

# Campbelltown Local Environmental Plan 2015

[2015-754]



New South Wales

## Status Information

### Currency of version

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### Provisions in force

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

### About this plan

This Plan is a [standard instrument local environmental plan](#) under the [Environmental Planning and Assessment Act 1979](#).

### 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 June 2024

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New South Wales

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# Campbelltown Local Environmental Plan 2015



New South Wales

## Part 1 Preliminary

### 1.1 Name of Plan

This Plan is *Campbelltown Local Environmental Plan 2015*.

#### 1.1AA Commencement

This Plan commences 3 months after it is published on the NSW legislation website.

### 1.2 Aims of Plan

- (1) This Plan aims to make local environmental planning provisions for land in Campbelltown in accordance with the relevant standard environmental planning instrument under section 3.20 of the Act.
- (2) The particular aims of this Plan are as follows—
  - (aa) to protect and promote the use and development of land for arts and cultural activity, including music and other performance arts,
  - (a) to provide a comprehensive planning framework for the sustainable development of all land in Campbelltown,
  - (b) to facilitate Campbelltown's development as the compact, vibrant primary business centre for the Macarthur Region, with distinct limits to urban growth and a clearly defined separation between urban and non-urban areas,
  - (c) to protect rural land, its agricultural potential and prevent its fragmentation,
  - (d) to ensure that diverse housing opportunities are provided, including those that accord with urban consolidation principles for all existing and future residents of Campbelltown in all stages of their lives,
  - (e) to reinforce a hierarchy of centres and strengthen the role of the Campbelltown-Macarthur Regional City Centre as the primary business centre for the Macarthur Region,



- (f) to optimise the integration of land use and transport and encourage safe, diverse and efficient means of transport throughout Campbelltown,
- (g) to encourage high-quality, well-designed development, that is of an appropriate design and scale to complement its setting and that enhances and encourages a safe and healthy environment,
- (h) to ensure the adequate provision of infrastructure and services to support both existing and future development,
- (i) to ensure high quality development that is sustainable and does not unreasonably increase the demand for public facilities, amenities and services,
- (j) to identify, conserve and protect the Aboriginal, cultural and natural heritage of Campbelltown and to minimise any adverse impacts of development on heritage items and conservation areas,
- (k) to facilitate diverse economic growth and employment opportunities,
- (l) to conserve and enhance the environmental, scenic and landscape values of land in Campbelltown,
- (m) to maintain, protect and improve the natural environment including biodiversity and water resources,
- (n) to minimise land use conflict and the impact of development on adjoining land and on land subject to environmental hazards, particularly bush fire, flooding and salinity,
- (o) to achieve development outcomes that are commensurate with the capability and suitability of the land,
- (p) to provide for the social, cultural and recreational needs of existing and future communities,
- (q) to foster environmental, economic, social and physical well-being so that Campbelltown develops as an integrated, balanced and sustainable city,
- (r) to protect and promote the health and well-being of current and future residents of Campbelltown.

### **1.3 Land to which Plan applies**

- (1) This Plan applies to the land identified on the [Land Application Map](#).
- (1A) Despite subclause (1), this Plan does not apply to the land identified as “Deferred matter” on the [Land Application Map](#).

#### **1.4 Definitions**

The Dictionary at the end of this Plan defines words and expressions for the purposes of this Plan.

#### **1.5 Notes**

Notes in this Plan are provided for guidance and do not form part of this Plan.

#### **1.6 Consent authority**

The consent authority for the purposes of this Plan is (subject to the Act) the Council.

#### **1.7 Maps**

- (1) A reference in this Plan to a named map adopted by this Plan is a reference to a map by that name—
  - (a) approved by the local plan-making authority when the map is adopted, and
  - (b) as amended or replaced from time to time by maps declared by environmental planning instruments to amend or replace that map, and approved by the local plan-making authority when the instruments are made.
- (1AA) (Repealed)
- (2) Any 2 or more named maps may be combined into a single map. In that case, a reference in this Plan to any such named map is a reference to the relevant part or aspect of the single map.
- (3) Any such maps are to be kept and made available for public access in accordance with arrangements approved by the Minister.
- (4) For the purposes of this Plan, a map may be in, and may be kept and made available in, electronic or paper form, or both.

**Note—**

The maps adopted by this Plan are to be made available on the NSW Planning Portal. Requirements relating to the maps are set out in the documents entitled *Standard technical requirements for LEP maps* and *Standard requirements for LEP GIS data* which are available on the website of the Department of Planning and Environment.

#### **1.8 Repeal of planning instruments applying to land**

- (1) All local environmental plans and deemed environmental planning instruments applying only to the land to which this Plan applies are repealed.

**Note—**

The following local environmental plans are repealed under this provision—

*Campbelltown Local Environmental Plan—District 8 (Central Hills Lands)*

*Campbelltown Local Environmental Plan No 1*

*Campbelltown Local Environmental Plan No 32*

*Campbelltown Local Environmental Plan No 112—Macquarie Field House*

*Campbelltown Local Environmental Plan No 197*

*Campbelltown Local Environmental Plan No 209—Exempt Development*

*Campbelltown (Urban Area) Local Environmental Plan 2002*

*Interim Development Order No 13—City of Campbelltown*

*Interim Development Order No 28—City of Campbelltown*

- (2) All local environmental plans and deemed environmental planning instruments applying to the land to which this Plan applies and to other land cease to apply to the land to which this Plan applies.

**Note—**

However, the following local environmental plans continue to apply to the land identified as “Deferred matter” under clause 1.3(1A)—

*Interim Development Order No 15—City of Campbelltown*

**1.8A Savings provisions relating to development applications**

- (1) If a development application has been made before the commencement of this Plan in relation to land to which this Plan applies and the application has not been finally determined before that commencement, the application must be determined as if this Plan had not commenced.

**Note—**

However, under Division 3.5 of the Act, a development application may be made for consent to carry out development that may only be carried out if the environmental planning instrument applying to the relevant development is appropriately amended or if a new instrument, including an appropriate principal environmental planning instrument, is made, and the consent authority may consider the application. The Division requires public notice of the development application and the draft environmental planning instrument allowing the development at the same time, or as closely together as is practicable.

- (2) If a development application has been made before the commencement of *Campbelltown Local Environmental Plan 2015 (Amendment No 17)* in relation to land to which that Plan applies and the application has not been finally determined before that commencement, the application must be determined as if that Plan had not commenced.
- (3) If a development application has been made before the commencement of *State Environmental Planning Policy (Sydney Region Growth Centres) Amendment (Glenfield Precinct) 2021* in relation to land in the Glenfield Precinct and the application was not

finally determined before that commencement, the application must be determined as if the Policy had not commenced.

### **1.9 Application of SEPPs**

- (1) This Plan is subject to the provisions of any State environmental planning policy that prevails over this Plan as provided by section 3.28 of the Act.
- (2) The following State environmental planning policies (or provisions) do not apply to the land to which this Plan applies—

#### **1.9A Suspension of covenants, agreements and instruments**

- (1) For the purpose of enabling development on land in any zone to be carried out in accordance with this Plan or with a consent granted under the Act, any agreement, covenant or other similar instrument that restricts the carrying out of that development does not apply to the extent necessary to serve that purpose.
- (2) This clause does not apply—
  - (a) to a covenant imposed by the Council or that the Council requires to be imposed, or
  - (b) to any relevant instrument within the meaning of section 13.4 of the *Crown Land Management Act 2016*, or
  - (c) to any conservation agreement within the meaning of the *National Parks and Wildlife Act 1974*, or
  - (d) to any Trust agreement within the meaning of the *Nature Conservation Trust Act 2001*, or
  - (e) to any property vegetation plan within the meaning of the *Native Vegetation Act 2003*, or
  - (f) to any biobanking agreement within the meaning of Part 7A of the *Threatened Species Conservation Act 1995*, or
  - (g) to any planning agreement within the meaning of Subdivision 2 of Division 7.1 of the Act.
- (3) This clause does not affect the rights or interests of any public authority under any registered instrument.
- (4) Under section 3.16 of the Act, the Governor, before the making of this clause, approved of subclauses (1)–(3).

## **Part 2 Permitted or prohibited development**

### **2.1 Land use zones**

The land use zones under this Plan are as follows—

#### **Rural Zones**

RU2 Rural Landscape

RU5 Village

RU6 Transition

#### **Residential Zones**

R2 Low Density Residential

R3 Medium Density Residential

R4 High Density Residential

R5 Large Lot Residential

#### **Employment Zones**

E1 Local Centre

E2 Commercial Centre

E3 Productivity Support

E4 General Industrial

#### **Mixed Use Zones**

MU1 Mixed Use

#### **Special Purpose Zones**

SP1 Special Activities

SP2 Infrastructure

#### **Recreation Zones**

RE1 Public Recreation

RE2 Private Recreation

#### **Conservation Zones**

C1 National Parks and Nature Reserves

C2 Environmental Conservation

C3 Environmental Management

C4 Environmental Living

**Waterway Zones**

W1 Natural Waterways

**2.2 Zoning of land to which Plan applies**

For the purposes of this Plan, land is within the zones shown on the [Land Zoning Map](#).

**2.3 Zone objectives and Land Use Table**

- (1) The Land Use Table at the end of this Part specifies for each zone—
  - (a) the objectives for development, and
  - (b) development that may be carried out without development consent, and
  - (c) development that may be carried out only with development consent, and
  - (d) development that is prohibited.
- (2) The consent authority must have regard to the objectives for development in a zone when determining a development application in respect of land within the zone.
- (3) In the Land Use Table at the end of this Part—
  - (a) a reference to a type of building or other thing is a reference to development for the purposes of that type of building or other thing, and
  - (b) a reference to a type of building or other thing does not include (despite any definition in this Plan) a reference to a type of building or other thing referred to separately in the Land Use Table in relation to the same zone.
- (4) This clause is subject to the other provisions of this Plan.

**Notes—**

- 1** Schedule 1 sets out additional permitted uses for particular land.
- 2** Schedule 2 sets out exempt development (which is generally exempt from both Parts 4 and 5 of the Act). Development in the land use table that may be carried out without consent is nevertheless subject to the environmental assessment and approval requirements of Part 5 of the Act.
- 3** Schedule 3 sets out complying development (for which a complying development certificate may be issued as an alternative to obtaining development consent).
- 4** Clause 2.6 requires consent for subdivision of land.
- 5** Part 5 contains other provisions which require consent for particular development.

**2.4 Unzoned land**

- (1) Development may be carried out on unzoned land only with development consent.

- (2) In deciding whether to grant development consent, the consent authority—
- (a) must consider whether the development will impact on adjoining zoned land and, if so, consider the objectives for development in the zones of the adjoining land, and
  - (b) must be satisfied that the development is appropriate and is compatible with permissible land uses in any such adjoining land.

## 2.5 Additional permitted uses for particular land

- (1) Development on particular land that is described or referred to in Schedule 1 may be carried out—
- (a) with development consent, or
  - (b) if the Schedule so provides—without development consent,
- in accordance with the conditions (if any) specified in that Schedule in relation to that development.
- (2) This clause has effect despite anything to the contrary in the Land Use Table or other provision of this Plan.

## 2.6 Subdivision—consent requirements

- (1) Land to which this Plan applies may be subdivided, but only with development consent.

### Notes—

- 1** If a subdivision is specified as **exempt development** in an applicable environmental planning instrument, such as this Plan or *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008*, the Act enables it to be carried out without development consent.
- 2** Part 6 of *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008* provides that the strata subdivision of a building in certain circumstances is **complying development**.

- (2) Development consent must not be granted for the subdivision of land on which a secondary dwelling is situated if the subdivision would result in the principal dwelling and the secondary dwelling being situated on separate lots, unless the resulting lots are not less than the minimum size shown on the [Lot Size Map](#) in relation to that land.

### Note—

The definition of **secondary dwelling** in the Dictionary requires the dwelling to be on the same lot of land as the principal dwelling.

## 2.7 Demolition requires development consent

The demolition of a building or work may be carried out only with development consent.

### Note—

If the demolition of a building or work is identified in an applicable environmental planning instrument, such as

this Plan or *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008*, as exempt development, the Act enables it to be carried out without development consent.

## **2.8 Temporary use of land**

- (1) The objective of this clause is to provide for the temporary use of land if the use does not compromise future development of the land, or have detrimental economic, social, amenity or environmental effects on the land.
- (2) Despite any other provision of this Plan, development consent may be granted for development on land in any zone for a temporary use for a maximum period of 14 days (whether or not consecutive days) in any period of 12 months.
  - (2A) If land is owned by the State Government or the Council and is not being used for the purposes of an educational establishment, the land may, with development consent—
    - (a) be used for a maximum period of 14 days (whether or not consecutive days) in any period of 12 months by a non-profit community organisation for a community use, or
    - (b) be used for a commercial operation for no more than one day in any calendar year.
  - (2B) If land is being used for the purposes of an educational establishment, the land may, with development consent—
    - (a) be used for a maximum period of 14 days (whether or not consecutive days) in any period of 12 months for a community use or a commercial operation, or
    - (b) be developed for any community purpose, whether or not the development is ancillary to the purposes of a school, college or other educational establishment.
- (3) Development consent must not be granted unless the consent authority is satisfied that—
  - (a) the temporary use will not prejudice the subsequent carrying out of development on the land in accordance with this Plan and any other applicable environmental planning instrument, and
  - (b) the temporary use will not adversely impact on any adjoining land or the amenity of the neighbourhood, and
  - (c) the temporary use and location of any structures related to the use will not adversely impact on environmental attributes or features of the land, or increase the risk of natural hazards that may affect the land, and
  - (d) at the end of the temporary use period the land will, as far as is practicable, be restored to the condition in which it was before the commencement of the use.



- (3A) Also, development consent must not be granted to development under this clause unless the consent authority is satisfied that—
- (a) effluent management arrangements are in place that have sufficient capacity to cater for peak loads generated by the development and that those arrangements will operate effectively, and
  - (b) the stormwater run-off from the site will be appropriately collected and treated, and
  - (c) the natural environment is not adversely impacted, or the risk of natural hazards increased, and
  - (d) a safe and adequate water supply is available or will be provided to service the temporary use, and
  - (e) appropriate mechanisms are in place to deal with the management of traffic and the requirement for vehicular parking generated by the development, and
  - (f) the temporary use will not have an adverse impact on other users of the land.
- (4) Despite subclause (2), the temporary use of a dwelling as a sales office for a new release area or a new housing estate may exceed the maximum number of days specified in that subclause.
- (5) Subclause (3)(d) does not apply to the temporary use of a dwelling as a sales office mentioned in subclause (4).

## 2.9 Canal estate development prohibited

- (1) Canal estate development is prohibited on land to which this Plan applies.
- (2) In this Plan, **canal estate development** means development that involves—
- (a) a constructed canal, or other waterway or waterbody, that—
    - (i) is inundated by surface water or groundwater movement, or
    - (ii) drains to a waterway or waterbody by surface water or groundwater movement, and
  - (b) the erection of a dwelling, and
  - (c) one or both of the following—
    - (i) the use of fill material to raise the level of all or part of the land on which the dwelling will be erected to comply with requirements for residential development in the flood planning area,
    - (ii) excavation to create a waterway.

- (3) Canal estate development does not include development for the purposes of drainage or the supply or treatment of water if the development is—
- (a) carried out by or with the authority of a person or body responsible for the drainage, supply or treatment, and
  - (b) limited to the minimum reasonable size and capacity.
- (4) In this clause—
- flood planning area** has the same meaning as in clause 5.21.

## Land Use Table

### Note—

State environmental planning policies, including the following, may be relevant to development on land to which this Plan applies—

*State Environmental Planning Policy (Housing) 2021*

*State Environmental Planning Policy (Transport and Infrastructure) 2021*, Chapter 2—relating to infrastructure facilities, including air transport, correction, education, electricity generating works and solar energy systems, health services, ports, railways, roads, waste management and water supply systems

*State Environmental Planning Policy (Resources and Energy) 2021*, Chapter 2

*State Environmental Planning Policy (Resilience and Hazards) 2021*, Chapter 3

*State Environmental Planning Policy (Industry and Employment) 2021*, Chapter 3

*State Environmental Planning Policy (Primary Production) 2021*, Chapter 2

## Zone RU2 Rural Landscape

### 1 Objectives of zone

- To encourage sustainable primary industry production by maintaining and enhancing the natural resource base.
- To maintain the rural landscape character of the land.
- To provide for a range of compatible land uses, including extensive agriculture.
- To preserve and enhance bushland, wildlife corridors, natural habitat and water resources, including waterways, ground water and riparian land.
- To protect and enhance areas of scenic value, and the visual amenity of prominent ridgelines, by minimising development and providing visual contrast to nearby urban development.

- To promote healthy lifestyles by ensuring land is available for the local production and consumption of fresh food.

## **2 Permitted without consent**

Extensive agriculture; Home occupations

## **3 Permitted with consent**

Agricultural produce industries; Agritourism; Animal boarding or training establishments; Aquaculture; Bed and breakfast accommodation; Boat launching ramps; Building identification signs; Business identification signs; Camping grounds; Car parks; Cellar door premises; Centre-based child care facilities; Community facilities; Dual occupancies (attached); Dwelling houses; Environmental facilities; Environmental protection works; Farm buildings; Farm stay accommodation; Flood mitigation works; Helipads; Home-based child care; Home businesses; Home industries; Information and education facilities; Intensive plant agriculture; Recreation areas; Recreation facilities (outdoor); Respite day care centres; Roads; Roadside stalls; Rural workers' dwellings; Veterinary hospitals

## **4 Prohibited**

Any development not specified in item 2 or 3

### **Zone RU5 Village**

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

- To provide for a range of land uses, services and facilities that are associated with a rural village.
- To minimise adverse environmental impacts on adjoining land uses and the natural environment.
- To maintain environmental and visual amenity.
- To promote healthy lifestyles by ensuring land is available for the local production and consumption of fresh food.

#### **2 Permitted without consent**

Home occupations

### **3 Permitted with consent**

Bed and breakfast accommodation; Building identification signs; Business identification signs; Business premises; Car parks; Centre-based child care facilities; Community facilities; Dwelling houses; Environmental facilities; Environmental protection works; Flood mitigation works; Food and drink premises; Garden centres; Hardware and building supplies; Home-based child care; Home businesses; Home industries; Information and education facilities; Local distribution premises; Markets; Neighbourhood shops; Office premises; Oyster aquaculture; Places of public worship; Plant nurseries; Public administration buildings; Recreation areas; Recreation facilities (indoor); Recreation facilities (outdoor); Respite day care centres; Roads; Roadside stalls; Rural supplies; Schools; Service stations; Shop top housing; Tank-based aquaculture; Veterinary hospitals

### **4 Prohibited**

Any other development not specified in item 2 or 3

## **Zone RU6 Transition**

### **1 Objectives of zone**

- To protect and maintain land that provides a transition between rural and other land uses of varying intensities or environmental sensitivities.
- To minimise conflict between land uses within this zone and land uses within adjoining zones.
- To enable the orderly and productive use of land within this zone.
- To ensure that development does not have a detrimental visual impact when viewed from surrounding land and roads.
- To promote healthy lifestyles by ensuring land is available for the local production and consumption of fresh food.

### **2 Permitted without consent**

Home occupations

### **3 Permitted with consent**

Building identification signs; Business identification signs; Dual occupancies (attached); Dwelling houses; Educational establishments; Emergency services

facilities; Flood mitigation works; Garden centres; Home businesses; Landscaping material supplies; Oyster aquaculture; Plant nurseries; Recreation facilities (outdoor); Roads; Service stations; Tank-based aquaculture

#### **4 Prohibited**

Any other development not specified in item 2 or 3

### **Zone R2 Low Density Residential**

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

- To provide for the housing needs of the community within a low density residential environment.
- To enable other land uses that provide facilities or services to meet the day to day needs of residents.
- To enable development for purposes other than residential only if that development is compatible with the character of the living area and is of a domestic scale.
- To minimise overshadowing and ensure a desired level of solar access to all properties.
- To facilitate diverse and sustainable means of access and movement.

