

Camden Local Environmental Plan No 47 (1990 EPI 542)

[1990-542]



New South Wales

Status Information

Currency of version

Historical version for 15 December 2008 to 26 February 2009 (accessed 23 December 2024 at 18:41)

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.

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 15 December 2008

Camden Local Environmental Plan No 47 (1990 EPI 542)



New South Wales

Contents

Part 1 Preliminary	5
1 Name of plan	5
2 Aims	5
3 Land to which plan applies	6
4 Relationship to other environmental planning instruments	6
5 Amendment of certain environmental planning instruments	7
6 Definitions	7
7 Adoption of Model Provisions	14
8 Consent authority	14
Part 2 General restriction on development of land	14
9 Zones indicated on the map	14
10 Zone objectives and development control table	15
Part 3 Special provisions	24
11 Services	24
12 Subdivision of land generally	25
13 Development standards for two-dwelling development	25
14 Development within mine subsidence district	25
14A What is exempt and complying development?	25
14B Exempt and complying development in Manooka Valley	26
15 Noise attenuation	27
16 Community use of school facilities and sites	27

17 Flood prone land.....	27
17A Landforming operations	28
18 Protection of trees	28
18A Development affecting trees	30
18B Clearing.....	30
19 (Repealed)	33
20 Suspension of certain laws	33
20A Development of land within Zone No 7 (d2) or 7 (d3)	33
21 Development for certain additional purposes.....	34
22 Acquisition of certain land	34
23 Use of open space	34
24 Development near zone boundaries.....	35
25 Exhibition homes and villages	35
26 Land fronting Narellan Road	35
26A Classification and reclassification of public land as operational land	35
27 Height.....	35
28 Brothels	36
28A (Renumbered as cl 30)	37
29 Camden Local Environmental Plan No 113—saving.....	37
30 Development of known or potential archaeological sites	37
Part 4 Special provisions applying to Manooka Valley	38
31 Application of this Part.....	38
32 Desired future character.....	38
33 Density	39
34 Development on sloping land.....	39
35 Management of rainwater	39
36 Built form.....	40
37 Development control plan	41
Schedule 1.....	42
Schedule 2.....	43

Schedule 3 Classification and reclassification of public land as operational land

..... 43

Schedule 4..... 43

Schedule 5..... 44

Schedule 6..... 44

Schedule 7 Exempt development..... 45

Schedule 8 Complying development..... 45

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:

Camden Local Environmental Plan No 47

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

Camden Local Environmental Plan No 47

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.

bioribbon means a stormwater conveyance control consisting of a grassed swale at the surface, underneath which is a medium used for water treatment.

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.

building height means the greatest height of a building measured at any point on the building from the natural ground level immediately below that point.

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.

bushland is land on which there is vegetation that is either a remainder of the natural vegetation of the land or, if altered, is still representative of the structure and floristics of the natural vegetation.

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.

impervious surface means a surface that does not allow water to pass through to the soil below.

landscaped open space means that part of a site that is not built on and not covered with impervious surfaces.

living area means a room used for normal domestic activities, but does not include a non-habitable room or a bedroom.

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.

private open space means an area of land, balcony or roof terrace suitable for the private outdoor living activities of the occupants of one dwelling.

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.

soft landscaped land means land not built on that is landscaped with grass, groundcover planting, shrubs or trees.

solar panel means a panel mounted on the external surface or surfaces of a building for the purpose of water heating or electricity generation.

storey means a floor within a building, including a floor used for storage or parking, but not including:

- (a) a roof, or part of a roof, used as an uncovered garden terrace or deck, or

- (b) a floor protruding no more than one metre above finished ground level used for parking, storage or any similar purpose.

studio apartment means a dwelling, attached to another dwelling, that:

- (a) does not have a gross floor area exceeding 60 square metres, and
- (b) does not have a separate title from the other dwelling, and
- (c) is located on an allotment that is not less than 325 square metres in area and that has at least two street frontages.

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.

