development relating to a heritage item, the consent authority must consider a report that addresses whether the heritage item has heritage significance and if so, the extent to which the carrying out of the proposed development would affect the heritage significance of the heritage item.
- (4) The report must include a heritage impact statement that addresses at least the following issues (but need not be limited to those issues, if the heritage significance concerned involves other issues):
- (a) the heritage significance of the item as part of the environmental heritage of Camden,
  - (b) the impact that the proposed development will have on the heritage significance of the item and its setting, including any landscape or horticultural features,
  - (c) the measures proposed to conserve the heritage significance of the item and its

setting,

- (d) whether any archaeological site or potential archaeological site would be adversely affected by the proposed development,
- (e) the extent to which the carrying out of the proposed development would affect the form of any historic subdivision.

- (5) The consent authority may decline to grant consent unless it has considered a conservation management plan to assist its assessment of the impact of proposed development on the heritage significance of the item and any measures required to conserve the heritage significance of the item and its setting.

### **36 Assessment and protection of potential heritage items**

- (1) Before granting consent for development on a potential heritage item site the consent authority must consider a report that addresses:
  - (a) the heritage significance of the potential heritage item, and
  - (b) the extent to which the carrying out of development affects the heritage significance of the potential heritage item.
- (2) If the consent authority is satisfied that the potential heritage item does not have heritage significance, the consent authority (if it is not the Council) must inform the Council of that fact.

### **37 Advertising of certain heritage development applications**

The following development is advertised development for the purposes of the Act:

- (a) demolishing, defacing or damaging a heritage item, and
- (b) use of a building or land referred to in clause 38 for a purpose which, but for that clause, would be prohibited by this plan.

### **38 Conservation incentives**

- (1) Consent may be granted to the use, for any purpose, of a building that is a heritage item or of the land on which such a building is erected, even though the use would otherwise be prohibited by this plan, if the consent authority is satisfied that:
  - (a) the proposed use would not adversely affect the heritage significance of the heritage item, and
  - (b) the conservation of the heritage item depends on the granting of the consent.
- (2) When determining an application for consent to erect a building on land on which a heritage item is located, the consent authority 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 heritage item, but only if the consent authority is satisfied that the conservation of the heritage item depends on the exclusion.

**39 Development affecting places or sites of known or potential Aboriginal heritage significance**

Before granting consent for development that will be carried out on a place of Aboriginal heritage significance or a potential place of Aboriginal heritage significance, or that will be carried out on an archaeological site of a relic of Aboriginal heritage significance, the consent authority must:

- (a) consider a heritage impact statement explaining how the proposed development would affect the conservation of the place or site and any relic known or reasonably likely to be located at the place or site, and
- (b) except where the proposed development is integrated development, notify the local Aboriginal communities (in such way as it thinks appropriate) and the Director-General of the Department of Environment and Conservation of its intention to do so and take into consideration any comments received in response within 28 days after the relevant notice is sent.

**40 Development affecting known or potential archaeological sites of relics of non-Aboriginal heritage significance**

(1) Before granting consent for development that will be carried out on an archaeological site or a potential archaeological site of a relic that has non-Aboriginal heritage significance (whether or not it is, or has the potential to be, also the site of a relic of Aboriginal heritage significance), the consent authority must:

- (a) consider a heritage impact statement explaining how the proposed development will affect the conservation of the site and any relic known or reasonably likely to be located at the site, and
- (b) notify the Heritage Council of its intention to do so and take into consideration any comments received in response within 28 days after the notice is sent.

(2) This clause does not apply if the proposed development:

- (a) does not involve disturbance of below-ground deposits and the consent authority is of the opinion that the heritage significance of any above-ground relics would not be adversely affected by the proposed development, or
- (b) is integrated development for the purposes of the Act.

**41 Development in the vicinity of a heritage item or potential heritage item**

(1) Before granting consent to development in the vicinity of a heritage item or potential heritage item, the consent authority must assess the impact of the proposed

development on the heritage significance of the item and its setting.

(2) This clause extends to development:

(a) that may have an impact on the setting of a heritage item or potential heritage item, for example, by affecting a significant view to or from the item or by overshadowing, or

(b) that may undermine or otherwise cause physical damage to a heritage item, or

(c) that will otherwise have any adverse impact on the heritage significance of or physical damage to a heritage item or potential heritage item.