#### **2 Permitted without consent**

Home occupations

#### **3 Permitted with consent**

Attached dwellings; Building identification signs; Business identification signs; Centre-based child care facilities; Community facilities; Dual occupancies; Dwelling houses; Emergency services facilities; Environmental facilities; Environmental protection works; Exhibition homes; Exhibition villages; Flood mitigation works; Group homes; Home-based child care; Home businesses; Home industries; Oyster aquaculture; Places of public worship; Pond-based aquaculture; Recreation areas; Recreation facilities (outdoor); Respite day care centres; Roads; Schools; Semi-detached dwellings; Tank-based aquaculture

#### **4 Prohibited**

Any development not specified in item 2 or 3

### **Zone R3 Medium Density Residential**

## **1 Objectives of zone**

- To provide for the housing needs of the community within a medium density residential environment.
- To provide a variety of housing types within a medium density residential environment.
- To enable other land uses that provide facilities or services to meet the day to day needs of residents.
- To provide for a wide range of housing choices in close proximity to commercial centres, transport hubs and routes.
- To enable development for purposes other than residential only if that development is compatible with the character and scale of the living area.
- To minimise overshadowing and ensure a desired level of solar access to all properties.

## **2 Permitted without consent**

Nil

## **3 Permitted with consent**

Attached dwellings; Boarding houses; Building identification signs; Business identification signs; Car parks; Centre-based child care facilities; Community facilities; Dual occupancies; Dwelling houses; Emergency services facilities; Environmental facilities; Environmental protection works; Exhibition homes; Exhibition villages; Flood mitigation works; Group homes; Home-based child care; Home businesses; Home occupations; Multi dwelling housing; Neighbourhood shops; Oyster aquaculture; Places of public worship; Recreation areas; Recreation facilities (outdoor); Respite day care centres; Roads; Semi-detached dwellings; Seniors housing; Shop top housing; Tank-based aquaculture

## **4 Prohibited**

Any other development not specified in item 2 or 3

## **Zone R4 High Density Residential**

### **1 Objectives of zone**

- To provide for the housing needs of the community within a high density residential environment.

- To provide a variety of housing types within a high density residential environment.
- To enable other land uses that provide facilities or services to meet the day to day needs of residents.
- To encourage high density residential development in close proximity to centres and public transport hubs.
- To maximise redevelopment and infill opportunities for high density housing within walking distance of centres.
- To enable development for purposes other than residential only if that development is compatible with the character and scale of the living area.
- To minimise overshadowing and ensure a desired level of solar access to all properties.

## **2 Permitted without consent**

Nil

## **3 Permitted with consent**

Boarding houses; Building identification signs; Business identification signs; Car parks; Centre-based child care facilities; Community facilities; Emergency services facilities; Environmental facilities; Environmental protection works; Exhibition homes; Exhibition villages; Flood mitigation works; Home businesses; Home occupations; Neighbourhood shops; Oyster aquaculture; Places of public worship; Recreation areas; Recreation facilities (outdoor); Residential flat buildings; Respite day care centres; Roads; Serviced apartments; Shop top housing

## **4 Prohibited**

Any other development not specified in item 2 or 3

## **Zone R5 Large Lot Residential**

### **1 Objectives of zone**

- To provide residential housing in a rural setting while preserving, and minimising impacts on, environmentally sensitive locations and scenic quality.
- To ensure that large residential lots do not hinder the proper and orderly

development of urban areas in the future.

- To ensure that development in the area does not unreasonably increase the demand for public services or public facilities.
- To minimise conflict between land uses within this zone and land uses within adjoining zones.
- To enable development for certain purposes other than residential only if that development is compatible with the character and scale of the living area.
- To minimise overshadowing and ensure a desired level of solar access to all properties.

## **2 Permitted without consent**

Home occupations

## **3 Permitted with consent**

Building identification signs; Business identification signs; Centre-based child care facilities; Community facilities; Dual occupancies (attached); Dwelling houses; Emergency services facilities; Environmental facilities; Environmental protection works; Exhibition homes; Exhibition villages; Flood mitigation works; Home-based child care; Home businesses; Home industries; Oyster aquaculture; Pond-based aquaculture; Recreation areas; Recreation facilities (outdoor); Respite day care centres; Roads; Tank-based aquaculture

## **4 Prohibited**

Any development not specified in item 2 or 3

### **Zone E1 Local Centre**

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

- To provide a range of retail, business and community uses that serve the needs of people who live in, work in or visit the area.
- To encourage investment in local commercial development that generates employment opportunities and economic growth.
- To enable residential development that contributes to a vibrant and active local centre and is consistent with the Council's strategic planning for residential development in the area.



- To encourage business, retail, community and other non-residential land uses on the ground floor of buildings.
- To achieve an accessible, attractive and safe public domain.
- To provide healthy, attractive, vibrant and safe centres.
- To support public transport patronage and encourage walking and cycling.

## **2 Permitted without consent**

Nil

## **3 Permitted with consent**

Amusement centres; Boarding houses; Car parks; Centre-based child care facilities; Commercial premises; Community facilities; Entertainment facilities; Environmental facilities; Environmental protection works; Flood mitigation works; Function centres; Home businesses; Home industries; Home occupations; Hotel or motel accommodation; Information and education facilities; Local distribution premises; Medical centres; Oyster aquaculture; Passenger transport facilities; Places of public worship; Public administration buildings; Recreation areas; Recreation facilities (indoor); Recreation facilities (outdoor); Registered clubs; Respite day care centres; Roads; Service stations; Shop top housing; Signage; Tank-based aquaculture; Veterinary hospitals

## **4 Prohibited**

Any development not specified in item 2 or 3

## **Zone E2 Commercial Centre**

### **1 Objectives of zone**

- To strengthen the role of the commercial centre as the centre of business, retail, community and cultural activity.
- To encourage investment in commercial development that generates employment opportunities and economic growth.
- To encourage development that has a high level of accessibility and amenity, particularly for pedestrians.
- To enable residential development only if it is consistent with the Council's strategic planning for residential development in the area.

- To ensure that new development provides diverse and active street frontages to attract pedestrian traffic and to contribute to vibrant, diverse and functional streets and public spaces.

## **2 Permitted without consent**

Nil

## **3 Permitted with consent**

Amusement centres; Artisan food and drink industries; Backpackers' accommodation; Centre-based child care facilities; Commercial premises; Car parks; Community facilities; Entertainment facilities; Environmental facilities; Environmental protection works; Flood mitigation works; Function centres; Helipads; Home businesses; Home industries; Home occupations; Hotel or motel accommodation; Information and education facilities; Local distribution premises; Medical centres; Mortuaries; Oyster aquaculture; Passenger transport facilities; Places of public worship; Recreation areas; Recreation facilities (indoor); Recreation facilities (outdoor); Registered clubs; Respite day care centres; Restricted premises; Roads; Service stations; Shop top housing; Signage; Tank-based aquaculture; Vehicle repair stations; Veterinary hospitals

## **4 Prohibited**

Any development not specified in item 2 or 3

### **Zone E3 Productivity Support**

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

- To provide a range of facilities and services, light industries, warehouses and offices.
- To provide for land uses that are compatible with, but do not compete with, land uses in surrounding local and commercial centres.
- To maintain the economic viability of local and commercial centres by limiting certain retail and commercial activity.
- To provide for land uses that meet the needs of the community, businesses and industries but that are not suited to locations in other employment zones.
- To provide opportunities for new and emerging light industries.

- To enable other land uses that provide facilities and services to meet the day to day needs of workers, to sell goods of a large size, weight or quantity or to sell goods manufactured on-site.
- To facilitate diverse and sustainable means of access and movement.
- To encourage industries or business involved in scientific research or development.
- To provide healthy, attractive, functional and safe business areas.

## **2 Permitted without consent**

Nil

## **3 Permitted with consent**

Amusement centres; Animal boarding or training establishments; Backpackers' accommodation; Boat building and repair facilities; Business premises; Car parks; Centre-based child care facilities; Community facilities; Depots; Environmental facilities; Environmental protection works; Flood mitigation works; Function centres; Garden centres; Hardware and building supplies; Highway service centres; Hotel or motel accommodation; Industrial retail outlets; Industrial training facilities; Information and education facilities; Landscaping material supplies; Light industries; Local distribution premises; Markets; Mortuaries; Neighbourhood shops; Office premises; Oyster aquaculture; Passenger transport facilities; Places of public worship; Plant nurseries; Pubs; Recreation areas; Recreation facilities (indoor); Recreation facilities (major); Recreation facilities (outdoor); Registered clubs; Research stations; Respite day care centres; Restaurants or cafes; Restricted premises; Roads; Rural supplies; Service stations; Serviced apartments; Signage; Small bars; Specialised retail premises; Storage premises; Take away food and drink premises; Tank-based aquaculture; Timber yards; Vehicle body repair workshops; Vehicle repair stations; Vehicle sales or hire premises; Veterinary hospitals; Warehouse or distribution centres; Wholesale supplies

## **4 Prohibited**

Any development not specified in item 2 or 3

## **Zone E4 General Industrial**

### **1 Objectives of zone**

- To provide a range of industrial, warehouse, logistics and related land uses.

- To ensure the efficient and viable use of land for industrial uses.
- To minimise any adverse effect of industry on other land uses.
- To encourage employment opportunities.
- To enable limited non-industrial land uses that provide facilities and services to meet the needs of businesses and workers.
- To enable non-industrial land uses that are compatible with and do not detract from industrial and warehouse uses or impact on the viability of existing centres.
- To ensure that any commercial, retail or other non-industrial development is not likely to adversely affect employment generating activities or opportunities.
- To facilitate diverse and sustainable means of access and movement.
- To maximise public transport patronage and encourage walking and cycling.

## **2 Permitted without consent**

Nil

## **3 Permitted with consent**

Animal boarding or training establishments; Boat building and repair facilities; Car parks; Depots; Environmental facilities; Environmental protection works; Flood mitigation works; Freight transport facilities; Garden centres; General industries; Goods repair and reuse premises; Hardware and building supplies; Helipads; Highway service centres; Industrial retail outlets; Industrial training facilities; Kiosks; Landscaping material supplies; Light industries; Local distribution premises; Mortuaries; Neighbourhood shops; Oyster aquaculture; Passenger transport facilities; Places of public worship; Recreation facilities (indoor); Research stations; Roads; Rural industries; Rural supplies; Service stations; Sex services premises; Signage; Specialised retail premises; Storage premises; Take away food and drink premises; Tank-based aquaculture; Timber yards; Transport depots; Truck depots; Vehicle body repair workshops; Vehicle repair stations; Vehicle sales or hire premises; Veterinary hospitals; Warehouse or distribution centres; Wholesale supplies

## **4 Prohibited**

Any development not specified in item 2 or 3

## **Zone MU1 Mixed Use**

### **1 Objectives of zone**

- To encourage a diversity of business, retail, office and light industrial land uses that generate employment opportunities.
- To ensure that new development provides diverse and active street frontages to attract pedestrian traffic and to contribute to vibrant, diverse and functional streets and public spaces.
- To minimise conflict between land uses within this zone and land uses within adjoining zones.
- To encourage business, retail, community and other non-residential land uses on the ground floor of buildings.
- To encourage the timely renewal and revitalisation of centres that are undergoing growth or change.
- To provide a focal point for commercial investment, employment opportunities and centre-based living.

### **2 Permitted without consent**

Nil

### **3 Permitted with consent**

Amusement centres; Boarding houses; Car parks; Centre-based child care facilities; Commercial premises; Community facilities; Entertainment facilities; Environmental facilities; Environmental protection works; Flood mitigation works; Function centres; Helipads; Home businesses; Home occupations; Information and education facilities; Light industries; Local distribution premises; Medical centres; Mortuaries; Oyster aquaculture; Passenger transport facilities; Places of public worship; Recreation areas; Recreation facilities (indoor); Recreation facilities (outdoor); Registered clubs; Residential flat buildings; Respite day care centres; Restricted premises; Roads; Service stations; Shop top housing; Signage; Tank-based aquaculture; Tourist and visitor accommodation; Vehicle repair stations; Veterinary hospitals

### **4 Prohibited**

Any development not specified in item 2 or 3

## **Zone SP1 Special Activities**

## **1 Objectives of zone**

- To provide for special land uses that are not provided for in other zones.
- To provide for sites with special natural characteristics that are not provided for in other zones.
- To facilitate development that is in keeping with the special characteristics of the site or its existing or intended special use, and that minimises any adverse impacts on surrounding land.
- To facilitate development that is ancillary or incidental to the special land uses provided for in this zone.
- To provide for the retention and creation of view corridors.
- To preserve bushland, wildlife corridors and natural habitat.
- To protect and enhance areas of scenic value, including the visual amenity of prominent ridgelines, and to provide visual contrast to nearby urban development.

## **2 Permitted without consent**

Environmental protection works

## **3 Permitted with consent**

Aquaculture; Flood mitigation works; Roads; The purpose shown on the [Land Zoning Map](#), including any development that is ordinarily incidental or ancillary to development for that purpose

## **4 Prohibited**

Any development not specified in item 2 or 3

## **Zone SP2 Infrastructure**

### **1 Objectives of zone**

- To provide for infrastructure and related uses.
- To prevent development that is not compatible with or that may detract from the provision of infrastructure.
- To encourage activities involving research and development.

- To optimise value-adding development opportunities, particularly those associated with research.
- To provide for the retention and creation of view corridors.
- To preserve bushland, wildlife corridors and natural habitat.
- To maintain the visual amenity of prominent ridgelines.

## **2 Permitted without consent**

Environmental protection works

## **3 Permitted with consent**

Aquaculture; Flood mitigation works; Roads; The purpose shown on the [Land Zoning Map](#), including any development that is ordinarily incidental or ancillary to development for that purpose

## **4 Prohibited**

Any development not specified in item 2 or 3

### **Zone RE1 Public Recreation**

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

- To enable land to be used for public open space or recreational purposes.
- To provide a range of recreational settings and activities and compatible land uses.
- To protect and enhance the natural environment for recreational purposes.
- To provide for land uses compatible with the ecological, scientific, cultural or aesthetic values of land in the zone.
- To facilitate the multiple use of certain open space areas.
- To facilitate development that is ancillary or incidental to the special land uses provided for in this zone.
- To provide for the sufficient and equitable distribution of public open space to meet the needs of the local community.
- To preserve and rehabilitate bushland, wildlife corridors and natural habitat, including waterways and riparian lands, and facilitate public enjoyment of

these areas.

- To provide for the retention and creation of view corridors.
- To protect and enhance areas of scenic value and the visual amenity of prominent ridgelines.
- To preserve land that is required for public open space or recreational purposes.
- To maximise public transport patronage and encourage walking and cycling.

## **2 Permitted without consent**

Nil

## **3 Permitted with consent**

Aquaculture; Boat launching ramps; Camping grounds; Car parks; Community facilities; Emergency services facilities; Environmental facilities; Environmental protection works; Flood mitigation works; Heliports; Information and education facilities; Jetties; Kiosks; Markets; Recreation areas; Recreation facilities (indoor); Recreation facilities (major); Recreation facilities (outdoor); Registered clubs; Restaurants or cafes; Roads; Signage; Small bars; Water recreation structures; Water supply systems

## **4 Prohibited**

Any development not specified in item 2 or 3

### **Zone RE2 Private Recreation**

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

- To enable land to be used for private open space or recreational purposes.
- To provide a range of recreational settings and activities and compatible land uses.
- To protect and enhance the natural environment for recreational purposes.
- To protect and enhance areas of scenic value and the visual amenity of prominent ridgelines.
- To protect bushland, wildlife corridors and natural habitat.
- To ensure the preservation and maintenance of environmentally significant



and environmentally sensitive land.

- To maximise public transport patronage and encourage walking and cycling.

## **2 Permitted without consent**

Nil

## **3 Permitted with consent**

Aquaculture; Boat launching ramps; Car parks; Community facilities; Eco-tourist facilities; Emergency services facilities; Environmental facilities; Environmental protection works; Flood mitigation works; Information and education facilities; Jetties; Kiosks; Markets; Recreation areas; Recreation facilities (indoor); Recreation facilities (major); Recreation facilities (outdoor); Registered clubs; Restaurants or cafes; Roads; Signage; Small bars; Water recreation structures; Water supply systems

## **4 Prohibited**

Any development not specified in item 2 or 3

### **Zone C1 National Parks and Nature Reserves**

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

- To enable the management and appropriate use of land that is reserved under the *National Parks and Wildlife Act 1974* or that is acquired under Part 11 of that Act.
- To enable uses authorised under the *National Parks and Wildlife Act 1974*.
- To identify land that is to be reserved under the *National Parks and Wildlife Act 1974* and to protect the environmental significance of that land.

#### **2 Permitted without consent**

Uses authorised under the *National Parks and Wildlife Act 1974*

#### **3 Permitted with consent**

Nil

#### **4 Prohibited**

Any development not specified in item 2 or 3

### **Zone C2 Environmental Conservation**

### **1 Objectives of zone**

- To protect, manage and restore areas of high ecological, scientific, cultural or aesthetic values.
- To prevent development that could destroy, damage or otherwise have an adverse effect on those values.
- To provide for land uses compatible with the high ecological, scientific, cultural or aesthetic values of this zone.
- To foster the protection, enhancement and creation of natural systems corridors.

### **2 Permitted without consent**

Nil

### **3 Permitted with consent**

Building identification signs; Business identification signs; Eco-tourist facilities; Environmental facilities; Environmental protection works; Flood mitigation works; Information and education facilities; Oyster aquaculture; Roads

### **4 Prohibited**

Business premises; Hotel or motel accommodation; Industries; Local distribution premises; Multi dwelling housing; Pond-based aquaculture; Recreation facilities (major); Residential flat buildings; Restricted premises; Retail premises; Seniors housing; Service stations; Tank-based aquaculture; Warehouse or distribution centres; Any other development not specified in item 2 or 3

## **Zone C3 Environmental Management**

### **1 Objectives of zone**

- To protect, manage and restore areas with special ecological, scientific, cultural or aesthetic values.
- To provide for a limited range of development that does not have an adverse effect on those values.
- To enable development for purposes other than rural-residential only if that development is compatible and complementary, in terms of design, size and scale, with the character of land in the zone.

- To allow cellar door premises, restaurants and cafes only where they are directly associated with the agricultural use of the land.
- To protect, and maintain the environmental, ecological and visual amenity of, the Scenic Hills, the Wedderburn Plateau and environmentally sensitive lands in the vicinity of the Georges River from inappropriate development.
- To preserve the rural heritage landscape character of the Scenic Hills.
- To protect and enhance areas of scenic value and the visual amenity of prominent ridgelines.
- To protect bushland, wildlife corridors and natural habitat, including waterways and riparian lands.
- To ensure the preservation and maintenance of environmentally significant and environmentally sensitive land.

## **2 Permitted without consent**

Home occupations

## **3 Permitted with consent**

Animal boarding or training establishments; Bed and breakfast accommodation; Building identification signs; Business identification signs; Cellar door premises; Dual occupancies (attached); Dwelling houses; Educational establishments; Emergency services facilities; Environmental facilities; Environmental protection works; Extensive agriculture; Farm buildings; Farm stay accommodation; Flood mitigation works; Home-based child care; Home businesses; Home industries; Horticulture; Oyster aquaculture; Places of public worship; Pond-based aquaculture; Recreation areas; Restaurants or cafes; Roads; Roadside stalls; Rural workers' dwellings; Tank-based aquaculture; Viticulture; Water supply systems

## **4 Prohibited**

Industries; Local distribution premises; Multi dwelling housing; Residential flat buildings; Retail premises; Seniors housing; Service stations; Warehouse or distribution centres; Any other development not specified in item 2 or 3

## **Zone C4 Environmental Living**

## **1 Objectives of zone**

- To provide for low-impact residential development in areas with special ecological, scientific or aesthetic values.
- To ensure that residential development does not have an adverse effect on those values.
- To conserve the rural and bushland character of land that forms the scenic eastern edge of Campbelltown's urban area.
- To protect and enhance areas of scenic value and the visual amenity of prominent ridgelines.
- To maintain significant stands of native vegetation and wildlife and riparian corridors.
- To ensure the preservation and maintenance of environmentally significant and environmentally sensitive land.

## **2 Permitted without consent**

Home occupations

## **3 Permitted with consent**

Building identification signs; Business identification signs; Centre-based child care facilities; Community facilities; Dual occupancies (attached); Dwelling houses; Eco-tourist facilities; Emergency services facilities; Environmental facilities; Environmental protection works; Extensive agriculture; Farm buildings; Flood mitigation works; Horticulture; Home-based child care centres; Home businesses; Home industries; Oyster aquaculture; Pond-based aquaculture; Recreation areas; Recreation facilities (outdoor); Respite day care centres; Roads; Tank-based aquaculture; Viticulture; Water supply systems

## **4 Prohibited**

Industries; Local distribution premises; Service stations; Warehouse or distribution centres; Any other development not specified in item 2 or 3

## **Zone W1 Natural Waterways**

### **1 Objectives of zone**

- To protect the ecological and scenic values of natural waterways.