Camden Local Environmental Plan No 59

Camden Local Environmental Plan No 62

Camden Local Environmental Plan No 64

Camden Local Environmental Plan No 68

Camden Local Environmental Plan No 70

Camden Local Environmental Plan No 96

Camden Local Environmental Plan No 101

Camden Local Environmental Plan No 113—Sheet 1

Camden Local Environmental Plan No 115

Camden Local Environmental Plan No 128—Manooka Valley—Sheet 1

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 2 (d1) (Residential “D1” (Manooka Valley) Zone)—shown with heavy black edging and lettered “2 (d1)”

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)”

Zone No 7 (d2) (Environmental Protection (Urban Edge) Zone)—shown with heavy

black edging and lettered “7 (d2)”

Zone No 7 (d3) (Environmental Protection (Bushland Conservation and Restoration) Zone)—shown with heavy black edging and lettered “7 (d3)”

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 2 (d1) (Residential “D1” (Manooka Valley) Zone)

1 Objectives of zone

The objectives are:

(a) to promote a distinctive character and quality of development in Manooka Valley based on the natural characteristics of the land and its position at the rural-urban interface, and

(b) to retain a close physical and visual contact with the rural setting, and

(c) to ensure that provision is made for accessible public transport to serve the needs of the residents, and

(d) to provide accessible open space for active recreation of the population generally and of young children in particular, and

(e) to allow 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 4.

4 Prohibited

Airline terminals; amusement centres; brothels; bulk stores; bulky goods shops; bus depots; car repair stations; caravan parks; commercial premises (other than home businesses); extractive industries; generating works; helipads; heliports; hospitals; hotels; industries (other than home businesses); junk yards; liquid fuel depots; mines (except for underground extraction of coal and other mineral resources); 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; underground extraction of coal and other mineral resources.

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; drainage works; 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.

Zone No 7 (d2) (Environmental Protection (Urban Edge) Zone)

1 Objectives of zone

The objectives are:

- (a) to contribute to Camden's "sense of place" and unique landscape character, and
- (b) to achieve land that is managed for the purpose of biodiversity protection, where such land has been identified in a plan of management or covenant, to enhance the scenic quality of the area, by protecting ridgetops and upper slopes from development and by revegetating them with indigenous vegetation, as appropriate, and
- (c) to permit limited development of detached dwelling-houses consistent with the other objectives of this zone.

2 Without development consent

Nil.

3 Only with development consent

Clearing of vegetation; contour ripping; dams; disposal of waste on land; drainage works; dwelling-houses; extraction of water from a watercourse or aquifer; fire trails; fitness trails; interpretive or educative signage; pedestrian and cycle paths; planting of vegetation; removal of rock, soil, sand, gravel or similar material; roads; underground extraction of coal and other mineral resources.

4 Prohibited

Any purpose other than a purpose included in item 3.

Zone No 7 (d3) (Environmental Protection (Bushland Conservation and Restoration) Zone)

1 Objectives of zone

The objectives are:

- (a) to achieve land that is managed for the principal purpose of biodiversity protection, where such land has been identified in a plan of management or covenant, and
- (b) to conserve, restore and enhance the native fauna and flora habitat and the ecological viability of the land identified for biodiversity protection purposes, and
- (c) to restore bushland to viability and to protect it from activities likely to threaten its viability, and
- (d) to conserve the Aboriginal heritage values of the land, and
- (e) to enable development of the land only where it can be demonstrated that the development will not destroy, damage, or compromise the extent, quality or integrity of the ecological or Aboriginal heritage attributes of the land.

2 Without development consent

Nil.

3 Only with development consent

Bushfire hazard reduction; environmental protection works; passive recreation; underground extraction of coal and other mineral resources.

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*.

Note—

Nothing in this clause affects any requirement under the *Mine Subsidence Compensation Act 1961*.

- (2) (Repealed)
- (3) In deciding whether consent should be granted for development on land to which this clause applies, the Council 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 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 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.
- (5) This clause does not apply to land within Zone No 2 (d1).

14B Exempt and complying development in Manooka Valley

- (1) This clause applies to land within Zone No 2 (d1).
- (2) Development of minimal environmental impact listed as exempt development in Schedule 7 is exempt development, despite any other provision of this plan.
- (3) Development listed as complying development in Schedule 8 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 by section 106 of the Act.
- (4) Development is complying development only if it complies with the development standards and other requirements applied to the development in Schedule 8.
- (5) A complying development certificate issued for any complying development is 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.

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), 2 (d1), 5 (a), 6 (d), 7 (d1), 7 (d2) or 7 (d3) 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)-(9) (Repealed)

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).

20A Development of land within Zone No 7 (d2) or 7 (d3)

Despite any other provision of this plan, a person may, but only with the consent of the Council, carry out the following development of land within Zone No 7 (d2) or 7 (d3):

- (a) demolition,
- (b) subdivision.

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), 2 (d1), 3 (g), 4 (a), 4 (b), 5 (a), 7 (d1), 7 (d2) and 7 (d3).
- (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) or 2 (d1).
- (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) except where the proposed development is integrated development, it has notified the local Aboriginal communities (in such a way as it thinks appropriate) of the development application and taken into consideration any comments received in response within 21 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) (Repealed)

- (c) it is satisfied that any necessary excavation permit required by the *Heritage Act 1977* has been granted.