(3) The consent authority may decline to grant consent unless it has considered a heritage impact statement that will help it assess the impact of the proposed development on the heritage significance, visual curtilage and setting of the heritage item or potential heritage item.

(4) The heritage impact statement should include, among other matters to be addressed, details of the size, shape and scale of, setbacks for, and the materials to be used in, any proposed buildings or works and details of any modification that would reduce the impact of the proposed development on the heritage significance of the heritage item or potential heritage item.

#### **42 Protection of significant views and view corridors**

Before granting consent to development that, in the opinion of the consent authority, is likely to have an impact on significant views associated with heritage items or potential heritage items, the consent authority must consider a statement addressing the visual impact of the proposed development, including associated landscaping, on the preservation of significant views.

### **Schedule 1 Archaeological sites**

(Clause 8 (1))

- 1 Spring Creek immediately west of its crossing by Richardson Road. This includes a scarred tree (SF-ST-1), an open camp site (Elderslie #2) and a newly-located isolated stone artefact (ISF5).
- 2 Nepean River on the crest on the southern side of Jacks Gully, overlooking the river. Sites include an open camp site (Elderslie #1) and two areas of further stone artefact distributions (SF-OS-1 and SF-OS-2) found in close proximity.
- 3 Jacks Gully on a crest on the northern side of the waste disposal facility. An open camp site (NPWS #52-2-1888).
- 4 Site of Potential Archaeological Deposit (PAD) identified in Figure 6.2 “Archaeological Management Units” in the Spring Farm Heritage Study.
- 5 The gully south of Gundungurra Reserve, several stone artefacts (ISF1-ISF4) found.

## Schedule 2 Heritage items

(Clause 8 (1))

No	Property	Item
1	196 Macarthur Road	Residence and curtilage

## Schedule 3 Potential heritage items

(Clause 8 (1))

No	Location	Items
1	149 and 155 Macarthur Road	Residences
2	170 Macarthur Road	Residence, garden and curtilage
3	172 Macarthur Road	Outbuildings and curtilage associated with 170 Macarthur Road
4	176 Macarthur Road	Residence, associated structures and curtilage
5	214 Macarthur Road	Residence
6	240 Macarthur Road	Residence and line of Poplars, two associated mature stone pines ( <i>Pinus pinea</i> )
7	2 Ettlesdale Road	Residence
8	10 Springs Road	Residence
9	71 Springs Road	Residence and curtilage
10	186 Richardson Road	Residence and curtilage
11	254 Richardson Road	Residence
12	239 Richardson Road	Collection of sheds and fencing
13	247 Richardson Road	Residence and associated structures
14	Vicinity of Macarthur Road	Site identified as the Macarthur Road cultural landscape on the Potential Heritage Items Map
15	Vicinity of Ettlesdale Road	Site identified as the Ettlesdale Road special character area on the Potential Heritage Items Map
16	Vicinity of Nepean River and Camden Bypass	Vineyard and turf farming areas identified as potential heritage items in the Spring Farm Heritage Study

## Schedule 4 Significant views

(Clause 8 (1))

Views from Belgenny Farm to Spring Farm, between St Johns, Camden and Camden Park, Camden Park

and Mount Annan and from Macarthur Road to Galvin Cottage its immediate garden setting, alluvial flats and eastern ridgeline.

Views from within Spring Farm to Blue Mountains and Razorback Range, from William Howe Reserve, across Jacks Gully and Spring Farm and from Camden By-pass across the alluvial flats.

## **Schedule 5 Classification and reclassification of public land as operational land**

(Clause 33)

### **Part 1 Land classified, or reclassified, under amended section 30 of Local Government Act 1993—interests not changed**

### **Part 2 Land classified, or reclassified, under amended section 30 of Local Government Act 1993—interests changed**

<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>
<b>Locality</b>	<b>Description</b>	<b>Any trusts etc not discharged</b>
<b>Spring Farm</b>		
Richardson Road	So much of Lots 1 and 4, DP 1007608, as is shown zoned 5 (b) (Special Uses—Local Road Future Arterial Road) and 5 (c) (Special Uses—Future Arterial Road Widening)	Nil