- To prevent development that would have an adverse effect on the natural values of waterways in this zone.
- To provide for sustainable fishing industries and recreational fishing.
- To enable the passive recreational enjoyment and scientific study of the natural environment.
- To protect significant stands of native vegetation and wildlife and riparian corridors.

## **2 Permitted without consent**

Nil

## **3 Permitted with consent**

Aquaculture; Boat launching ramps; Building identification signs; Charter and tourism boating facilities; Environmental facilities; Environmental protection works; Flood mitigation works; Jetties; Recreation areas; Recreation facilities (outdoor); Roads; Water recreation structures; Water supply systems

## **4 Prohibited**

Business premises; Hotel or motel accommodation; Industries; Local distribution premises; Multi dwelling housing; Recreation facilities (major); Residential flat buildings; Restricted premises; Retail premises; Seniors housing; Service stations; Warehouse or distribution centres; Any other development not specified in item 2 or 3

# **Part 3 Exempt and complying development**

## **3.1 Exempt development**

- (1) The objective of this clause is to identify development of minimal environmental impact as exempt development.
- (2) Development specified in Schedule 2 that meets the standards for the development contained in that Schedule and that complies with the requirements of this Part is exempt development.
- (3) To be exempt development, the development—
  - (a) must meet the relevant deemed-to-satisfy provisions of the *Building Code of Australia* or, if there are no such relevant provisions, must be structurally adequate, and

- (b) must not, if it relates to an existing building, cause the building to contravene the *Building Code of Australia*, and
  - (c) must not be designated development, and
  - (d) must not be carried out on land that comprises, or on which there is, an item that is listed on the State Heritage Register under the *Heritage Act 1977* or that is subject to an interim heritage order under the *Heritage Act 1977*.
- (4) Development that relates to an existing building that is classified under the *Building Code of Australia* as class 1b or class 2-9 is exempt development only if—
- (a) the building has a current fire safety certificate or fire safety statement, or
  - (b) no fire safety measures are currently implemented, required or proposed for the building.
- (5) To be exempt development, the development must—
- (a) be installed in accordance with the manufacturer's specifications, if applicable, and
  - (b) not involve the removal, pruning or other clearing of vegetation that requires a permit, development consent or other approval unless it is undertaken in accordance with a permit, development consent or other approval.

**Note—**

See *State Environmental Planning Policy (Biodiversity and Conservation) 2021*, Chapter 2 and the *Local Land Services Act 2013*, Part 5A.

- (6) A heading to an item in Schedule 2 is part of that Schedule.

### **3.2 Complying development**

- (1) The objective of this clause is to identify development as complying development.
- (2) Development specified in Part 1 of Schedule 3 that is carried out in compliance with—
- (a) the development standards specified in relation to that development, and
  - (b) the requirements of this Part,
- is complying development.

**Note—**

See also clause 5.8(3) which provides that the conversion of fire alarms is complying development in certain circumstances.

- (3) To be complying development, the development must—
- (a) be permissible, with development consent, in the zone in which it is carried out,

and

(b) meet the relevant deemed-to-satisfy provisions of the *Building Code of Australia*, and

(c) have an approval, if required by the *Local Government Act 1993*, from the Council for an on-site effluent disposal system if the development is undertaken on unsewered land.

(4) A complying development certificate for development specified in Part 1 of Schedule 3 is subject to the conditions (if any) set out or referred to in Part 2 of that Schedule.

(5) A heading to an item in Schedule 3 is part of that Schedule.

### 3.3 Environmentally sensitive areas excluded

(1) Exempt or complying development must not be carried out on any environmentally sensitive area for exempt or complying development.

(2) For the purposes of this clause—

***environmentally sensitive area for exempt or complying development*** means any of the following—

(a) the coastal waters of the State,

(b) a coastal lake,

(c) land within the coastal wetlands and littoral rainforests area (within the meaning of the *Coastal Management Act 2016*),

(d) land reserved as an aquatic reserve under the *Fisheries Management Act 1994* or as a marine park under the *Marine Parks Act 1997*,

(e) land within a wetland of international significance declared under the Ramsar Convention on Wetlands or within a World heritage area declared under the World Heritage Convention,

(f) land within 100 metres of land to which paragraph (c), (d) or (e) applies,

(g) land identified in this or any other environmental planning instrument as being of high Aboriginal cultural significance or high biodiversity significance,

(h) land reserved under the *National Parks and Wildlife Act 1974* or land acquired under Part 11 of that Act,

(i) land reserved or dedicated under the *Crown Land Management Act 2016* for the preservation of flora, fauna, geological formations or for other environmental protection purposes,

- (j) land that is a declared area of outstanding biodiversity value under the *Biodiversity Conservation Act 2016* or declared critical habitat under Part 7A of the *Fisheries Management Act 1994*,
- (ja) land within 40 metres of the top bank of a waterway or artificial waterbody,
- (jb) land that has a gradient exceeding 16%,
- (jc) land that is in Zone C2 Environmental Conservation,
- (jd) land on part of Lot 4 and part of Lot 5, DP 1240836 identified as “Koala Corridor” on the [Clause Application Map](#).

## **Part 4 Principal development standards**

### **4.1 Minimum subdivision lot size**

- (1) The objectives of this clause are as follows—
  - (a) to ensure that the density of development is compatible with the capacity of existing and proposed infrastructure,
  - (b) to ensure that the density of settlement will be compatible with the objectives of the zone,
  - (c) to limit the density of settlement in environmentally, scenically or historically sensitive areas,
  - (d) to ensure lot sizes are compatible with the conservation of natural systems, including waterways, riparian land and groundwater dependent ecosystems,
  - (e) to facilitate viable agricultural undertakings,
  - (f) to protect the curtilage of heritage items and heritage conservation areas,
  - (g) to facilitate a diversity of housing forms.
- (2) This clause applies to a subdivision of any land shown on the [Lot Size Map](#) that requires development consent and that is carried out after the commencement of this Plan.
- (3) The size of any lot resulting from a subdivision of land to which this clause applies is not to be less than the minimum size shown on the [Lot Size Map](#) in relation to that land.
- (4) This clause does not apply in relation to the subdivision of any land—
  - (a) by the registration of a strata plan or strata plan of subdivision under the *Strata Schemes Development Act 2015*, or



(b) by any kind of subdivision under the *Community Land Development Act 2021*.

(4A) If a lot is a battle-axe lot or other lot with an access handle, the area of the access handle is not to be included in calculating the lot size.

(4B) Despite subclause (3), development consent may be granted for the subdivision of land into lots that do not meet the minimum size shown on the *Lot Size Map* if the lots are residue lots resulting from the creation of a public road, public open space or other public purpose.

(4C) (Repealed)

#### **4.1AA Minimum subdivision lot size for community title schemes**

(1) The objectives of this clause are as follows—

- (a) to provide for the proper and orderly development of land,
- (b) to ensure that land developed under the *Community Land Development Act 1989* will achieve densities consistent with the objectives of the zone,
- (c) to protect the curtilage of heritage items and heritage conservation areas.

(2) This clause applies to a subdivision (being a subdivision that requires development consent) under the *Community Land Development Act 2021* of land in any of the following zones—

- (a) Zone RU2 Rural Landscape,
- (b) Zone R2 Low Density Residential,
- (c) Zone R3 Medium Density Residential,
- (d) Zone R5 Large Lot Residential,
- (e) Zone C3 Environmental Management,
- (f) Zone C4 Environmental Living,

but does not apply to a subdivision by the registration of a strata plan.

(3) The size of any lot resulting from a subdivision of land to which this clause applies (other than any lot comprising association property within the meaning of the *Community Land Development Act 2021*) is not to be less than the minimum size shown on the *Lot Size Map* in relation to that land.

(4) This clause applies despite clause 4.1.

#### **4.1A (Repealed)**

#### **4.1B Minimum subdivision lot sizes for dual occupancies in certain zones**

- (1) The objectives of this clause are as follows—
  - (a) to achieve planned residential density in certain zones,
  - (b) to ensure that lot sizes are consistent with the predominant subdivision pattern of the area and maintain a low density residential character in existing neighbourhoods,
  - (c) to facilitate development applications seeking concurrent approval for dual occupancy development and subdivision,
  - (d) to prevent the fragmentation of land.
- (2) Despite clause 4.1, development consent may be granted to development for the purpose of a dual occupancy if the development will be on a lot that is at least the minimum size shown on the [Lot Size for Dual Occupancy Development Map](#) in relation to that land.
- (3) Despite clause 4.1 and subclause (2), development consent may be granted for the subdivision of land in Zone R2 Low Density Residential into lots that are less than the minimum lot size shown on the [Lot Size Map](#) in relation to that land if—
  - (a) there is an existing dual occupancy on the land that was lawfully erected under an environmental planning instrument or there is a development application for the concurrent approval of a dual occupancy and its subdivision into 2 lots, and
  - (b) the lot size of each resulting lot will be at least 300 square metres, and
  - (c) the subdivision will not result in more than one principal dwelling on each resulting lot.

#### **4.1C Minimum qualifying site area and lot size for certain residential and centre-based child care facility development in residential zones**

- (1) The objectives of this clause are as follows—
  - (a) to achieve planned residential densities in certain zones,
  - (b) to achieve satisfactory environmental and infrastructure outcomes,
  - (c) to minimise any adverse impact of development on residential amenity,
  - (d) to minimise land use conflicts.
- (2) Development consent may be granted to development for a purpose specified in the table to this clause on land in a zone listed beside the purpose, if the area of the lot is equal to or greater than the area specified in Column 3 of the table.

- (3) Development consent may be granted to the subdivision of land in a zone that is specified in the table to this clause for a purpose listed beside the zone, if the area of the lot to be created is equal to or greater than the area specified in Column 4 of the table.
- (4) This clause does not apply to land identified as “Ingleburn Narrow Lots” on the [Clause Application Map](#).

<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
Semi-detached dwelling	Zone R2 Low Density Residential	700 square metres	300 square metres
Attached dwelling	Zone R2 Low Density Residential	1,000 square metres	300 square metres
Centre-based child care facilities	Zone R2 Low Density Residential or Zone R3 Medium Density Residential	800 square metres	N/A
Residential flat buildings	Zone R4 High Density Residential	1,200 square metres	1,200 square metres

#### **4.1D Minimum lot sizes for certain land uses in certain conservation zones**

- (1) The objectives of this clause are as follows—
- to allow for certain non-residential land uses,
  - to minimise any adverse impact on local amenity and the natural environment,
  - to achieve satisfactory environmental and infrastructure outcomes,
  - to minimise land use conflicts.
- (2) This clause applies to land in the following zones—
- Zone C3 Environmental Management,
  - Zone C4 Environmental Living.
- (3) Development consent may be granted to development for a purpose specified in the table to this clause on land in a zone listed beside the purpose, if the area of the lot is equal to or greater than the area specified in the table.

<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>
Animal boarding or training establishments	Zone C3 Environmental Management	5 hectares

Educational establishments	Zone C3 Environmental Management or Zone C4 Environmental Living	10 hectares
Places of public worship	Zone C3 Environmental Management	10 hectares

#### **4.1E (Repealed)**

#### **4.1F Exception to minimum lot sizes for certain land in Glenfield**

- (1) This clause applies to that part of Lot 91, DP 1155962 that is in Zone RU2 Rural Landscape.
- (2) Despite clause 4.1, development consent may be granted to the subdivision of land to which this clause applies to create lots with a size less than the minimum lot size shown on the [Lot Size Map](#) in relation to the land.
- (3) A dwelling cannot be erected on a lot created under this clause.

#### **4.1G Exception to minimum subdivision lot sizes for certain residential development in Maryfields Urban Release Area**

- (1) The objective of this clause is to provide flexibility in the application of lot size standards for residential development on larger sized lots on land in Zone R3 Medium Density Residential in the Maryfields Urban Release Area.
- (2) This clause applies to land in Zone R3 Medium Density Residential and identified as “Maryfields Urban Release Area” on the [Urban Release Area Map](#).
- (3) Despite clause 4.1, development consent may be granted for the subdivision of land to which this clause applies on which is lawfully erected a type of residential accommodation if—
  - (a) the size of each lot to be subdivided is at least 1800 square metres, and
  - (b) each lot resulting from the subdivision will be at least 225 square metres and will have an erected single dwelling, and
  - (c) each lot resulting from the subdivision will have a single dwelling that is in existence and for which an occupation certificate was issued before the consent was granted.

#### **4.1H Exception to minimum lot sizes for certain land in Mount Gilead Urban Release Area**

- (1) This clause applies to land in Zone R2 Low Density Residential and identified as “Mount Gilead Urban Release Area” on the [Urban Release Area Map](#).
- (2) Land to which this clause applies may be subdivided, with development consent, to

- create lots with a size less than the minimum lot size shown on the [Lot Size Map](#) if—
- (a) the subdivision will result in not more than 255 mid-sized lots and not more than 255 small-sized lots on the land, and
  - (b) each resulting small-sized or mid-sized lot will not be on a corner allotment, and
  - (c) no more than 3 contiguous resulting lots sharing a street frontage will have a lot size of less than 450m<sup>2</sup>, and
  - (d) each resulting mid-sized lot will have a street frontage that is at least 11.5m, and
  - (e) each resulting small-sized lot will have a street frontage that is at least 10m, and
  - (f) the consent authority is satisfied that each resulting small or mid-sized lot will be located within 200m of a planned or existing bus route, community centre or open space.

(3) In this clause—

**mid-sized lot** means a lot with a size that is at least 375m<sup>2</sup> but not more than 450m<sup>2</sup>.

**small-sized lot** means a lot with a size that is at least 300m<sup>2</sup> but less than 375m<sup>2</sup>.

#### 4.11 Minimum lot size for certain residential accommodation in Mount Gilead Urban Release Area

- (1) This clause applies to land identified as “Mount Gilead Urban Release Area” on the [Urban Release Area Map](#).
- (2) Development for a purpose specified in Column 1 of the table to this clause is permitted with development consent on land in the zone specified in Column 2 on a lot that is at least the size specified in Column 3.
- (3) Subdivision of land in a zone specified in Column 2 of the table to this clause for a purpose specified in Column 1 is permitted with development consent if the resulting lots will be at least the size specified in Column 4.

Column 1	Column 2	Column 3	Column 4
Dwelling houses	Zone R3 Medium Density Residential	250m <sup>2</sup>	250m <sup>2</sup>
Dual occupancies	Zone R3 Medium Density Residential	500m <sup>2</sup>	250m <sup>2</sup>
Semi-detached dwellings	Zone R3 Medium Density Residential	500m <sup>2</sup>	250m <sup>2</sup>

Attached dwellings	Zone R3 Medium Density Residential	1,000m <sup>2</sup>	200m <sup>2</sup>
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#### 4.1J Minimum lot sizes for certain land in Menangle Park Urban Release Area

- (1) Land in Zone R2 Low Density Residential and identified as “Area 4” on the [Lot Size Map](#) may be subdivided, with development consent, to create lots with a lot size less than the minimum lot size shown on the [Lot Size Map](#) if—
  - (a) each resulting lot will—
    - (i) be at least 375m<sup>2</sup>, and
    - (ii) not be on a corner allotment, and
    - (iii) have a street frontage of at least 11.5m<sup>2</sup>, and
    - (iv) be located within 200m of a bus stop or open space, and
  - (b) no more than 3 contiguous resulting lots sharing a street frontage will have a lot size of less than 420m<sup>2</sup>, and
  - (c) the subdivision will not result in more than 150 lots with a lot size less than the minimum lot size shown on the [Lot Size Map](#).
- (2) Development for a purpose specified in Column 1 of the following table is permitted with development consent on land in Zone R3 Medium Density Residential and identified as “Area 3” on the [Lot Size Map](#) if the lot is at least the lot size specified opposite in Column 2—

<b>Column 1</b>	<b>Column 2</b>
Attached dwellings	200m <sup>2</sup>
Dual occupancies	500m <sup>2</sup>
Dwelling houses	250m <sup>2</sup>
Multi dwelling housing	1,500m <sup>2</sup>
Semi-detached dwellings	250m <sup>2</sup>

#### 4.2 Rural subdivision

- (1) The objective of this clause is to provide flexibility in the application of standards for subdivision in rural zones to allow land owners a greater chance to achieve the objectives for development in the relevant zone.
- (2) This clause applies to the following rural zones—
  - (a) Zone RU1 Primary Production,

- (b) Zone RU2 Rural Landscape,
- (baa) Zone RU3 Forestry,
- (c) Zone RU4 Primary Production Small Lots,
- (d) Zone RU6 Transition.

**Note—**

When this Plan was made it did not include all of these zones.

- (3) Land in a zone to which this clause applies may, with development consent, be subdivided for the purpose of primary production to create a lot of a size that is less than the minimum size shown on the [Lot Size Map](#) in relation to that land.
- (4) However, such a lot cannot be created if an existing dwelling would, as the result of the subdivision, be situated on the lot.
- (5) A dwelling cannot be erected on such a lot.

**Note—**

A dwelling includes a rural worker's dwelling (see definition of that term in the Dictionary).

**4.2A Erection of dwelling houses or dual occupancies (attached) on land in certain rural and conservation zones**

- (1) The objectives of this clause are as follows—
  - (a) to enable the replacement of lawfully erected dwelling houses and dual occupancies (attached), and the realisation of dwelling entitlements in rural and conservation zones,
  - (b) to restrict the extent of residential development in rural and conservation zones to maintain the existing character,
  - (c) to recognise the contribution that development density in these zones makes to the landscape and environmental character of those places.
- (2) This clause applies to land in the following zones—
  - (a) Zone RU2 Rural Landscape,
  - (b) Zone C3 Environmental Management,
  - (c) Zone C4 Environmental Living.
- (3) Development consent must not be granted for the erection of a dwelling house or a dual occupancy (attached) on land to which this clause applies unless the land—

- (a) is a lot that has at least the minimum lot size shown on the [Lot Size Map](#) in relation to that land, or
- (b) is a lot created under this Plan (other than clause 4.2(3)), or
- (c) is a lot created under an environmental planning instrument before this Plan commenced and on which the erection of a dwelling house or a dual occupancy (attached) was permissible immediately before that commencement, or
- (d) is a lot resulting from a subdivision for which development consent (or its equivalent) was granted before this Plan commenced and on which the erection of a dwelling house or a dual occupancy (attached) would have been permissible if the plan of subdivision had been registered before that commencement, or
- (e) is an existing holding, or
- (f) would have been a lot or holding referred to in paragraph (a), (b), (c), (d) or (e) had it not been affected by—
  - (i) a minor realignment of its boundaries that did not create an additional lot, or
  - (ii) a subdivision creating or widening a public road or public reserve or for another public purpose, or
  - (iii) a consolidation with an adjoining public road or public reserve or for another public purpose.

**Note—**

A dwelling cannot be erected on a lot created under clause 9 of [State Environmental Planning Policy \(Rural Lands\) 2008](#) or clause 4.2.

- (4) Development consent must not be granted under subclause (3) unless—
  - (a) no dwelling house or dual occupancy (attached) has been erected on the land, and
  - (b) if a development application has been made for development for the purposes of a dwelling house or dual occupancy (attached) on the land—the application has been refused or it was withdrawn before it was determined, and
  - (c) if development consent has been granted in relation to such an application—the consent has been surrendered or it has lapsed.
- (5) Development consent may be granted for the erection of a dwelling house or a dual occupancy (attached) on land to which this clause applies if there is a lawfully erected dwelling house or dual occupancy (attached) on the land and the dwelling house or dual occupancy (attached) proposed to be erected is intended only to replace the existing dwelling house or dual occupancy (attached).



(6) Development consent may be granted to convert a dwelling house into, or to replace a dwelling house with, a dual occupancy (attached) on land to which this clause applies if no dual occupancy (attached) exists on the land and the dual occupancy (attached) is designed and will be constructed to have the appearance of a single dwelling.

(7) In this clause—

**existing holding** means land that—

(a) was a holding on the relevant date, and

(b) is a holding at the time the application for development consent referred to in subclause (3) is lodged,

whether or not there has been a change in the ownership of the holding since the relevant date, and includes any other land adjoining that land acquired by the owner since the relevant date.