Part 4 Special provisions applying to Manooka Valley

31 Application of this Part

This Part applies to all land in Manooka Valley that is shown edged heavy black on Sheet 1 of the map marked “*Camden Local Environmental Plan No 128—Manooka Valley*”.

32 Desired future character

Despite any other provisions of this plan, the Council must not consent to the development of land to which this Part applies unless the development is consistent with the following description of the desired future character of the land.

Desired future character statement

Located at the interface of the Spring Hill Village urban area, and adjoining scenic protection and rural areas, Manooka Valley will provide a physical and visual transition between rural/scenic protection areas and Currans Hill. The residential zone will be characterised by a range of lot sizes. Lot size and building character within residential precincts will reflect their relationship to adjacent amenities and the provision of housing diversity. Other lots will provide a low key and visually sensitive transition to surrounding rural and scenic protection land.

The visual impact on Manooka Valley’s landscape setting of development within this zone will be minimised and will achieve a high level of scenic quality by protecting significant watercourses, significant trees, ridgetops and steep slopes from any adverse effects of development. The design of roads, landscaping, open spaces, water cycle management systems, houses and other elements of the urban landscape will positively respond to these aims. The public open space design and water cycle management system will be environmentally sensitive, will contribute to the improvement of downstream water quality and will recognise the importance of revegetated riparian corridors in the locality.

A variety of publicly accessible open space areas suitable for a range of passive recreation opportunities will be available to residents. Pedestrians and cyclists will have convenient access throughout the precincts and connections to surrounding precincts.

Roads within Manooka Valley will be designed to reduce traffic speeds, permit safe pedestrian movement and with regard to the location of on-street parking and driveways. The roads, landscaping and adjacent housing will be designed to complement each other and their location.

Dwellings shall exhibit consistent and widespread application of architectural elements such as verandahs, balconies, sun shading devices and fencing appropriate to specific locations in each precinct. Manooka Valley will offer a range of housing choice to its prospective residents and they will have the opportunity to occupy a dwelling appropriate

to their lifestyle, life stage and income. Individual dwellings will also contribute to a reduction in urban energy and water consumption through their siting, design, construction and landscaping.

33 Density

(1) **Objectives** The objectives of this clause are:

- (a) to provide housing diversity, and
- (b) to achieve a residential density target for each lot type.

(2) **Controls** The following subdivision and density controls apply:

Lot type	Minimum and maximum lot sizes
Urban Edge	900m ² -2ha
Residential (Main Street, High Street, gateway, courtyard)	350-899m ²
Village common	180-349m ²

34 Development on sloping land

(1) **Objective** The objective of this clause is to ensure that, on sloping land, the height and bulk of buildings, particularly on the downhill side, are to be minimised and the need for cut and fill is to be reduced by designs that minimise the building footprint and allow the building mass to step down the slope.

(2) **Controls** The following controls apply to land to which this Part applies that is cut and filled:

- (a) the amount of cut and fill is not to exceed 500 millimetres depth on each lot,
- (b) fill is not to spread beyond the footprint of any building, and there are not to be retaining walls on side or rear boundaries of lots, other than downturn edge beams or suspended floors,
- (c) where retaining walls are required to ensure private open space meets clause 37 (1) (e), they should be a maximum height of 500 millimetres,
- (d) where a retaining wall is visible from the street it should be of masonry construction to match the wall material and colour of the main dwelling,
- (e) where the creation of a “level” area of private open space is not required, downturn edge beams or suspended floor systems must be used.

35 Management of rainwater

(1) **Objective** The objective of this clause is to ensure that water sensitive urban design

principles and practices are implemented so that:

- (a) water quantity and quality does not adversely impact on local and downstream riparian systems, and
- (b) on-line and off-line control measures are integrated with the design of open space and adjoining land uses, and
- (c) measures for the re-use of stormwater for purposes such as irrigation and grey water are promoted, while protecting the flow rate of watercourses, and
- (d) salinity effects are addressed and managed, and
- (e) waste management systems are designed and provided to minimise public health and safety risks and their aesthetic and environmental impacts.

(2) **Requirements** The consent authority must not grant consent to a development application proposing the subdivision of land or any significant increase in impervious area, including new buildings, structures or pavements, unless it has taken into consideration the principles of water sensitive urban design, including, but not limited to, the following:

- (a) the maintenance of water quality in downstream riparian systems,
- (b) the maintenance of environmental flows in downstream riparian systems,
- (c) the minimisation of water use, including the re-use or recycling of grey water,
- (d) the minimisation of impacts on the water table and the flow of groundwater,
- (e) the provision of rainwater tanks.