**holding** means all adjoining land, even if separated by a road or railway, held by the same person or persons.

**relevant date** means—

(a) in the case of land to which [Campbelltown \(Urban Area\) Local Environmental Plan 2002](#) applied immediately before the commencement of this Plan—

(i) for land identified as “25 February 1977” on the [Former LEP and IDO Boundaries Map—25 February 1977](#), or

(ii) for land identified as “15 July 1977” on the [Former LEP and IDO Boundaries Map—15 July 1977](#), or

(iii) for land identified as “3 November 1978” on the [Former LEP and IDO Boundaries Map—3 November 1978](#), or

(b) in the case of land to which [Campbelltown Local Environmental Plan—District 8 \(Central Hills Lands\)](#) applied immediately before the commencement of this Plan—20 September 1974, or

(c) in the case of land to which [Campbelltown Local Environmental Plan No 1](#) applied immediately before the commencement of this Plan—26 June 1981, or

(d) in the case of land to which [Interim Development Order No 13—City of Campbelltown](#) applied immediately before the commencement of this Plan—20 September 1974, or

(e) in the case of land to which [Interim Development Order No 15—City of Campbelltown](#) applied immediately before the commencement of this Plan—27

September 1974, or

- (f) in the case of land to which *Interim Development Order No 28—City of Campbelltown* applied immediately before the commencement of this Plan—3 November 1978.

**Note—**

The owner in whose ownership all the land is at the time the application is lodged need not be the same person as the owner in whose ownership all the land was on the stated date.

**4.2B Erection of rural workers' dwellings on land in Zones RU2 and C3**

- (1) The objectives of this clause are as follows—
- (a) to facilitate, on the same land, the provision of adequate accommodation for employees involved in existing agricultural activities, including agricultural produce industries,
  - (b) to maintain the non-urban landscape and development characters of certain rural and conservation zones.
- (2) This clause applies to land in the following zones—
- (a) Zone RU2 Rural Landscape,
  - (b) Zone C3 Environmental Management.
- (3) Development consent must not be granted for the erection of a rural worker's dwelling on land to which this clause applies unless the consent authority is satisfied that—
- (a) the development will be on the same lot as an existing lawfully erected dwelling house or dual occupancy (attached), and
  - (b) the development will not impair the use of the land for agricultural activities, including agricultural produce industries, and
  - (c) the agricultural activity or agricultural produce industry has an economic capacity to support the ongoing employment of rural workers, and
  - (d) the development is necessary considering the nature of the existing or proposed agricultural activity or agricultural produce industry occurring on the land or as a result of the remote or isolated location of the land, and
  - (e) there will be not more than one rural worker's dwelling on the lot, and
  - (f) the development will be a single storey building with a maximum floor area of 120 square metres or not more than 20% of the floor area of any existing dwelling house on that land, whichever is greater.

#### **4.2C Exceptions to minimum subdivision lot sizes for certain land in Zones RU2 and C3**

- (1) The objective of this clause is to allow the owners of certain land to which the following environmental planning instruments applied to excise a home-site area from an existing lot (or existing holding) by the means of a subdivision—
  - (a) *Campbelltown Local Environmental Plan No 1*,
  - (b) *Interim Development Order No 15—City of Campbelltown*.
- (2) Subclause (3) applies to each lot to which *Campbelltown Local Environmental Plan No 1* applied immediately before its repeal that—
  - (a) was in existence on 26 June 1981, and
  - (b) is in Zone C3 Environmental Management, and
  - (c) has an area of at least 10 hectares.
- (3) Development consent must not be granted to the subdivision of the land to which this subclause applies unless the proposed subdivision will result in the creation of only 2 lots, each of which must have an area of at least 2 hectares.
- (4) Subclause (5) applies to each lot to which *Interim Development Order No 15—City of Campbelltown* applied immediately before its repeal that—
  - (a) was in existence on 18 July 1973, and
  - (b) is in Zone RU2 Rural Landscape.
- (5) Development consent must not be granted to the subdivision of the land to which this subclause applies unless the smallest lot to be created has an area of at least 2 hectares and is required for the erection of a dwelling house for occupation by—
  - (a) the person who owned the land on 18 July 1973, or
  - (b) a relative of that owner, or
  - (c) a person employed or engaged by that owner in the use of land of the owner adjoining or adjacent to that lot for the purpose of agriculture.
- (6) The total number of lots that may be created by the subdivision of land to which subclause (5) applies, whether by one or more subdivisions, must not exceed—
  - (a) if the land to be subdivided had an area of less than 10 hectares—nil, or
  - (b) if the land to be subdivided had an area of at least 10 hectares but less than 40 hectares—1, or
  - (c) if the land to be subdivided had an area of at least 40 hectares but less than 80

hectares—2, or

(d) if the land to be subdivided had an area of at least 80 hectares—3.

#### **4.2D Exceptions to minimum subdivision lot sizes for certain land in Zone C4**

- (1) The objective of this clause is to permit the subdivision of certain land in the East Edge Scenic Protection Lands Area to create lots of a size that are less than the minimum lot size shown on the [Lot Size Map](#) in relation to that land.
- (2) This clause applies to land identified as “1 ha” on the [Lot Averaging Map](#).
- (3) Despite clause 4.1, development consent may be granted to the subdivision of land to which this clause applies if the subdivision will not create a number of lots that is more than the number resulting from multiplying the total area of the land being subdivided by the maximum density control number specified on the [Lot Averaging Map](#) in relation to that land.
- (4) Development consent must not be granted under this clause unless the consent authority is satisfied that—
  - (a) the pattern of lots created by the subdivision, the provision of access and services and the location of any future buildings on the land will not have a significant detrimental impact on native vegetation, and
  - (b) each lot to be created by the subdivision contains a suitable land area for—
    - (i) a dwelling house, and
    - (ii) an appropriate asset protection zone relating to bush fire hazard, and
    - (iii) if reticulated sewerage is not available to the lot—on-site sewage treatment, management and disposal, and
    - (iv) other services related to the use of the land for residential occupation, and
  - (c) if reticulated sewerage is not available to the lot—a geotechnical assessment demonstrates to the consent authority’s satisfaction that the lot can suitably accommodate the on-site treatment, management and disposal of effluent, and
  - (d) adequate arrangements are in place for the provision of infrastructure to service the needs of development in the locality.

#### **4.2E Subdivision of land in Zone C3**

- (1) The objective of this clause is to provide flexibility in the application of standards for the subdivision of certain land to allow land owners a greater chance to achieve the objectives for development in the relevant zone.

- (2) Land in Zone C3 Environmental Management may, with development consent, be subdivided for the purpose of primary production to create a lot of a size that is less than the minimum size shown on the [Lot Size Map](#) in relation to that land.
- (3) However, such a lot cannot be created if an existing dwelling would, as the result of the subdivision, be situated on the lot.
- (4) A dwelling cannot be erected on a lot created under this clause.

#### **4.3 Height of buildings**

- (1) The objectives of this clause are as follows—
  - (a) to nominate a range of building heights that will provide a transition in built form and land use intensity across all zones,
  - (b) to ensure that the heights of buildings reflect the intended scale of development appropriate to the locality and the proximity to employment centres and transport facilities,
  - (c) to provide for built form that is compatible with the hierarchy and role of centres,
  - (d) to assist in the minimisation of opportunities for undesirable visual impact, disruption to views, loss of privacy and loss of solar access to existing and future development and to the public domain.
- (2) The height of a building on any land is not to exceed the maximum height shown for the land on the [Height of Buildings Map](#).

#### **4.3A Height restrictions for certain residential accommodation**

- (1) The objective of this clause is to limit the number of storeys of certain types of residential development.
- (2) The following forms of residential accommodation must not be higher than 2 storeys—
  - (a) an attached dwelling,
  - (b) a dual occupancy,
  - (c) a dwelling house,
  - (d) a dwelling that forms part of multi-dwelling housing,
  - (e) a semi-detached dwelling,
  - (f) a dwelling contained within a residential flat building,
  - (g) a dwelling that form part of shop-top housing.

#### 4.4 Floor space ratio

- (1) The objectives of this clause are as follows—
- (a) to provide effective control over the bulk and scale of future development,
  - (b) to nominate a range of floor space ratio controls that will provide a transition in built form and land use intensity across all zones,
  - (c) to ensure that buildings are compatible with the bulk and scale of the existing and desired future character of the locality,
  - (d) to ensure that the bulk and scale of buildings contribute to the intended architectural outcomes for development appropriate to the locality and reflect their proximity to employment centres and transport facilities,
  - (e) to provide for built form that is compatible with the hierarchy and role of centres,
  - (f) to assist in the minimisation of opportunities for undesirable visual impact, disruption to views, loss of privacy and loss of solar access to existing and future development and the public domain is addressed,
  - (g) to minimise the adverse impacts of development on heritage conservation areas, heritage items and the public domain.
- (2) The maximum floor space ratio for a building on any land is not to exceed the floor space ratio shown for the land on the [Floor Space Ratio Map](#).
- (2A) If a floor space ratio is not shown on the [Floor Space Ratio Map](#) for land, the maximum floor space ratio for the land is the floor space ratio specified for the use and zone in the table to this subclause.

<b>Column 1</b>	<b>Column 2</b>
<b>Use and zone</b>	<b>Floor space ratio</b>
Dwelling houses in Zone R2 Low Density Residential, Zone R3 Medium Density Residential and Zone R5 Large Lot Residential	0.55:1
Dual occupancies in Zone R2 Low Density Residential, Zone R3 Medium Density Residential and Zone R5 Large Lot Residential	0.45:1
Multi dwelling housing in Zone R3 Medium Density Residential	0.75:1

Centre-based child care facilities in a residential zone	0.55:1
Attached dwellings in Zone R2 Low Density Residential	0.45:1
Attached dwellings in Zone R3 Medium Density Residential	0.75:1

(2B), (2C) (Repealed)

#### 4.5 Calculation of floor space ratio and site area

(1) **Objectives** The objectives of this clause are as follows—

- (a) to define ***floor space ratio***,
- (b) to set out rules for the calculation of the site area of development for the purpose of applying permitted floor space ratios, including rules to—
  - (i) prevent the inclusion in the site area of an area that has no significant development being carried out on it, and
  - (ii) prevent the inclusion in the site area of an area that has already been included as part of a site area to maximise floor space area in another building, and
  - (iii) require community land and public places to be dealt with separately.

(2) **Definition of “floor space ratio”** The ***floor space ratio*** of buildings on a site is the ratio of the gross floor area of all buildings within the site to the site area.

(3) **Site area** In determining the site area of proposed development for the purpose of applying a floor space ratio, the ***site area*** is taken to be—

- (a) if the proposed development is to be carried out on only one lot, the area of that lot, or
- (b) if the proposed development is to be carried out on 2 or more lots, the area of any lot on which the development is proposed to be carried out that has at least one common boundary with another lot on which the development is being carried out.

In addition, subclauses (4)–(7) apply to the calculation of site area for the purposes of applying a floor space ratio to proposed development.

(4) **Exclusions from site area** The following land must be excluded from the site area—

- (a) land on which the proposed development is prohibited, whether under this Plan or any other law,
- (b) community land or a public place (except as provided by subclause (7)).

- (5) **Strata subdivisions** The area of a lot that is wholly or partly on top of another or others in a strata subdivision is to be included in the calculation of the site area only to the extent that it does not overlap with another lot already included in the site area calculation.
- (6) **Only significant development to be included** The site area for proposed development must not include a lot additional to a lot or lots on which the development is being carried out unless the proposed development includes significant development on that additional lot.
- (7) **Certain public land to be separately considered** For the purpose of applying a floor space ratio to any proposed development on, above or below community land or a public place, the site area must only include an area that is on, above or below that community land or public place, and is occupied or physically affected by the proposed development, and may not include any other area on which the proposed development is to be carried out.
- (8) **Existing buildings** The gross floor area of any existing or proposed buildings within the vertical projection (above or below ground) of the boundaries of a site is to be included in the calculation of the total floor space for the purposes of applying a floor space ratio, whether or not the proposed development relates to all of the buildings.
- (9) **Covenants to prevent “double dipping”** When development consent is granted to development on a site comprised of 2 or more lots, a condition of the consent may require a covenant to be registered that prevents the creation of floor area on a lot (the restricted lot) if the consent authority is satisfied that an equivalent quantity of floor area will be created on another lot only because the site included the restricted lot.
- (10) **Covenants affect consolidated sites** If—
- (a) a covenant of the kind referred to in subclause (9) applies to any land (**affected land**), and
  - (b) proposed development relates to the affected land and other land that together comprise the site of the proposed development,
- the maximum amount of floor area allowed on the other land by the floor space ratio fixed for the site by this Plan is reduced by the quantity of floor space area the covenant prevents being created on the affected land.
- (11) **Definition** In this clause, **public place** has the same meaning as it has in the [Local Government Act 1993](#).

#### 4.6 Exceptions to development standards

- (1) The objectives of this clause are as follows—



- (a) to provide an appropriate degree of flexibility in applying certain development standards to particular development,
  - (b) to achieve better outcomes for and from development by allowing flexibility in particular circumstances.
- (2) Development consent may, subject to this clause, be granted for development even though the development would contravene a development standard imposed by this or any other environmental planning instrument. However, this clause does not apply to a development standard that is expressly excluded from the operation of this clause.
- (3) Development consent must not be granted to development that contravenes a development standard unless the consent authority is satisfied the applicant has demonstrated that—
- (a) compliance with the development standard is unreasonable or unnecessary in the circumstances, and
  - (b) there are sufficient environmental planning grounds to justify the contravention of the development standard.

**Note—**

The *Environmental Planning and Assessment Regulation 2021* requires a development application for development that proposes to contravene a development standard to be accompanied by a document setting out the grounds on which the applicant seeks to demonstrate the matters in paragraphs (a) and (b).

- (4) The consent authority must keep a record of its assessment carried out under subclause (3).
- (5) (Repealed)
- (6) Development consent must not be granted under this clause for a subdivision of land in Zone RU1 Primary Production, Zone RU2 Rural Landscape, Zone RU3 Forestry, Zone RU4 Primary Production Small Lots, Zone RU6 Transition, Zone R5 Large Lot Residential, Zone C2 Environmental Conservation, Zone C3 Environmental Management or Zone C4 Environmental Living if—
- (a) the subdivision will result in 2 or more lots of less than the minimum area specified for such lots by a development standard, or
  - (b) the subdivision will result in at least one lot that is less than 90% of the minimum area specified for such a lot by a development standard.

**Note—**

When this Plan was made it did not include all of these zones.

- (7) (Repealed)

- (8) This clause does not allow development consent to be granted for development that would contravene any of the following—
- (a) a development standard for complying development,
  - (b) a development standard that arises, under the regulations under the Act, in connection with a commitment set out in a BASIX certificate for a building to which [State Environmental Planning Policy \(Building Sustainability Index: BASIX\) 2004](#) applies or for the land on which such a building is situated,
  - (ba) clause 4.1D, 4.2A, 4.2B or 4.2C,
  - (c) clause 5.4,
  - (caa) clause 5.5,
  - (ca) clause 6.2.

## Part 5 Miscellaneous provisions

### 5.1 Relevant acquisition authority

- (1) The objective of this clause is to identify, for the purposes of section 3.15 of the Act, the authority of the State that will be the relevant authority to acquire land reserved for certain public purposes if the land is required to be acquired under Division 3 of Part 2 of the [Land Acquisition \(Just Terms Compensation\) Act 1991](#) (**the owner-initiated acquisition provisions**).

**Note—**

If the landholder will suffer hardship if there is any delay in the land being acquired by the relevant authority, section 23 of the [Land Acquisition \(Just Terms Compensation\) Act 1991](#) requires the authority to acquire the land.

- (2) The authority of the State that will be the relevant authority to acquire land, if the land is required to be acquired under the owner-initiated acquisition provisions, is the authority of the State specified below in relation to the land shown on the [Land Reservation Acquisition Map](#) (or, if an authority of the State is not specified in relation to land required to be so acquired, the authority designated or determined under those provisions).

Type of land shown on Map	Authority of the State
Zone R3 Medium Density Residential and marked “Classified road”	Transport for NSW
Zone R4 High Density Residential and marked “Local road”	Council

Zone E2 Commercial Centre and marked "Car park"	Council
Zone MU1 Mixed Use and marked "Classified road"	Transport for NSW
Zone SP2 Infrastructure and marked "Classified road"	Transport for NSW
Zone SP2 Infrastructure and marked "Drainage"	Council
Zone SP2 Infrastructure and marked "Future transport corridor"	The corporation constituted under section 2.5 of the Act
Zone SP2 Infrastructure and marked "Local road"	Council
Zone SP2 Infrastructure and marked "Public purposes corridor"	The corporation constituted under section 8 of the Act
Zone SP2 Infrastructure and marked "Railway corridor"	Rail Corporation New South Wales
Zone SP2 Infrastructure and marked "Road"	Council
Zone SP2 Infrastructure and marked "Sewerage reticulation system"	Council
Zone RE1 Public Recreation and marked "Local open space"	Council
Zone RE1 Public Recreation and marked "Regional open space"	The corporation constituted under section 8 of the Act
Zone C1 National Parks and Nature Reserves and marked "National Park"	Minister administering the <a href="#">National Parks and Wildlife Act 1974</a>

- (3) Development on land acquired by an authority of the State under the owner-initiated acquisition provisions may, before it is used for the purpose for which it is reserved, be carried out, with development consent, for any purpose.

**Note—**

If land, other than land specified in the Table to subclause (2), is required to be acquired under the owner-initiated acquisition provisions, the Minister for Planning is required to take action to enable the designation of the acquiring authority under this clause. Pending the designation of the acquiring authority for the land, the acquiring authority is to be the authority determined by order of the Minister for Planning (see section 21 of the [Land Acquisition \(Just Terms Compensation\) Act 1991](#)).

### 5.1A Development on land intended to be acquired for public purposes

- (1) The objective of this clause is to limit development on certain land intended to be acquired for a public purpose.
- (2) This clause applies to land shown on the [Land Reservation Acquisition Map](#) and specified in Column 1 of the table to this clause and that has not been acquired by the relevant authority of the State specified for the land in clause 5.1.
- (3) Development consent must not be granted to any development on land to which this clause applies other than development for a purpose specified opposite that land in Column 2 of the table.

<b>Column 1</b>	<b>Column 2</b>
<b>Land</b>	<b>Development</b>
Zone E2 Commercial Centre and marked "Car park"	Car parks
Zone MU1 Mixed Use and marked "Classified road"	Any use permitted in the zone
Zone SP2 Infrastructure and marked "Classified road"	Roads
Zone SP2 Infrastructure and marked "Drainage"	Recreation areas
Zone SP2 Infrastructure and marked "Local road"	Flood mitigation works and roads
Zone SP2 Infrastructure and marked "Public purposes corridor"	Environmental protection works, flood mitigation works and roads
Zone SP2 Infrastructure and marked "Railway corridor"	Environmental protection works, flood mitigation works and roads
Zone RE1 Public Recreation and marked "Regional open space"	Recreation areas
Zone C1 National Parks and Nature Reserves and marked "National Park"	Flood mitigation works and roads

### 5.2 Classification and reclassification of public land

- (1) The objective of this clause is to enable the Council to classify or reclassify public land as "operational land" or "community land" in accordance with Part 2 of Chapter 6 of the [Local Government Act 1993](#).

**Note—**

Under the *Local Government Act 1993*, “public land” is generally land vested in or under the control of a council (other than roads and certain Crown land). The classification or reclassification of public land may also be made by a resolution of the Council under section 31, 32 or 33 of the *Local Government Act 1993*. Section 30 of that Act enables this Plan to discharge trusts on which public reserves are held if the land is reclassified under this Plan as operational land.

- (2) The public land described in Part 1 or Part 2 of Schedule 4 is classified, or reclassified, as operational land for the purposes of the *Local Government Act 1993*.
- (3) The public land described in Part 3 of Schedule 4 is classified, or reclassified, as community land for the purposes of the *Local Government Act 1993*.
- (4) The public land described in Part 1 of Schedule 4—
  - (a) does not cease to be a public reserve to the extent (if any) that it is a public reserve, and
  - (b) continues to be affected by any trusts, estates, interests, dedications, conditions, restrictions or covenants that affected the land before its classification, or reclassification, as operational land.
- (5) The public land described in Part 2 of Schedule 4, to the extent (if any) that it is a public reserve, ceases to be a public reserve when the description of the land is inserted into that Part and 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 4, and
  - (b) any reservations that except land out of the Crown grant relating to the land, and
  - (c) reservations of minerals (within the meaning of the *Crown Land Management Act 2016*).

**Note—**

In accordance with section 30(2) of the *Local Government Act 1993*, the approval of the Governor to subclause (5) applying to the public land concerned is required before the description of the land is inserted in Part 2 of Schedule 4.

### **5.3 Development near zone boundaries**

- (1) The objective of this clause is to provide flexibility where the investigation of a site and its surroundings reveals that a use allowed on the other side of a zone boundary would enable a more logical and appropriate development of the site and be compatible with the planning objectives and land uses for the adjoining zone.
- (2) This clause applies to so much of any land that is within the relevant distance of a boundary between any 2 zones. The relevant distance is 50 metres.

- (3) This clause does not apply to—
- (a) land in Zone RE1 Public Recreation, Zone C1 National Parks and Nature Reserves, Zone C2 Environmental Conservation, Zone C3 Environmental Management or Zone W1 Natural Waterways, or
  - (aa) land in Zone RU2 Rural Landscape, Zone RU5 Village or Zone C4 Environmental Living, or
  - (b) land within the coastal zone, or
  - (ba) land within 40 metres of the top bank of a watercourse or artificial water body, or
  - (c) land proposed to be developed for the purpose of sex services or restricted premises.
- (4) Despite the provisions of this Plan relating to the purposes for which development may be carried out, development consent may be granted to development of land to which this clause applies for any purpose that may be carried out in the adjoining zone, but only if the consent authority is satisfied that—
- (a) the development is not inconsistent with the objectives for development in both zones, and
  - (b) the carrying out of the development is desirable due to compatible land use planning, infrastructure capacity and other planning principles relating to the efficient and timely development of land.
- (5) This clause does not prescribe a development standard that may be varied under this Plan.

#### 5.4 Controls relating to miscellaneous permissible uses

- (1) **Bed and breakfast accommodation** If development for the purposes of bed and breakfast accommodation is permitted under this Plan, the accommodation that is provided to guests must consist of no more than 3 bedrooms.

**Note—**

Any such development that provides for a certain number of guests or rooms may involve a change in the class of building under the *Building Code of Australia*.

- (2) **Home businesses** If development for the purposes of a home business is permitted under this Plan, the carrying on of the business must not involve the use of more than 30 square metres of floor area.
- (3) **Home industries** If development for the purposes of a home industry is permitted under this Plan, the carrying on of the home industry must not involve the use of more than 30 square metres of floor area.

- (4) **Industrial retail outlets** If development for the purposes of an industrial retail outlet is permitted under this Plan, the retail floor area must not exceed—
- (a) 10% of the gross floor area of the industry or rural industry located on the same land as the retail outlet, or
  - (b) 200 square metres,
- whichever is the lesser.
- (5) **Farm stay accommodation** If development for the purposes of farm stay accommodation is permitted under this Plan, the accommodation that is provided to guests must consist of no more than 3 bedrooms in buildings.
- (6) **Kiosks** If development for the purposes of a kiosk is permitted under this Plan, the gross floor area must not exceed 12 square metres.
- (7) **Neighbourhood shops** If development for the purposes of a neighbourhood shop is permitted under this Plan, the retail floor area must not exceed 100 square metres.
- (7AA) **Neighbourhood supermarkets** If development for the purposes of a neighbourhood supermarket is permitted under this Plan, the gross floor area must not exceed 1,000 square metres.
- (8) **Roadside stalls** If development for the purposes of a roadside stall is permitted under this Plan, the gross floor area must not exceed 12 square metres.
- (9) **Secondary dwellings on land other than land in a rural zone** If development for the purposes of a secondary dwelling is permitted under this Plan on land other than land in a rural zone, the total floor area of the dwelling, excluding any area used for parking, must not exceed whichever of the following is the greater—
- (a) 60 square metres,
  - (b) 25% of the total floor area of the principal dwelling.
- (10) **Artisan food and drink industry exclusion** If development for the purposes of an artisan food and drink industry is permitted under this Plan in Zone E3 Productivity Support, Zone E4 General Industrial, Zone E5 Heavy Industrial, Zone W4 Working Waterfront or a rural zone, the floor area used for retail sales (not including any cafe or restaurant area) must not exceed—
- (a) 10% of the gross floor area of the industry, or
  - (b) 200 square metres,
- whichever is the lesser.

## **5.5 Controls relating to secondary dwellings on land in a rural zone**

[Not adopted]

## **5.6 Architectural roof features**

- (1) The objectives of this clause are as follows—
  - (a) to permit variations to the maximum building height standards only where roof features contribute to the building design and overall skyline,
  - (b) to ensure that the majority of the roof is contained within the maximum building height.
- (2) Development that includes an architectural roof feature that exceeds, or causes a building to exceed, the height limits set by clause 4.3 may be carried out, but only with development consent.
- (3) Development consent must not be granted to any such development unless the consent authority is satisfied that—
  - (a) the architectural roof feature—
    - (i) comprises a decorative element on the uppermost portion of a building, and
    - (ii) is not an advertising structure, and
    - (iii) does not include floor space area and is not reasonably capable of modification to include floor space area, and
    - (iv) will cause minimal overshadowing, and
  - (b) any building identification signage or equipment for servicing the building (such as plant, lift motor rooms, fire stairs and the like) contained in or supported by the roof feature is fully integrated into the design of the roof feature.

## **5.7 Development below mean high water mark**

[Not applicable]

## **5.8 Conversion of fire alarms**

- (1) This clause applies to a fire alarm system that can be monitored by Fire and Rescue NSW or by a private service provider.
- (2) The following development may be carried out, but only with development consent—
  - (a) converting a fire alarm system from connection with the alarm monitoring system of Fire and Rescue NSW to connection with the alarm monitoring system of a private service provider,



- (b) converting a fire alarm system from connection with the alarm monitoring system of a private service provider to connection with the alarm monitoring system of another private service provider,
  - (c) converting a fire alarm system from connection with the alarm monitoring system of a private service provider to connection with a different alarm monitoring system of the same private service provider.
- (3) Development to which subclause (2) applies is complying development if it consists only of—
- (a) internal alterations to a building, or
  - (b) internal alterations to a building together with the mounting of an antenna, and any support structure, on an external wall or roof of a building so as to occupy a space of not more than 450mm × 100mm × 100mm.
- (4) A complying development certificate for any such complying development is subject to a condition that any building work may only be carried out between 7.00 am and 6.00 pm on Monday to Friday and between 7.00 am and 5.00 pm on Saturday, and must not be carried out on a Sunday or a public holiday.
- (5) In this clause—

***private service provider*** means a person or body that has entered into an agreement that is in force with Fire and Rescue NSW to monitor fire alarm systems.

## **5.9 Dwelling house or secondary dwelling affected by natural disaster**

[Not adopted]

### **5.9AA (Repealed)**

## **5.10 Heritage conservation**

### **Note—**

Heritage items (if any) are listed and described in Schedule 5. Heritage conservation areas (if any) are shown on the [Heritage Map](#) as well as being described in Schedule 5.

- (1) **Objectives** The objectives of this clause are as follows—
- (a) to conserve the environmental heritage of Campbelltown,
  - (b) to conserve the heritage significance of heritage items and heritage conservation areas, including associated fabric, settings and views,
  - (c) to conserve archaeological sites,
  - (d) to conserve Aboriginal objects and Aboriginal places of heritage significance.

- (2) **Requirement for consent** Development consent is required for any of the following—
- (a) demolishing or moving any of the following or altering the exterior of any of the following (including, in the case of a building, making changes to its detail, fabric, finish or appearance)—
    - (i) a heritage item,
    - (ii) an Aboriginal object,
    - (iii) a building, work, relic or tree within a heritage conservation area,
  - (b) altering a heritage item that is a building by making structural changes to its interior or by making changes to anything inside the item that is specified in Schedule 5 in relation to the item,
  - (c) disturbing or excavating an archaeological 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,
  - (d) disturbing or excavating an Aboriginal place of heritage significance,
  - (e) erecting a building on land—
    - (i) on which a heritage item is located or that is within a heritage conservation area, or
    - (ii) on which an Aboriginal object is located or that is within an Aboriginal place of heritage significance,
  - (f) subdividing land—
    - (i) on which a heritage item is located or that is within a heritage conservation area, or
    - (ii) on which an Aboriginal object is located or that is within an Aboriginal place of heritage significance.
- (3) **When consent not required** However, development consent under this clause is not required if—
- (a) the applicant has notified the consent authority of the proposed development and the consent authority has advised the applicant in writing before any work is carried out that it is satisfied that the proposed development—
    - (i) is of a minor nature or is for the maintenance of the heritage item, Aboriginal object, Aboriginal place of heritage significance or archaeological site or a building, work, relic, tree or place within the heritage conservation area, and
    - (ii) would not adversely affect the heritage significance of the heritage item,

Aboriginal object, Aboriginal place, archaeological site or heritage conservation area, or

(b) the development is in a cemetery or burial ground and the proposed development—

(i) is the creation of a new grave or monument, or excavation or disturbance of land for the purpose of conserving or repairing monuments or grave markers, and

(ii) would not cause disturbance to human remains, relics, Aboriginal objects in the form of grave goods, or to an Aboriginal place of heritage significance, or

(c) the development is limited to the removal of a tree or other vegetation that the Council is satisfied is a risk to human life or property, or

(d) the development is exempt development.

(4) **Effect of proposed development on heritage significance** The consent authority must, before granting consent under this clause in respect of a heritage item or heritage conservation area, consider the effect of the proposed development on the heritage significance of the item or area concerned. This subclause applies regardless of whether a heritage management document is prepared under subclause (5) or a heritage conservation management plan is submitted under subclause (6).

(5) **Heritage assessment** The consent authority may, before granting consent to any development—

(a) on land on which a heritage item is located, or

(b) on land that is within a heritage conservation area, or

(c) on land that is within the vicinity of land referred to in paragraph (a) or (b),

require a heritage management document to be prepared that assesses the extent to which the carrying out of the proposed development would affect the heritage significance of the heritage item or heritage conservation area concerned.

(6) **Heritage conservation management plans** The consent authority may require, after considering the heritage significance of a heritage item and the extent of change proposed to it, the submission of a heritage conservation management plan before granting consent under this clause.

(7) **Archaeological sites** The consent authority must, before granting consent under this clause to the carrying out of development on an archaeological site (other than land listed on the State Heritage Register or to which an interim heritage order under the [Heritage Act 1977](#) applies)—

- (a) notify the Heritage Council of its intention to grant consent, and
  - (b) take into consideration any response received from the Heritage Council within 28 days after the notice is sent.
- (8) **Aboriginal places of heritage significance** The consent authority must, before granting consent under this clause to the carrying out of development in an Aboriginal place of heritage significance—
- (a) consider the effect of the proposed development on the heritage significance of the place and any Aboriginal object known or reasonably likely to be located at the place by means of an adequate investigation and assessment (which may involve consideration of a heritage impact statement), and
  - (b) notify the local Aboriginal communities, in writing or in such other manner as may be appropriate, about the application and take into consideration any response received within 28 days after the notice is sent.
- (9) **Demolition of nominated State heritage items** The consent authority must, before granting consent under this clause for the demolition of a nominated State heritage item—
- (a) notify the Heritage Council about the application, and
  - (b) take into consideration any response received from the Heritage Council within 28 days after the notice is sent.
- (10) **Conservation incentives** The consent authority may grant consent to development for any purpose of a building that is a heritage item or of the land on which such a building is erected, or for any purpose on an Aboriginal place of heritage significance, even though development for that purpose would otherwise not be allowed by this Plan, if the consent authority is satisfied that—
- (a) the conservation of the heritage item or Aboriginal place of heritage significance is facilitated by the granting of consent, and
  - (b) the proposed development is in accordance with a heritage management document that has been approved by the consent authority, and
  - (c) the consent to the proposed development would require that all necessary conservation work identified in the heritage management document is carried out, and
  - (d) the proposed development would not adversely affect the heritage significance of the heritage item, including its setting, or the heritage significance of the Aboriginal place of heritage significance, and
  - (e) the proposed development would not have any significant adverse effect on the

amenity of the surrounding area.

### **5.11 Bush fire hazard reduction**

Bush fire hazard reduction work authorised by the *Rural Fires Act 1997* may be carried out on any land without development consent.

**Note—**

The *Rural Fires Act 1997* also makes provision relating to the carrying out of development on bush fire prone land.

### **5.12 Infrastructure development and use of existing buildings of the Crown**

- (1) This Plan does not restrict or prohibit, or enable the restriction or prohibition of, the carrying out of any development, by or on behalf of a public authority, that is permitted to be carried out with or without development consent, or that is exempt development, under *State Environmental Planning Policy (Transport and Infrastructure) 2021*, Chapter 2.
- (2) This Plan does not restrict or prohibit, or enable the restriction or prohibition of, the use of existing buildings of the Crown by the Crown.

### **5.13 Eco-tourist facilities**

- (1) The objectives of this clause are as follows—
  - (a) to maintain the environmental and cultural values of land on which development for the purposes of eco-tourist facilities is carried out,
  - (b) to provide for sensitively designed and managed eco-tourist facilities that have minimal impact on the environment both on and off-site.
- (2) This clause applies if development for the purposes of an eco-tourist facility is permitted with development consent under this Plan.
- (3) The consent authority must not grant consent under this Plan to carry out development for the purposes of an eco-tourist facility unless the consent authority is satisfied that—
  - (a) there is a demonstrated connection between the development and the ecological, environmental and cultural values of the site or area, and
  - (b) the development will be located, constructed, managed and maintained so as to minimise any impact on, and to conserve, the natural environment, and
  - (c) the development will enhance an appreciation of the environmental and cultural values of the site or area, and
  - (d) the development will promote positive environmental outcomes and any impact on watercourses, soil quality, heritage and native flora and fauna will be minimal,

and

- (e) the site will be maintained (or regenerated where necessary) to ensure the continued protection of natural resources and enhancement of the natural environment, and
- (f) waste generation during construction and operation will be avoided and that any waste will be appropriately removed, and
- (g) the development will be located to avoid visibility above ridgelines and against escarpments and from watercourses and that any visual intrusion will be minimised through the choice of design, colours, materials and landscaping with local native flora, and
- (h) any infrastructure services to the site will be provided without significant modification to the environment, and
- (i) any power and water to the site will, where possible, be provided through the use of passive heating and cooling, renewable energy sources and water efficient design, and
- (j) the development will not adversely affect the agricultural productivity of adjoining land, and
- (k) the following matters are addressed or provided for in a management strategy for minimising any impact on the natural environment—
  - (i) measures to remove any threat of serious or irreversible environmental damage,
  - (ii) the maintenance (or regeneration where necessary) of habitats,
  - (iii) efficient and minimal energy and water use and waste output,
  - (iv) mechanisms for monitoring and reviewing the effect of the development on the natural environment,
  - (v) maintaining improvements on an on-going basis in accordance with relevant ISO 14000 standards relating to management and quality control.

**5.14 Siding Spring Observatory—maintaining dark sky**

[Not adopted]

**5.15 Defence communications facility**

[Not adopted]

**5.16 Subdivision of, or dwellings on, land in certain rural, residential or conservation**

**zones**

[Not applicable]

**5.17 Artificial waterbodies in environmentally sensitive areas in areas of operation of irrigation corporations**

[Not applicable]

**5.18 Intensive livestock agriculture**

[Not applicable]

**5.19 Pond-based, tank-based and oyster aquaculture**

(1) **Objectives** The objectives of this clause are as follows—

- (a) to encourage sustainable oyster, pond-based and tank-based aquaculture in the State, namely, aquaculture development that uses, conserves and enhances the community's resources so that the total quality of life now and in the future can be preserved and enhanced,
- (b) to set out the minimum site location and operational requirements for permissible pond-based and tank-based aquaculture development.

(2) **Pond-based or tank-based aquaculture—matters of which consent authority must be satisfied before granting consent** The consent authority must not grant development consent to carry out development for the purpose of pond-based aquaculture or tank-based aquaculture unless the consent authority is satisfied of the following—

- (a) that the development complies with the site location and operational requirements set out in Part 1 of Schedule 6 for the development,
- (b) in the case of—
  - (i) pond-based aquaculture in Zone RU5 Village, Zone RU6 Transition, Zone R1 General Residential, Zone R2 Low Density Residential, Zone R3 Medium Density Residential, Zone R4 High Density Residential, Zone R5 Large Lot Residential, Zone E1 Local Centre, Zone E2 Commercial Centre, Zone E3 Productivity Support, Zone E4 General Industrial, Zone E5 Heavy Industrial or Zone MU1 Mixed Use—that the development is for the purpose of small scale aquarium fish production, and
  - (ii) pond-based aquaculture in Zone C3 Environmental Management or Zone C4 Environmental Living—that the development is for the purpose of extensive aquaculture, and
  - (iii) tank-based aquaculture in Zone R1 General Residential, Zone R2 Low Density Residential, Zone R3 Medium Density Residential, Zone R4 High Density

Residential, Zone R5 Large Lot Residential, Zone C3 Environmental Management or Zone C4 Environmental Living—that the development is for the purpose of small scale aquarium fish production, and

(iv) pond-based aquaculture or tank-based aquaculture in Zone W1 Natural Waterways, Zone W2 Recreational Waterways or Zone W3 Working Waterways—that the development will use waterways to source water.

(3) The requirements set out in Part 1 of Schedule 6 are minimum requirements and do not limit the matters a consent authority is required to take into consideration under the Act or the conditions that it may impose on any development consent.

(4) **Extensive pond-based aquaculture permitted without consent in certain zones**

Development for the purpose of pond-based aquaculture, that is also extensive aquaculture, may be carried out without development consent if—

(a) the development is carried out in Zone RU1 Primary Production, Zone RU2 Rural Landscape, Zone RU3 Forestry, Zone RU4 Primary Production Small Lots or Zone RU6 Transition, and

(b) the development complies with the site location requirements and operational requirements set out in Part 2 of Schedule 6.

(5) **Oyster aquaculture—additional matters that consent authority must consider in determining a development application** In determining a development application for development for the purpose of oyster aquaculture, the consent authority must consider—

(a) any provisions of any aquaculture industry development plan that are relevant to the subject of the development application, and

(b) the *NSW Oyster Industry Sustainable Aquaculture Strategy*.

(6) **Oyster aquaculture permitted without consent in priority oyster aquaculture areas** Development for the purpose of oyster aquaculture may be carried out without development consent—

(a) on land that is wholly within a priority oyster aquaculture area, or

(b) on land that is partly within and partly outside a priority oyster aquaculture area, but only if the land outside the area is no more than 0.1 hectare in area.

(7) **Definitions** In this clause—

**aquaculture industry development plan** means an aquaculture industry development plan published under Part 6 of the *Fisheries Management Act 1994*.

**extensive aquaculture** has the same meaning as in the *Fisheries Management*



*(Aquaculture) Regulation 2017.*

**NSW Oyster Industry Sustainable Aquaculture Strategy** means the third edition of the publication of that title, as published in 2016 by the Department of Primary Industries (within the Department of Industry).

**priority oyster aquaculture area** means an area identified as a priority oyster aquaculture area on a map referred to in Chapter 5.3 of the *NSW Oyster Industry Sustainable Aquaculture Strategy*, being a map a copy of which is held in the head office of the Department of Primary Industries (within the Department of Industry) and published on that Department's website.

#### **5.20 Standards that cannot be used to refuse consent—playing and performing music**

- (1) The consent authority must not refuse consent to development in relation to licensed premises on the following grounds—
  - (a) the playing or performance of music, including the following—
    - (i) the genre of music played or performed, or
    - (ii) whether the music played or performed is live or amplified, or
    - (iii) whether the music played or performed is original music, or
    - (iv) the number of musicians or live entertainment acts playing or performing, or
    - (v) the type of instruments played,
  - (b) whether dancing occurs,
  - (c) the presence or use of a dance floor or another area ordinarily used for dancing,
  - (d) the direction in which a stage for players or performers faces,
  - (e) the decorations to be used, including, for example, mirror balls, or lighting used by players or performers.
- (2) The consent authority must not refuse consent to development in relation to licensed premises on the grounds of noise caused by the playing or performance of music, if the consent authority is satisfied the noise may be managed and minimised to an acceptable level.