36 Built form

(1) **Objectives** The objectives of this clause are:

- (a) to maintain a consistent height and scale of residential buildings, and
- (b) to provide access to sunlight for adjoining dwellings, private open space and public open space areas, and
- (c) to provide access to sunlight for new development, and
- (d) to provide privacy between dwellings and between private open spaces of dwellings, and
- (e) to maintain views and vistas from adjoining dwellings, and
- (f) to ensure minimum visual impact on ridgelines and significant slopes of dwellings and outbuildings.

(2) **Controls** The following controls apply:

- (a) on all land other than on land within Zone No 7 (d2) or 7 (d3):
 - (i) single storey dwellings are not to exceed 6.5 metres in building height to the greatest height measured at any point on the building from the natural ground level immediately below that point, and
 - (ii) dwellings more than one storey in height are not to exceed 9.5 metres in building height to the highest point of the roof ridge and 7.0 metres in building height to the uppermost ceiling of the upper floor, and
 - (iii) main dwelling roofs are to have a pitch of 25°, and verandah or balcony roofs are to have a minimum pitch of 15° and a maximum pitch of 25°,
- (b) dwellings and outbuildings on land within Zone No 7 (d2) are to be designed having regard to the visual prominence of the land and woodland setting.

37 Development control plan

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

Fences and walls

- (a) to minimise disruption of the natural flow of stormwater,
- (b) to minimise the risks from bush fire to fencing and walls in a fire protection zone or asset protection zone identified in a bush fire risk management plan,
- (c) to minimise the adverse impact on wildlife of fencing and walls near open space and natural vegetated areas,

Roads and paths

- (d) to ensure that the road network is designed to provide efficient and safe vehicle movement and to provide attractive streetscapes that create local character and specific physical identity for Manooka Valley,

Private open space

- (e) to provide each dwelling with useable private open space, which is capable of acting as an extension of the living area of the dwelling,
- (f) to provide private open space that is orientated for optimum year round use,

Landscaped open space

- (g) to enhance the streetscape, the natural features of the site and surrounding

areas,

- (h) to provide a high standard of amenity to dwellings and their associated private open space,
- (i) to assist in achieving the desired future character of Manooka Valley as set out in clause 32,

Privacy

- (j) to ensure that the living areas of a dwelling do not unreasonably overlook the living areas of any dwelling on adjoining or adjacent land, unless suitably screened or treated,

Conservation of energy

- (k) 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.

(2) The development control plan must also contain the following:

- (a) proposals for stormwater and water quality management controls,
- (b) proposals for protection of the ecological integrity of bushland requiring sensitive development at the interface with land within Zones Nos 7 (d2) and 7 (d3) and the integration of existing vegetated areas into open space areas and active recreation areas,
- (c) proposals that will allow land for pedestrian and cycle routes between areas of activity,
- (d) 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,
- (e) 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,
- (f) an overall landscaping strategy for the protection and enhancement of creek corridors and remnant vegetation, including detailed planning measures for both the public domain and private land.

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

Schedule 7 Exempt development

(Clause 14B (2))

What development is exempt development?

Any development 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, and complying with any development standard and other requirements applied to the development in that plan is exempt development for the purposes of this plan when carried out on land within Zone No 2 (d1), if it is of a type described below and it complies with the following requirements for the type:

Type of activity	Exemption requirements
Aerials, antennae and microwave antennae (not including satellite dishes)	Maximum height 1 metre above roof
Children's play equipment	Maximum ground coverage 4 square metres
Pergola (open)	Maximum height 2.7 metres above natural ground level
Privacy screens	Maximum height 1.8 metres above natural ground level
Retaining walls	Must comply with the desired future character of the land to which this Part applies Maximum height 500 millimetres above natural ground level

Schedule 8 Complying development

(Clause 14B (3) and (4))

What development is complying development?

Any 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, and complying with any development standard and other requirements applied to the development in that plan is complying development for the purposes of this plan when carried out on land within Zone No 2 (d1), if it is of a type described below and it complies with the following requirements for the type:

Development type	Requirements
Detached dwellings	
Erection of a detached dwelling; Alterations and additions to existing detached dwellings; Erection of carports and garages associated with an existing or proposed detached dwelling.	The lot is larger than 450 square metres and smaller than 900 square metres. Meets all other requirements outlined in this plan as they apply to the particular lot. A minimum of 30% of the site is to be soft landscaped, that is, not with impervious surfaces. Any cutting and filling is carried out in accordance with clause 34.