- (3) In this clause—

**licensed premises** has the same meaning as in the *Liquor Act 2007*.

#### **5.21 Flood planning**

- (1) The objectives of this clause are as follows—

- (a) to minimise the flood risk to life and property associated with the use of land,
  - (b) to allow development on land that is compatible with the flood function and behaviour on the land, taking into account projected changes as a result of climate change,
  - (c) to avoid adverse or cumulative impacts on flood behaviour and the environment,
  - (d) to enable the safe occupation and efficient evacuation of people in the event of a flood.
- (2) Development consent must not be granted to development on land the consent authority considers to be within the flood planning area unless the consent authority is satisfied the development—
- (a) is compatible with the flood function and behaviour on the land, and
  - (b) will not adversely affect flood behaviour in a way that results in detrimental increases in the potential flood affectation of other development or properties, and
  - (c) will not adversely affect the safe occupation and efficient evacuation of people or exceed the capacity of existing evacuation routes for the surrounding area in the event of a flood, and
  - (d) incorporates appropriate measures to manage risk to life in the event of a flood, and
  - (e) will not adversely affect the environment or cause avoidable erosion, siltation, destruction of riparian vegetation or a reduction in the stability of river banks or watercourses.
- (3) In deciding whether to grant development consent on land to which this clause applies, the consent authority must consider the following matters—
- (a) the impact of the development on projected changes to flood behaviour as a result of climate change,
  - (b) the intended design and scale of buildings resulting from the development,
  - (c) whether the development incorporates measures to minimise the risk to life and ensure the safe evacuation of people in the event of a flood,
  - (d) the potential to modify, relocate or remove buildings resulting from development if the surrounding area is impacted by flooding or coastal erosion.
- (4) A word or expression used in this clause has the same meaning as it has in the Considering Flooding in Land Use Planning Guideline unless it is otherwise defined in this clause.

(5) In this clause—

**Considering Flooding in Land Use Planning Guideline** means the *Considering Flooding in Land Use Planning Guideline* published on the Department's website on 14 July 2021.

**flood planning area** has the same meaning as it has in the Flood Risk Management Manual.

**Flood Risk Management Manual** means the *Flood Risk Management Manual*, ISBN 978-1-923076-17-4, published by the NSW Government in June 2023.

## 5.22 Special flood considerations

[Not adopted]

## 5.23 Public bushland

- (1) The objective of this clause is to protect and ensure the ecological viability of bushland, including rehabilitated areas in urban areas, by—
  - (a) preserving biodiversity, habitat corridors and links between public bushland and other nearby bushland, and
  - (b) preserving bushland as a natural stabiliser of the soil surface, and
  - (c) preserving existing hydrological landforms, processes and functions, including natural drainage lines, watercourses, wetlands and foreshores, and
  - (d) preserving the recreational, educational, scientific, aesthetic, environmental, ecological and cultural values and potential of bushland, and
  - (e) mitigating disturbance caused by development.
- (2) Development that will disturb, or is reasonably likely to disturb, public bushland is permitted with development consent.
- (3) Development consent must not be granted to development that will disturb, or is reasonably likely to disturb, public bushland unless the consent authority is satisfied of the following—
  - (a) the disturbance of the bushland is essential for a purpose in the public interest,
  - (b) there is no reasonable alternative to the disturbance,
  - (c) the development minimises the amount of bushland to be disturbed,
  - (d) the development includes measures to remediate the disturbed bushland.
- (4) Despite subclause (2), development that will disturb, or is reasonably likely to disturb,

public bushland is permitted without development consent if the development is for the following purposes—

- (a) the construction, operation or maintenance of pipelines to carry water, sewerage or gas or pipelines licensed under the *Pipelines Act 1967*,
  - (b) the construction, operation or maintenance of electricity or telecommunication lines,
  - (c) bush fire hazard reduction,
  - (d) the construction or maintenance of classified roads,
  - (e) facilitating the recreational use of the public bushland.
- (5) Development specified in subclause (4)(e) is permitted without development consent only if it is carried out in accordance with a plan of management for the public bushland, adopted by the Council in the same way a plan of management is required to be adopted for community land under the *Local Government Act 1993*, Chapter 6, Part 2, Division 2, that includes measures for the following—
- (a) the recreational use of the land,
  - (b) bush fire hazard reduction,
  - (c) the prevention of degradation, including the alteration of drainage patterns, rubbish dumping, vehicle intrusion and infestation with weeds or non-native plants,
  - (d) the remediation of degraded public bushland.
- (6) This clause does not require development consent for clearing of native vegetation if the clearing is of a kind that is authorised under the *Local Land Services Act 2013*, section 600.
- (7) In deciding whether to grant development consent to development on land adjoining public bushland, the consent authority must consider the following—
- (a) the need to retain public bushland adjoining the site of the development,
  - (b) the likely effect of the development on public bushland, including the following—
    - (i) the erosion of soil,
    - (ii) the siltation of streams and waterways,
    - (iii) the spread of weeds and non-native plants within public bushland,
  - (c) other matters the consent authority considers relevant to the protection and preservation of public bushland.

- (8) This clause does not apply to the following land that is public bushland—
- (a) land in Zone RU1, RU2, RU3, RU4 or RU5,
  - (b) land reserved, dedicated or acquired under the *National Parks and Wildlife Act 1974*,
  - (c) land within a State forest, flora reserve or timber reserve within the meaning of the *Forestry Act 2012*,
  - (d) land to which *State Environmental Planning Policy (Precincts—Western Parkland City) 2021*, Chapter 7 applies.

- (9) In this clause—

**disturb** public bushland means—

- (a) remove vegetation from public bushland, or
- (b) cause a change in the natural ecology of public bushland that results in the destruction or degradation of the public bushland.

**non-native plant** means a plant that is not native vegetation.

**public bushland** means land—

- (a) on which there is vegetation that is—
  - (i) a remainder of the natural vegetation of the land, or
  - (ii) representative of the structure and floristics of the natural vegetation of the land, and
- (b) that is owned, managed or reserved for open space or environmental conservation by the Council or a public authority.

#### **5.24 Farm stay accommodation**

[Not adopted]

#### **5.25 Farm gate premises**

[Not adopted]

### **Part 6 Urban release areas**

#### **6.1 (Repealed)**

#### **6.2 Public utility infrastructure**

- (1) Development consent must not be granted for development on land in an urban

release area unless the Council is satisfied that any public utility infrastructure that is essential for the proposed development is available or that adequate arrangements have been made to make that infrastructure available when it is required.

- (2) This clause does not apply to development for the purpose of providing, extending, augmenting, maintaining or repairing any public utility infrastructure.

### **6.3 Development control plan**

- (1) The objective of this clause is to ensure that development on land in an urban release area occurs in a logical and cost-effective manner, in accordance with a staging plan and only after a development control plan that includes specific controls has been prepared for the land.
- (2) Development consent must not be granted for development on land in an urban release area unless a development control plan that provides for the matters specified in subclause (3) has been prepared for the land.
- (3) The development control plan must provide for all of the following—
- (a) a staging plan for the timely and efficient release of urban land, making provision for necessary infrastructure and sequencing,
  - (b) an overall transport movement hierarchy showing the major circulation routes and connections to achieve a simple and safe movement system for private vehicles, public transport, pedestrians and cyclists,
  - (c) an overall landscaping strategy for the protection and enhancement of riparian areas and remnant vegetation, including visually prominent locations, and detailed landscaping requirements for both the public and private domain,
  - (d) a network of active and passive recreation areas,
  - (e) stormwater and water quality management controls,
  - (f) amelioration of natural and environmental hazards, including bush fire, flooding and site contamination and, in relation to natural hazards, the safe occupation of, and the evacuation from, any land so affected,
  - (g) detailed urban design controls for significant development sites,
  - (h) measures to encourage higher density living around transport, open space and service nodes,
  - (i) measures to accommodate and control appropriate neighbourhood commercial and retail uses,
  - (j) suitably located public facilities and services, including provision for appropriate

traffic management facilities and parking.

- (4) Subclause (2) does not apply to development for any of the following purposes—
- (a) a subdivision for the purpose of a realignment of boundaries that does not create additional lots,
  - (b) a subdivision of land if any of the lots proposed to be created is to be reserved or dedicated for public open space, public roads or any other public or environment protection purpose,
  - (c) a subdivision of land in a zone in which the erection of structures is prohibited,
  - (d) development on land that is of a minor nature only, if the consent authority is of the opinion that the carrying out of the development would be consistent with the objectives of the zone in which the land is situated.

#### **6.4 Relationship between Part and remainder of Plan**

A provision of this Part prevails over any other provision of this Plan to the extent of any inconsistency.

### **Part 7 Additional local provisions**

#### **7.1 Earthworks**

- (1) The objective of this clause is to ensure that earthworks for which development consent is required will not have a detrimental impact on environmental functions and processes, neighbouring uses, cultural or heritage items or features of the surrounding land.
- (2) Development consent is required for earthworks unless—
- (a) the earthworks are exempt development under this Plan or another applicable environmental planning instrument, or
  - (b) the earthworks are ancillary to development that is permitted without consent under this Plan or to development for which development consent has been given.
- (3) In deciding whether to grant development consent for earthworks (or for development involving ancillary earthworks), the consent authority must consider the following matters—
- (a) the likely disruption of, or any detrimental effect on, drainage patterns and soil stability in the locality of the development,
  - (b) the effect of the development on the likely future use or redevelopment of the land,

- (c) the quality of the fill or the soil to be excavated, or both,
- (d) the effect of the development on the existing and likely amenity of adjoining properties,
- (e) the source of any fill material and the destination of any excavated material,
- (f) the likelihood of disturbing relics,
- (g) the proximity to, and potential for adverse impacts on, any waterway, drinking water catchment or environmentally sensitive area,
- (h) any appropriate measures proposed to avoid, minimise or mitigate the impacts of the development.

**Note—**

The [National Parks and Wildlife Act 1974](#), particularly section 86, deals with harming Aboriginal objects.

## **7.2 (Repealed)**

### **7.3 Riparian land and watercourses**

- (1) The objective of this clause is to protect and maintain the following—
  - (a) water quality within watercourses,
  - (b) the stability of the bed and banks of watercourses,
  - (c) aquatic and riparian habitats, including those with key fish habitat value as mapped by NSW Fisheries,
  - (d) ecological processes within watercourses and riparian areas,
  - (e) groundwater systems.
- (2) This clause applies to all of the following—
  - (a) all land within 40 metres of the Georges River, the Hawkesbury-Nepean River, the Woronora River and any wetland,
  - (b) all land within 30 metres of any waterway,
  - (c) all land identified as “Riparian Protection” on the [Environmental Constraint Map](#).
- (3) Before determining a development application for development on land to which this clause applies, the consent authority must consider—
  - (a) whether or not the development is likely to have any adverse impact on the following—
    - (i) the water quality and flows within the watercourse,



- (ii) the aquatic and riparian species, habitats and ecosystems of the watercourse,
  - (iii) the stability of the bed and banks of the watercourse,
  - (iv) the free passage of fish and other aquatic organisms within or along the watercourse,
  - (v) any future rehabilitation of the watercourse and its riparian areas,
  - (vi) the underlying and surrounding groundwater resources and groundwater dependent ecosystems, and
- (b) whether or not the development is likely to increase water extraction from the watercourse, and
  - (c) any appropriate measures proposed to avoid, minimise or mitigate the impacts of the development.
- (4) Development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that—
- (a) the development is designed, sited and will be managed to avoid potential adverse environmental impact, or
  - (b) if that impact cannot be reasonably avoided—the development is designed, sited and will be managed to minimise that impact, or
  - (c) if that impact cannot be minimised—the development will be managed to mitigate that impact.

#### **7.4 Salinity**

- (1) The objective of this clause is to provide for the appropriate management of land that is subject to salinity and the minimisation and mitigation of adverse impacts from development that contributes to salinity.
- (2) This clause applies to development on land affected by groundwater salinity and development that may have an adverse impact on salinity processes on any land.
- (3) In deciding whether to grant development consent for development on land to which this clause applies, the consent authority must consider the following—
  - (a) whether the development is likely to have any adverse impact on salinity processes on the land,
  - (b) whether salinity is likely to have an impact on the development,
  - (c) any appropriate measures proposed to avoid, minimise or mitigate the impacts of the development.

- (4) Development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that—
  - (a) the development is designed, sited and will be managed to avoid any significant adverse environmental impact, or
  - (b) if that impact cannot be reasonably avoided—the development is designed, sited and will be managed to minimise that impact, or
  - (c) if that impact cannot be minimised—the development will be managed to mitigate that impact.

### **7.5 Preservation of the natural environment**

- (1) The objective of this clause is to preserve the natural environment.
- (2) This clause applies to all land in the following zones—
  - (a) Zone RU2 Rural Landscape,
  - (b) Zone RE1 Public Recreation,
  - (c) Zone C2 Environmental Conservation,
  - (d) Zone C3 Environmental Management,
  - (e) Zone C4 Environmental Living.
- (3) Despite any other provision of this Plan, development consent must not be granted to the removal of soil or bush rock from any land to which this clause applies.
- (4) Subclause (3) does not prevent the relocation of soil or bush rock within the same site.

### **7.6 Scenic protection and escarpment preservation**

- (1) The objectives of this clause are as follows—
  - (a) to recognise and protect the scenic, environmental, cultural and historic qualities of the Scenic Hills and the landscape setting of Campbelltown,
  - (b) to protect visual aesthetic amenity and views to and from the Scenic Hills,
  - (c) to reinforce the visual dominance of landscape over built form,
  - (d) to ensure development on land to which this clause applies is appropriate for the location and is located and designed to minimise its visual prominence in the landscape.
- (2) This clause applies to land identified as “Escarpment Preservation Area” and “Scenic

Preservation Area” on the [Environmental Constraint Map](#).

- (3) Development consent must not be granted to development on land identified as “Escarpment Preservation Area” on the [Environmental Constraint Map](#) unless the consent authority is satisfied that—
- (a) measures will be taken, including in relation to the location and design of the proposed development, to minimise the visual impact of the development on the natural and visual environment of the land, and
  - (b) the external surfaces of any building consist of prescribed materials, and
  - (c) the development will incorporate measures to preserve the scenic qualities of, and views to and from, the land, and
  - (d) measures will be taken to reduce any potential land use conflict, and
  - (e) the development will maintain the existing natural landscape and landform and will not affect the stability of the land.
- (3A) Development consent must not be granted to development on land identified as “Scenic Preservation Area” on the [Environmental Constraint Map](#) unless the consent authority is satisfied that the development will not impact on the following—
- (a) the environmental value, scenic value and character of the land,
  - (b) the ridge and view lines of the land.

- (4) In this clause—

**external surfaces**, in relation to a building, include the external walls of the building and any cladding on the walls, and any doors, door and window frames, columns, roofs, fences and any other surfaces of the buildings visible from the outside of the building.

**prescribed materials** means materials that are dark-coloured and of low reflective quality or painted or similarly treated with dark-coloured paint of low reflective quality and that blend with the landscape of the site of the building of which they form part.

### **7.7 Considerations for development on environmentally constrained land**

- (1) The objective of this clause is to prevent inappropriate development on land that is subject to environmental constraints.
- (2) This clause applies to land identified as “Development on land in Nurra Reserve”, “Restriction on land for overland flow detention purposes (drainage)” and “No build area” on the [Environmental Constraint Map](#).
- (3) In determining whether to grant development consent to development on the land to

which this clause applies, the consent authority must consider the following matters—

- (a) for land in Nurra Reserve, Ambarvale, being Lot 12, DP 700701 and part of Lot 13, DP 700702 identified as “Development on land in Nurra Reserve” on the [Environmental Constraint Map](#)—the impact of the development on the preservation of trees and other vegetation on the land,
- (b) for land identified as “Restriction on land for overland flow detention purposes (drainage)” on the [Environmental Constraint Map](#)—the impact of the development on the continued use of the land for stormwater detention,
- (c) for land in Wedderburn, identified as “No build area” on the [Environmental Constraint Map](#)—the fact that the land is not capable of accommodating development other than fencing,
- (d) for land in Varroville, identified as “No build area” on the [Environmental Constraint Map](#)—the fact that the land is not capable of accommodating development other than a lawn cemetery and associated fencing.

### **7.8 Development on steep land in the Scenic Hills**

- (1) This clause applies to land identified as “Development on steep land (Scenic Hills)” on the [Environmental Constraint Map](#).
- (2) A person must not carry out development on land having a gradient of more than 16% except with development consent.
- (3) Subclause (2) does not require a person to obtain development consent for the excavation or filling of land if the level of the land to be excavated or filled will not, when the excavation or filling has been completed, vary by more than 0.5 metre from the natural level of the land.
- (4) In deciding whether or not to grant development consent under this clause, the consent authority must consider the following—
  - (a) the proposed excavation or filling,
  - (b) the means whereby the stability of the land will be maintained,
  - (c) the existing vegetation and any proposed plantings in and around the land to be excavated or filled.

#### **7.8A Use of certain land at 166-176 St Andrews Road, Varroville**

- (1) This clause applies to land at 166-176 St Andrews Road, Varroville, being Lot 1, DP 218016, Lot B, DP 370979 and Lot 22, DP 564065.
- (2) Development for the purposes of a cemetery is permitted with development consent, but only if the consent authority is satisfied that—

- (a) the development will complement the landscape and scenic quality of the site, particularly when viewed from surrounding areas including the Campbelltown urban area, “Varro Ville” (homestead group at 196 St Andrews Road, Varroville) and the Hume Highway, and
- (b) the development will not adversely affect the visual or physical qualities of the site, and
- (c) the development will cause minimal effect on the existing landform and landscape, and
- (d) the site will also include a publicly accessible passive recreation space, and
- (e) the development will be carried out in accordance with the conservation management plan titled “Conservation Management Plan, Varroville Estate: 166–176 St Andrews Road, Varroville”, dated October 2015, and the supplementary information relating to the plan provided by letter by Urbis on 22 August 2016, published on the website of the Department of Planning and Environment.

**Note—**

Clause 7.7(3) restricts development on part of the land to which this clause applies to development for the purposes of a lawn cemetery.

**7.9 Mixed use development in Zones E2 and MU1**

- (1) The objective of this clause is to promote employment opportunities and mixed use development in Zone E2 Commercial Centre and Zone MU1 Mixed Use.
- (2) This clause applies to land in Zone E2 Commercial Centre and Zone MU1 Mixed Use.
- (3) Development consent must not be granted to the erection of a building that will contain a residential component, or a change of use of a building, on land to which this clause applies unless the consent authority is satisfied that—
  - (a) the building will have an active street frontage after its erection or change of use, and
  - (b) the ground floor will only accommodate non-residential land uses, and
  - (c) if the land is in Zone E2 Commercial Centre—the building will have at least one additional level of floor space, immediately above the required non-residential ground floor, that is also set aside for non-residential land uses.
- (3A) Subclause (3)(a) and (b) does not apply to land at Goldsmith Avenue, Campbelltown, being Lot 1097, DP 1182558.
- (4) Despite subclause (3), an active street frontage is not required for any part of a

building that is used for any of the following—

- (a) entrances and lobbies (including as part of mixed use development),
- (b) access for fire services,
- (c) vehicular access.

(5) In this clause—

**active street frontage**, of a building, means that all premises on the ground floor of the building facing the street are used for the purposes of business premises or retail premises.

**non-residential land uses** includes uses for the purposes of commercial premises, medical centres, recreation facilities (indoor) and other similar uses but does not include car parking.

#### **7.10 Essential services**

Development consent must not be granted to development unless the consent authority is satisfied that any of the following services that are essential for the development are available or that adequate arrangements have been made to make them available when required—

- (a) the supply of water,
- (b) the supply of electricity,
- (c) the disposal and management of sewage,
- (d) stormwater drainage or on-site conservation,
- (e) suitable road and vehicular access,
- (f) telecommunication services,
- (g) the supply of natural gas.

#### **7.11 Advertising on bus shelters**

(1) The objectives of this clause are as follows—

- (a) to permit advertising on bus shelters that are purpose built to accommodate advertising signage,
- (b) to facilitate better access and amenity for users of public transport.

(2) Despite any other provision of this Plan, the consent authority may grant development consent to development for the purposes of advertising, in any zone, on a bus shelter that is purpose built as an advertising structure.

- (3) The consent authority must not grant development consent under subclause (2) unless it is satisfied that the signage—
  - (a) is compatible with the desired amenity and visual character of the area, and
  - (b) provides effective communication in suitable locations, and
  - (c) is of a high quality design and finish.

#### **7.12 Converting serviced apartments to residential flat buildings or shop top housing**

- (1) The objective of this clause is to prevent substandard residential accommodation occurring through the conversion of serviced apartments to residential flat buildings or shop top housing.
- (2) Development consent must not be granted for the strata subdivision of a building that is or has been used for serviced apartments for use as a residential flat building or shop top housing unless the consent authority has considered the following in relation to the residential flat building or shop top housing—
  - (a) the design principles for residential apartment development within the meaning of [State Environmental Planning Policy \(Housing\) 2021](#),
  - (b) the Apartment Design Guide within the meaning of that policy.

#### **7.13 Design excellence**

- (1) The objective of this clause is to ensure that development exhibits the highest standard of architectural and urban design as part of the built environment.
- (2) This clause applies to development involving the erection of a new building or external alterations to an existing building on—
  - (a) land in the following zones—
    - (i) Zone R3 Medium Density Residential,
    - (ii) Zone R4 High Density Residential,
    - (iii) Zone E1 Local Centre,
    - (iv) Zone E2 Commercial Centre,
    - (v) Zone MU1 Mixed Use, or
  - (b) land identified as “Glenfield Precinct area D” on the [Clause Application Map](#).
- (3) Development consent must not be granted to development to which this clause applies unless the consent authority considers that the development exhibits design excellence.

- (4) In considering whether development to which this clause applies exhibits design excellence, the consent authority must have regard to the following matters—
- (a) whether a high standard of architectural design, materials and detailing appropriate to the building type and location will be achieved,
  - (b) whether the form and external appearance of the development will improve the quality and amenity of the public domain,
  - (c) whether the development detrimentally impacts on view corridors,
  - (d) how the development addresses the following matters—
    - (i) the suitability of the land for development,
    - (ii) existing and proposed uses,
    - (iii) heritage issues and streetscape constraints,
    - (iv) bulk, massing and modulation of buildings,
    - (v) street frontage heights,
    - (vi) environmental impacts such as sustainable design, overshadowing, wind and reflectivity,
    - (vii) the achievement of the principles of ecologically sustainable development,
    - (viii) pedestrian, cycle, vehicular and service access, circulation and requirements,
    - (ix) the impact on, and any proposed improvements to, the public domain,
    - (x) the interface with the public domain,
    - (xi) the quality and integration of landscape design.

#### **7.14 Development for agriculture and animal boarding or training establishments**

In deciding whether to grant development consent for the use of land for agriculture or an animal boarding or training establishment, the consent authority must consider the following—

- (a) the need to protect groundwater resources and the quality of downstream waterways,
- (b) the need to conserve native vegetation,
- (c) the need to protect environmentally sensitive land, such as riparian land, groundwater dependent ecosystems, land containing an endangered species, population or ecological community or a vulnerable species within the meaning of the *Threatened*



*Species Conservation Act 1995,*

- (d) the need to protect the amenity of the area from noise, spray drift, odour or any other potentially offensive consequences,
- (e) the need to limit inappropriate development on flood liable land and the impact of development on flood behaviour,
- (f) the cumulative impact of the proposed use and the use of the land for the keeping of livestock or the growing of produce intended solely for personal consumption or enjoyment by an owner or occupier of a dwelling on the land.

**7.15 Agricultural related business development in Zones C3 and RU2**

- (1) The objective of this clause is to enhance economic and tourism opportunities in certain rural and conservation zones by allowing certain commercial uses to operate in association with agricultural uses.
- (2) This clause applies to land in the following zones if local agricultural and rural industry exists on the land—
  - (a) Zone RU2 Rural Landscape,
  - (b) Zone C3 Environmental Management.
- (3) Despite any other provision of this Plan, development consent may be granted for carrying out development on land to which this clause applies in Zone RU2 Rural Landscape for the purposes of cellar door premises or roadside stalls or on land to which this clause applies in Zone C3 Environmental Management for the purposes of cellar door premises, restaurants or cafes or roadside stalls, if the development is—
  - (a) to be operated in conjunction with a local agricultural and rural industry on the same land, and
  - (b) compatible with the prevailing environmental amenity of the area.
- (4) Development consent must not be granted under subclause (3) unless the consent authority is satisfied that the development will operate at all times in conjunction with, and ancillary to, the local agricultural and rural industry.
- (5) In this clause, **local agricultural and rural industry** means—
  - (a) for viticulture or a winery—the processing of wine from grapes grown substantially in the vineyard where the winery operates or from other grapes that are predominantly locally grown, and
  - (b) in any other case—the growing, handling, treating, processing or packaging of predominantly locally grown or produced agricultural or horticultural products,

but does not include any other rural industry.

#### **7.16 Requirements for roadside stalls**

- (1) The objective of this clause is to ensure that the operation of roadside stalls does not create vehicle or pedestrian hazards.
- (2) Each roadside stall must be located on private property and have safe access and adequate on-site parking and provision for vehicular manoeuvring.

#### **7.17 Development in Zone RE1**

- (1) The objective of this clause is to ensure that land required for public recreation is maintained for that purpose.
- (2) Development consent must not be granted to the carrying out of development on land in Zone RE1 Public Recreation if that land is owned or controlled, or is proposed to be owned or controlled, by the Council unless the consent authority has considered the following—
  - (a) the need for the development of the land,
  - (b) the impact of the development on the existing or likely future use of the land, and prevailing natural systems,
  - (c) the need to retain the land for its existing or likely future use.

#### **7.18 Restrictions on access to or from public roads**

- (1) The objective of this clause is to ensure that appropriate and safe access is provided to existing public roads.
- (2) Development for the purposes of a road or opening any other means of access to an existing public road must not be carried out without development consent.
- (3) Development consent may only be granted for development on land adjoining a road within Zone SP2 Infrastructure if the consent authority is satisfied that—
  - (a) all vehicular access to the land is by way of another road that is not within that zone, or
  - (b) there is no practicable alternative vehicular access to the land by way of another road that is not within that zone or by way of a proposed road identified in a development control plan.
- (4) Before granting development consent that makes provision for vehicular access to or from a road within Zone SP2 Infrastructure, the consent authority must take the following into consideration—
  - (a) the treatment of the access and its location, and

- (b) the effect of opening the access on traffic flow and traffic safety on the road.

#### **7.19 Location of sex services premises**

- (1) The objective of this clause is to minimise land use conflicts and adverse amenity impacts by providing a reasonable level of separation between sex services premises, specified land uses and places regularly frequented by children.
- (2) In deciding whether to grant development consent to development for the purposes of sex services premises, the consent authority must consider the following—
  - (a) whether the premises will be located on land that adjoins, is directly opposite to or is separated only by a local road from land—
    - (i) in Zone R2 Low Density Residential, Zone R3 Medium Density Residential or Zone RE1 Public Recreation, or
    - (ii) used for the purposes of a centre-based child care facility, a community facility, a school or a place of public worship,
  - (b) the impact of the development and its hours of operation on any place likely to be regularly frequented by children—
    - (i) that adjoins the development, or
    - (ii) that can be viewed from the development, or
    - (iii) from which a person can view the development.

#### **7.20 Terrestrial biodiversity**

- (1) The objective of this clause is to maintain terrestrial biodiversity by—
  - (a) protecting native fauna and flora, and
  - (b) protecting the ecological processes necessary for their continued existence, and
  - (c) encouraging the conservation and recovery of native fauna and flora and their habitats, and
  - (d) maximising connectivity and minimising habitat fragmentation.
- (2) This clause applies to land identified as “Areas of Biodiversity Significance” or “Biodiversity-Habitat Corridor” on the [Terrestrial Biodiversity Map](#).
- (3) In deciding whether to grant development consent for development on land to which this clause applies, the consent authority must consider—
  - (a) whether the development is likely to have—
    - (i) any adverse impact on the condition, ecological value and significance of the

- fauna and flora on the land, and
  - (ii) any adverse impact on the importance of the vegetation on the land to the habitat and survival of native fauna, and
  - (iii) any potential to fragment, disturb or diminish the biodiversity structure, function and composition of the land, and
  - (iv) any adverse impact on the habitat elements providing connectivity on the land, and
  - (b) any appropriate measures proposed to avoid, minimise or mitigate the impacts of the development.
- (4) Development consent must not be granted to development on land to which this clause applies unless the consent authority—
- (a) has taken into account the objectives of this clause, and
  - (b) is satisfied that the development is sited, designed, constructed and managed to avoid adverse impacts on native biodiversity or, if an adverse impact cannot be avoided—
    - (i) the development minimises disturbance and adverse impacts to remnant vegetation communities, threatened species populations and their habitats, and
    - (ii) measures have been considered to maintain native vegetation and habitat parcels of a size, condition and configuration that will facilitate biodiversity protection and native flora and fauna movement through biodiversity corridors, and
    - (iii) the development includes measures to offset the loss of biodiversity values.

#### **7.21 Use of certain land at Glenfield Waste Site**

- (1) This clause applies to land identified as “Glenfield Waste Site” on the [Clause Application Map](#).
- (2) The objectives of this clause are as follows—
  - (a) to establish specific planning controls for the orderly development of the land,
  - (b) to limit the gross floor area of retail premises on the land until the land is serviced by adequate access roads,
  - (c) to ensure satisfactory amenity at the interface of the land with adjoining residential neighbourhoods,

- (d) to ensure that development of the land is appropriately serviced and that adequate access is provided,
  - (e) to ensure that any hazards arising from development on the land are satisfactorily addressed.
- (3) Development consent must not be granted for development on land to which this clause applies unless—
- (a) the consent authority is satisfied that the proposed development is of a minor nature, or
  - (b) a development control plan that provides for the matters specified in subclause (4) has been prepared for the land.
- (4) The development control plan is to provide for the following—
- (a) the proposed subdivision pattern, including the layout of internal roads, entries to the land, the treatment of road intersections and any restrictions on vehicle access and vehicle movement,
  - (b) pedestrian connectivity between the areas of Glenfield Waste Site that are bisected by Cambridge Avenue,
  - (c) detailed urban design controls for development sites.
- (5) Subclause (3) does not apply to any of the following development—
- (a) a subdivision for the purpose of a realignment of boundaries that does not create additional lots,
  - (b) a subdivision for the purpose only of public open space, public roads or any other public or environmental protection purpose.
- (6) Development consent must not be granted for the carrying out of development on land to which this clause applies unless the consent authority is satisfied that—
- (a) the total gross floor area of retail premises on the land will not exceed 100 square metres, unless any additional traffic likely to be generated as a result of the total gross floor area exceeding 100 square metres will not adversely affect the efficiency and safety of Cambridge Avenue, and
  - (b) the proposed development will not adversely affect the local road network, and
  - (c) a detailed flood assessment report and a plan for the management of stormwater have been prepared in respect of the impact of the proposed development, and
  - (d) the proposed development facilitates public access by pedestrians and vehicles to existing culverts under the East Hills Railway line, and

- (e) any car park on land in Zone RE2 Private Recreation—
  - (i) will be located so as to minimise the impact of noise on, and light spill onto, adjoining land that is used for residential purposes, and
  - (ii) will not be designed and constructed for use by heavy vehicles (within the meaning of the [Road Rules 2014](#)).

#### **7.22 Floor area in Zone E3 within Maryfields Urban Release Area**

- (1) The objectives of this clause are as follows—
  - (a) to ensure retail uses do not adversely impact on the economy of the Campbelltown–Macarthur major centre, and
  - (b) to limit retail premises to mostly service the needs of the immediate area.
- (2) This clause applies to land in Zone E3 Productivity Support and identified as “Maryfields Urban Release Area” on the [Urban Release Area Map](#).
- (3) The retail floor area of any retail premises on land to which this clause applies must not exceed 100 square metres.

#### **7.23 Industrial or certain retail development at Glenlee**

- (1) This clause applies to land in Zone E4 General Industrial in the urban release area shown as “Glenlee” on the [Urban Release Area Map](#).
- (2) Development consent must not be granted to development on land to which this clause applies if the development will result in more than 65,000 square metres of gross floor area on the land being used for the purposes of industry.
- (3) Development consent must not be granted to development on land to which this clause applies that will result in any of the following land uses having a gross floor area of more than 500 square metres on any particular site—
  - (a) garden centres,
  - (b) hardware and building supplies,
  - (c) landscaping material supplies,
  - (d) rural supplies,
  - (e) take away food and drink premises.
- (4) In this clause, **industry** includes warehouse or distribution centres.

#### **7.24 Use of certain land at Glenlee**

- (1) This clause applies to land identified as “Area 1” on the [Clause Application Map](#).

- (2) The objectives of this clause are as follows—
  - (a) to ensure that development will not compromise future development of the land,
  - (b) to promote the orderly development of the land.
- (3) Before granting development consent to development on land to which this clause applies, the consent authority must consult with Transport for NSW in regards to the potential effects of the development on existing and proposed future road infrastructure in the locality.
- (4) A requirement in this clause to consult with Transport for NSW in respect of a development is a requirement as follows—
  - (a) to give written notice of the development to Transport for NSW within 7 days of receiving a development application,
  - (b) to take into account any comments received from Transport for NSW within 28 days after the notice has been given.
- (5) In this clause—

**Transport for NSW** has the same meaning as in the [Transport Administration Act 1988](#).

#### **7.25 Development on land at 22, 24 and 32 Queen Street**

- (1) This clause applies to development on the following land in Campbelltown—
  - (a) Lot X, DP 409704, 22 Queen Street,
  - (b) Lot 15, DP 14782, 24 Queen Street,
  - (c) Lot 1, DP 1154928, 32 Queen Street.
- (2) Development consent must not be granted to the development unless a development control plan has been prepared for the land.
- (3), (4) (Repealed)
- (5) The development control plan is to provide for the following—
  - (a) pedestrian connectivity,
  - (b) the relationship of buildings on the land to neighbouring sites in terms of separation and setbacks,
  - (c) the interface of development with the adjacent State heritage item and school,
  - (d) active street frontages,

- (e) sufficient building setbacks to Queen Street,
- (f) adequate solar access to common open spaces and surrounding sites through building orientation and layout,
- (g) landscaping that incorporates deep soil planting, including trees, to enhance the public domain,
- (h) street patterns, including the orientation of the development with the central access street and impact on intersections with Queen Street.

#### **7.26 Exception to maximum height of buildings—22, 24 and 32 Queen Street**

Despite clause 4.3(2), development consent may be granted to development on land identified as “Area A” on the [Height of Buildings Map](#) that exceeds the relevant maximum height if the development—

- (a) is for the purposes of a recreation area or shade structure, and
- (b) does not comprise or include an enclosed building, and
- (c) does not exceed 3 metres in height above the existing ground level of the land on which heritage item no I00497, Warby’s Stables and barn, is located.

#### **7.27 Development of land at 158-168 Queen Street, Campbelltown**

- (1) This clause applies to land identified as “Area 3” on the [Clause Application Map](#).
- (2) Development consent must not be granted to the erection of a building on land to which this clause applies unless the consent authority is satisfied that—
  - (a) the ground floor will be used only for the purposes of a registered club, commercial premises or hotel or motel accommodation, and
  - (b) the rest of the building will be used only for the purposes of a registered club or hotel or motel accommodation.

#### **7.28 Concurrence of Planning Secretary—Koala corridor**

- (1) This clause applies to development on part of Lot 4 and part of Lot 5, DP 1240836 identified as “Koala Corridor” on the [Clause Application Map](#).
- (2) Development consent to development to which this clause applies must not be granted unless the consent authority has obtained the concurrence of the Planning Secretary.
- (3) In deciding whether to grant concurrence, the Planning Secretary must consider the impact of the development on—
  - (a) the protection of the Campbelltown Koala population, and



(b) the maintenance and delivery of Koala Corridor A.

(4) In this clause—

**Koala Corridor A** means the habitat corridor referred to as “Corridor A” in the document titled “Advice on the Protection of the Campbelltown Koala Population” published by the Office of the Chief Scientist and Engineer in April 2020.

### **7.29 Maximum floor space for retail premises in Menangle Park Urban Release Area**

- (1) This clause applies to land identified as “Area 5” on the [Clause Application Map](#).
- (2) Development consent must not be granted to development that results in more than 23,000m<sup>2</sup> of the gross floor area of all buildings on the land being used for the purposes of retail premises.

### **7.30 Pubs, small bars and places of public worship in Zone E1**

- (1) This clause applies to land identified as “Area 6” on the [Clause Application Map](#).
- (2) Development consent must not be granted to development for the following purposes on land to which this clause applies unless—
  - (a) for pubs—the gross floor area of each pub in the building resulting from the development is no more than 80m<sup>2</sup>,
  - (b) for small bars—the gross floor area of each small bar in the building resulting from the development is no more than 80m<sup>2</sup>,
  - (c) for places of public worship—the gross floor area of each place of public worship in the building resulting from the development is no more than 160m<sup>2</sup>.

### **7.31 Development in Ingleburn CBD**

- (1) This clause applies to land identified as “Area 4” or “Area 7” on the [Clause Application Map](#).
- (2) Development consent must not be granted to development for the purposes of residential flat buildings or shop top housing in Zone R4 High Density Residential or Zone MU1 Mixed Use unless the lot is at least—
  - (a) for land in Zone R4 High Density Residential—1,800m<sup>2</sup>, or
  - (b) for land in Zone MU1 Mixed Use—1,200m<sup>2</sup>.
- (3) Development consent must not be granted to development on land identified as “Area 4” on the [Clause Application Map](#) unless the consent authority is satisfied the development—
  - (a) incorporates vehicular and pedestrian routes necessary to ensure the safe

evacuation of people in the event of a flood, or

- (b) will not result in an increase in the number of people to be evacuated from, or vehicles exiting, the area in the event of a flood.

## Part 8 Glenfield Precinct

### 8.1 Application of Part

This Part applies to land in the Glenfield Precinct.

### 8.2 Definitions

In this Part—

**area A** means the land identified as “Glenfield Precinct area A” on the [Clause Application Map](#).

**area B** means the land identified as “Glenfield Precinct area B” on the [Clause Application Map](#).

### 8.3 Car parking in area A

- (1) The objectives of this clause are—
- (a) to identify the maximum number of parking spaces that may be provided to service particular uses of land, and
  - (b) to minimise the amount of vehicular traffic generated by development.
- (2) This clause applies to land in area A.
- (3) Development consent must not be granted to development that includes parking spaces in connection with a use of land if the total number of parking spaces provided on the site would be greater than the maximum set out in the table to this clause.
- (4) If the total number of parking spaces under this clause is not a whole number, the total number is to be rounded down to the next whole number.

<b>Column 1</b>	<b>Column 2</b>
<b>Proposed use</b>	<b>Maximum number of parking spaces</b>
Centre-based child care facility	1 parking space for every 10 child care places plus 1 parking space for every 2 members of staff
Commercial premises other than retail premises	1 parking space for every 25 square metres of gross floor area

Recreation facility (indoor)	3 parking spaces for every 100 square metres of gross floor area
	1 parking space for a studio apartment
	1 parking space for a 1 bedroom apartment
Residential flat building	1 parking space for a 2 bedroom apartment
	2 parking spaces for an apartment with 3 or more bedrooms
	1 visitor parking space for every 5 apartments
Retail premises with a gross floor area of up to 10,000 square metres	6.1 parking spaces for every 100 square metres of gross floor area
Retail premises with a gross floor area of more than 10,000 square metres but not more than 20,000 square metres	5.6 parking spaces for every 100 square metres of gross floor area
Retail premises with a gross floor area of more than 20,000 square metres but not more than 30,000 square metres	4.3 parking spaces for every 100 square metres of gross floor area
Retail premises with a gross floor area of more than 30,000 square metres	4.1 parking spaces for every 100 square metres of gross floor area

#### **8.4 Affordable housing in area B**

- (1) This clause applies to development on land in area B involving—
  - (a) the erection of a new building with a gross floor area of more than 200 square metres, or
  - (b) alterations to an existing building that will result in the creation of more than 200 square metres of gross floor area intended to be used for residential purposes, or
  - (c) alterations to an existing building and the consequent creation, whether for the same or a different purpose, of more than 100 square metres of gross floor area.
- (2) The consent authority must not grant development consent to development to which this clause applies unless satisfied that—
  - (a) at least 5% of the gross floor area of the building used for the purposes of residential accommodation will be used for the purposes of affordable housing, and
  - (b) each dwelling used for the purposes of affordable housing will have a gross floor area of at least 50 square metres.

## **8.5 Site coverage in Zone C4 Environmental Living**

Development consent must not be granted to development for the purposes of residential accommodation on land in Zone C4 Environmental Living in the Glenfield Precinct if the development would result in site coverage of more than 30%.

## **Schedule 1 Additional permitted uses**

(Clause 2.5)

### **1 Use of certain land at Riverside Drive, Airs**

- (1) This clause applies to land at Riverside Drive, Airs identified as “1” on the [Additional Permitted Uses Map](#), being part of Lot 2, DP 537620.
- (2) Development for the purpose of markets is permitted with development consent.

### **2, 3 (Repealed)**

### **4 Use of certain land at 37 Woodhouse Drive, Ambarvale**

- (1) This clause applies to land at 37 Woodhouse Drive, Ambarvale, being Lot 1021, DP 734331.
- (2) Development for the purpose of a service station and neighbourhood shop is permitted with development consent.

### **5 Use of certain land at 74 Campbellfield Avenue, Bradbury**

- (1) This clause applies to land at 74 Campbellfield Avenue, Bradbury, being Lots 10-14, DP 1172082.
- (2) Development for the purpose of a service station is permitted with development consent.

### **6 Use of certain land at 310 St Johns Road, Bradbury**

- (1) This clause applies to land at 310 St Johns Road, Bradbury, being Lot 100, DP 575001.
- (2) Development for the purpose of a service station is permitted with development consent.

### **7 (Repealed)**

### **8 Use of certain land at Hoddle Avenue, Campbelltown**

- (1) This clause applies to land at Hoddle Avenue (corner Bradbury Avenue), Campbelltown, being Lots 75 and 76, DP 32086.
- (2) Development for the purpose of a vehicle repair station is permitted with development consent.

**9 (Repealed)**

**10 Use of certain land at Johnson Road, Campbelltown**

- (1) This clause applies to land at Johnson Road, Campbelltown, being Lot 7, DP 601056.
- (2) Development for the purpose of a place of public worship is permitted with development consent.

**11 Use of certain land at Kialba Road, Campbelltown**

- (1) This clause applies to land at Kialba Road, Campbelltown, being Lot 46, DP 32311.
- (2) Development for the purpose of a correctional centre is permitted with development consent.

**12 Use of certain land at 104 Lindesay Street, Campbelltown**

- (1) This clause applies to land at 104 Lindesay Street, Campbelltown, being Lots 73 and 74, DP 22711.
- (2) Development for the purpose of a service station is permitted with development consent.

**13 Use of certain land at 150 Lindesay Street, Campbelltown**

- (1) This clause applies to land at 150 Lindesay Street, Campbelltown, being Lot 1, DP 218620.
- (2) Development for the purpose of a medical centre is permitted with development consent.

**14 (Repealed)**

**15 Use of certain land at Sturt Street, Campbelltown**

- (1) This clause applies to land at Sturt Street, Campbelltown, being Lot 1, DP 218620.
- (2) Development for the purpose of commercial premises is permitted with development consent.

**16 Use of certain land at Waminda Avenue, Campbelltown**

- (1) This clause applies to land at Waminda Avenue (corner of Valley Road), Campbelltown, being Lots 1 and 2, DP 523727.
- (2) Development for the purpose of a vehicle repair station is permitted with development consent.

**17 Use of certain land at 194 Campbelltown Road, Denham Court**

- (1) This clause applies to land at 194 Campbelltown Road, Denham Court, being Lot 100, DP 1176622.
- (2) Development for the purposes of a single service station is permitted with development consent if the service station is not able to be directly accessed from a freeway.

**18 Use of certain land at Campbelltown Road, Glenfield**

- (1) This clause applies to land at Campbelltown Road, Glenfield, being Lot 1, DP 122424.
- (2) Development for the purpose of a service station and neighbourhood shop is permitted with development consent.

**19 Use of certain land at 21 Cumberland Road, Ingleburn**

- (1) This clause applies to land at 21 Cumberland Road, Ingleburn, being Lot D, DP 399714.
- (2) Development for the purpose of a service station, vehicle repair station and vehicle sales or hire premises is permitted with development consent.

**20 Use of certain land at 68 Cumberland Road, Ingleburn**

- (1) This clause applies to land at 68 Cumberland Road, Ingleburn, being Lots A and B, DP 390839.
- (2) Development for the purpose of a service station is permitted with development consent.

**21 Use of certain land at 72 Cumberland Road, Ingleburn**

- (1) This clause applies to land at 72 Cumberland Road, Ingleburn, being Lot 1, DP 552083.
- (2) Development for the purpose of a service station is permitted with development consent.

**22 Use of certain land at 126 Georges River Road, Kentlyn**

- (1) This clause applies to land at 126 Georges River Road, Kentlyn, being Lot 21, DP 1034471.
- (2) Development for the purpose of a neighbourhood shop and service station is permitted with development consent.

**23 Use of certain land at 78 Amundsen Street, Leumeah**

- (1) This clause applies to land at 78 Amundsen Street, Leumeah, being part of Lot 49, DP 192304.
- (2) Development for the purpose of a place of public worship is permitted with development consent.

**24 (Repealed)**

**25 Use of certain land at 6 Rudd Road, Leumeah**

- (1) This clause applies to land at 6 Rudd Road, Leumeah, being Lot 1, DP 826740.
- (2) Development for the purpose of a service station and neighbourhood shop is permitted with development consent.

**26 Use of certain land at 2 Atchison Road, Macquarie Fields**

- (1) This clause applies to land at 2 Atchison Road, Macquarie Fields, being Lot 4, DP 21481.
- (2) Development for the purpose of a service station is permitted with development consent.

**27 Use of certain land at Fields Road, Macquarie Fields**

- (1) This clause applies to land at Fields Road, Macquarie Fields identified as "27" on the [Additional Permitted Uses Map](#), being Lot 31 and part of Lot 32, DP 557150.
- (2) Development for the purpose of markets is permitted with development consent.

**28 Use of certain land at Glenlee Road, Menangle Park**

- (1) This clause applies to land at Glenlee Road, Menangle Park, being Lot 1102, DP 883495.
- (2) Development for the purpose of a resource recovery facility is permitted with development consent if the facility's buildings and landscaping are so designed and located as to minimise any adverse effects of the facility on the environment.

**29 Use of certain land at 201 Eagleview Road, Minto**

- (1) This clause applies to land at 201 Eagleview Road, Minto, being Lot 1, DP 788381.
- (2) Development for the purpose of a place of public worship is permitted with development consent.

**30 Use of certain land at 20 Lind Street, Minto**

- (1) This clause applies to land at 20 Lind Street, Minto, being Lot 50, DP 1028174.

- (2) Development for the purpose of a medical centre and associated uses is permitted with development consent.

**31 (Repealed)**

**32 Use of certain land at 73 Pembroke Road, Minto**

- (1) This clause applies to land at 73 Pembroke Road, Minto, being Lot 1, DP 810648.
- (2) Development for the purpose of a service station is permitted with development consent.

**33 (Repealed)**

**34 Use of certain land at 43 Acacia Avenue, Ruse**

- (1) This clause applies to land at 43 Acacia Avenue, Ruse, being Lot 101, DP 613169.
- (2) Development for the purpose of a place of public worship is permitted with development consent.

**35 (Repealed)**

**36 Use of certain land at 95 Ballantrae Drive, St Andrews**

- (1) This clause applies to land at 95 Ballantrae Drive, St Andrews, being Lot 4001, DP 593698.
- (2) Development for the purpose of a service station is permitted with development consent.

**37 Use of certain land at 72 Stranraer Drive, St Andrews**

- (1) This clause applies to land at 72 Stranraer Drive, St Andrews, being Lot 63, DP 262162.
- (2) Development for the purpose of a service station is permitted with development consent.

**38, 39 (Repealed)**

**40 Use of certain land at Racecourse Avenue, Menangle Park**

- (1) This clause applies to land at Racecourse Avenue, Menangle Park, being Lot 10, DP 1022204, Lot 1, DP 1140461 and Lot 2, DP 1187569.
- (2) Development for any of the following purposes is permitted with consent—
  - (a) animal boarding or training establishments,
  - (b) dwellings for the use of harness racing drivers and stable hands,



- (c) facilities for the training of persons in relation to horse racing and the care of horses, including the training of horse trainers, harness racing drivers and stable hands.

**41 Use of certain land at Western Sydney University Campbelltown Campus, Narellan Road, Campbelltown**

- (1) This clause applies to land at Western Sydney University Campbelltown Campus, 183 Narellan Road, Campbelltown, identified as “41” on the [Additional Permitted Uses Map](#), being part of Lot 3098, DP 1230014.
- (2) Development for the following purposes is permitted with development consent—
  - (a) attached dwellings,
  - (b) building identification signs,
  - (c) business identification signs,
  - (d) centre-based child care facilities,
  - (e) dual occupancies,
  - (f) dwelling houses,
  - (g) emergency services facilities,
  - (h) exhibition homes,
  - (i) exhibition villages,
  - (j) home-based child care,
  - (k) home businesses,
  - (l) home occupations,
  - (m) multi dwelling housing,
  - (n) recreation areas,
  - (o) recreation facilities (outdoor),
  - (p) residential flat buildings,
  - (q) secondary dwellings,
  - (r) semi-detached dwellings,
  - (s) seniors housing.

## 42 Use of certain land at 901 Appin Road, Gilead

- (1) This clause applies to part of Lot 10, DP 1261146, 901 Appin Road, Gilead, identified as “42” on the [Additional Permitted Uses Map](#).
- (2) Development for the purposes of a single business premises is permitted with development consent if the consent authority is satisfied that the business premises will be used only during the relevant period for the purposes of house and land sales for the Mount Gilead Urban Release Area.
- (3) In this clause—

**Mount Gilead Urban Release Area** means land identified as the “Mount Gilead Urban Release Area” on the [Urban Release Area Map](#).

**relevant period** means the period—

- (a) commencing on the commencement of this clause, and
- (b) ending on the earlier of the following—
  - (i) the day that is 3 years after the day on which an occupation certificate for the premises is issued,
  - (ii) the day that is 12 months after the day on which 1,200 lots are created on the Mount Gilead Urban Release Area.

## Schedule 2 Exempt development

(Clause 3.1)

### Note 1—

[State Environmental Planning Policy \(Exempt and Complying Development Codes\) 2008](#) specifies exempt development under that Policy. The Policy has State-wide application. This Schedule contains additional exempt development not specified in that Policy.

### Note 2—

Exempt development may be carried out without the need for development consent under the Act. Such development is not exempt from any approval, licence, permit or authority that is required under any other Act and adjoining owners’ property rights and the common law still apply.

### Advertisements—signs on field fencing and amenity facilities at sports fields in Zone RE1

- (1) Must only provide information about sponsors of teams or organisations using the sporting facility.
- (2) Must not contain direct product advertising for the following—
  - (a) alcohol,
  - (b) tobacco products,

- (c) adult entertainment, being entertainment including nudity, indecent acts or sexual activity.
- (3) Must not contain offensive images or references, including sexual references, nudity or illegal activity.
- (4) Must not obstruct gates, access points or openings.
- (5) Must face the playing area and must not be visible from outside the site.
- (6) Must be affixed to field fencing, field perimeter fencing or amenity facilities.
- (7) Must, if affixed to field perimeter fencing—
  - (a) not extend beyond the top or bottom of the fencing, and
  - (b) have a maximum length of 3m, and
  - (c) have a maximum height of 1m.
- (8) Must be removable signs or fixings and must not be painted directly onto fencing or amenity facilities.
- (9) If affixed to amenity facilities—must be flush mounted and not cover more than 20% of a wall surface area.
- (10) Must not be illuminated.
- (11) Must be installed in accordance with the following—
  - (a) AS/NZS 1170.0:2002, *Structural design actions, Part 0: General principles*,
  - (b) AS/NZS 1170.2:2011, *Structural design actions, Part 2: Wind actions*.

**Advertising signs—general requirements**

- (1) Must be non-moving, non-flashing, non-illuminating and non-inflatable.
- (2) Must be at least 600mm from any public road.
- (3) Must relate to the lawful use of the building, except in the case of a temporary sign or public notice.
- (4) Must be located within the boundary of the property to which the sign applies or relates.
- (5) Must reflect the character and style of any building to which it is attached.
- (6) Must not be detrimental to the character and functioning of the building.
- (7) Must not be on walls facing or adjoining residential premises, unless the sign is a

business identification sign in a residential, conservation or rural zone.

- (8) Must have the consent of the owner of the property on which the sign is located.
- (9) Must not be located on land on which there is a heritage item or on land in a heritage conservation area.
- (10) Must not obstruct the line of sight of vehicular or pedestrian traffic.
- (11) Must not endanger the public or adversely affect the amenity of the area.
- (12) Must not be more than one of each category or type of sign permitted as exempt development on a single property or premises.

#### **Public notices displayed by a public authority**

Any sign used by a public authority to provide public notice, information, education, direction or location advice must meet the general requirements for advertising signs that are applicable to this type of development other than the general requirements set out in subclauses (3), (4), (9) and (12).

#### **Signage—bus shelter advertising**

- (1) Maximum—1 advertising panel per bus shelter, but the panel may have an advertisement on each side.
- (2) Maximum display area per panel on each side—1.2m × 1.8m.
- (3) Must not contain flashing or continuously moving electronic content.
- (4) Must not extend beyond the perimeter of the bus shelter.
- (5) Must not adversely impact the amenity of a heritage item.
- (6) Must be erected by or on behalf of Council.

### **Schedule 3 Complying development**

(Clause 3.2)

#### **Note—**

*State Environmental Planning Policy (Exempt and Complying Development Codes) 2008* specifies complying development and the complying development conditions for that development under that Policy. The Policy has State-wide application. This Schedule contains additional complying development not specified in that Policy.

#### **Part 1 Types of development**

(When this Plan was made this Part was blank)

#### **Part 2 Complying development certificate conditions**

#### **Note—**

Complying development must comply with the requirements of the Act, the regulations under the Act and this Plan.

### General conditions

Any development specified in Part 1 is subject to the same conditions set out in Schedule 6 to *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008*.

## Schedule 4 Classification and reclassification of public land

(Clause 5.2)

### Part 1 Land classified, or reclassified, as operational land—no interests changed

Column 1	Column 2
Locality	Description
21 Deans Road, Airds	Lot 21, DP 1180338
2 Rose Street, Campbelltown	Part of Lot 22, DP 572308, identified as “Campbelltown Animal Care Facility” on the <a href="#">Land Reclassification (Part Lots) Map</a>
12 Old Leumeah Road, Leumeah	Part of Lot 2, DP 1019063, identified as “Campbelltown Sports Stadium” on the <a href="#">Land Reclassification (Part Lots) Map</a>

### Part 2 Land classified, or reclassified, as operational land—interests changed

Column 1	Column 2	Column 3
Locality	Description	Any trusts etc not discharged
The Parkway, Bradbury	Lot 532, DP 230227; Lot 1, DP 137067; Lot 4, DP 259807; Lot 35, DP 702933; Lot 1, DP 213026; Lot 66, DP 1127402; part of Lot 67, DP 1127402, identified as “Area A” on the <a href="#">Land Reclassification (Part Lots) Map</a>	
318 Queen Street, Campbelltown	Part of Lot 68, DP 1127402, identified as “Area B” on the <a href="#">Land Reclassification (Part Lots) Map</a>	

### Part 3 Land classified, or reclassified, as community land

Column 1	Column 2
Locality	Description

Nil

## Schedule 5 Environmental heritage

(Clause 5.10)

### Part 1 Heritage items

Suburb	Item name	Address	Property description	Significance	Item no
Airds	Briar Cottage	14 Waterhouse Place	Lot 43, DP 261258	Local	I1
Blair Athol	Blair Athol Residential Group comprising "The Kia", "Blair Athol" and "The Kraal"	21, 23 and 29 Blair Athol Drive	Lots 357 and 359, DP 870579; Lot 401, DP 1008485	Local	I2
Blairmount	House, gardens, gatehouse, outbuildings and brick silo	85 Badgally Road	Lot 102, DP 708401	Local	I3
Blairmount	Campbelltown Reservoir	427 Narellan Road	Part Lot 1, DP 745144; Part Lot A, DP 156084	Local	I4
Bradbury	Silos	Appin Road	Appin Road Reserve	Local	I5
Bradbury	"Raith"	74 Fern Avenue	Part Lots 101 and 102, DP 1168971; Lot 1, DP 871149	Local	I6
Campbelltown	Water supply reservoir, cattle tank and silt traps	Hurley Park, Allman Street	Part Lot 7019 and Lot 7021, DP 1028116	Local	I7
Campbelltown	Presbyterian cemetery	Broughton Street	Lot 1, DP 596379	Local	I8
Campbelltown	"St Elmo"	96 Broughton Street	Part Lot 3, DP 221454	Local	I9
Campbelltown	House	2 Condamine Street	Lot 1, DP 917059	Local	I11
Campbelltown	St Peter's Anglican Church Group comprising Anglican church, rectory, former stables and Anglican cemetery	Cordeaux Street and Broughton Street	Lots 50 and 52, DP 811930	Local	I13

Campbelltown	St John the Evangelist Church (new)	35 Cordeaux Street	Part Lot 1, DP 1083980	Local	I12
Campbelltown	St John's Church Group	George Street	Lot 1, DP 246268; Lot 2, DP 758217; Lot 1, DP 1037742	State	I00193
Campbelltown	Campbelltown Railway Station	Hurley Street	Part Lot 1, DP 1022940	Local	I15
Campbelltown	"Glenalvon" (including house, stables, grounds and water trough)	8 Lithgow Street	Lot 1, DP 34658	State	I00004
Campbelltown	Richmond Villa	12 Lithgow Street	Part Lot 3, DP 827691	Local	I18
Campbelltown	St David's Presbyterian Church and former manse	32 and 40 Lithgow Street	Lots 11 and 12, DP 806710	Local	I19
Campbelltown	House	64 Lithgow Street	Lot 101, DP 1152000	Local	I17
Campbelltown	Emily Cottage	1 Old Menangle Road	Lot 61, DP 997095	Local	I21
Campbelltown	"Quondong"	15 Old Menangle Road	Part Lot 10, DP 1134526	Local	I22
Campbelltown	"Stations of the Cross"	Narellan Road	Lot 1, DP 1213869	Local	I20
Campbelltown	Wesleyan Chapel	Oxley Street	Part Lot 1, DP 770123	Local	I25
Campbelltown	"Braefield"	24 Oxley Street	Lot 1, DP 555265; Lot 26, DP 220014	Local	I24
Campbelltown	"Caversham"	26 Oxley Street	Lot 1, DP 1043456	Local	I23
Campbelltown	Milestone XXXIII	Mawson Park, Queen Street	Streetscape elements	Local	I10
Campbelltown	Warby's Stables and barn	12-14 and 18-20 Queen Street	Part Lot 1, DP 216516; Part Lot B, DP 449236	State	I00497
Campbelltown	Congregational Manse (former)	38 Queen Street	Part Lot 501, DP 1015993	Local	I32
Campbelltown	Water trough	Civic Centre, 91 Queen Street	Part Lot 301, DP 715353	Local	I34

Campbelltown	Campbelltown Court House	95 Queen Street	Lots 1 and 2, DP 772068; Lot 7022, DP 93213	Local	128
Campbelltown	Campbelltown Post Office (former)	261 Queen Street	Lot 2, DP 628679	State	100265
Campbelltown	Commercial Bank of Sydney (former)	263 Queen Street	Lot 1, DP 123556 (SP 41598)	State	100499
Campbelltown	Queen Street Building Group, comprising McGuanne House, former Railway Hotel, Bursill's Shop and former coach house	286, 288, 292-294 and 298 Queen Street	Lots 1-4, DP 827641	State	100007
Campbelltown	Town Hall (former)	297 Queen Street	Lot 103, DP 621563	Local	136
Campbelltown	Dredges Cottage	303 Queen Street	Lot 111, DP 705804	State	100640
Campbelltown	Former Kendall's Mill House	316 Queen Street	Lot 33, DP 131201	Local	131
Campbelltown	Fieldhouse's Produce Store (former)	317 Queen Street	Lot 221, DP 1177784	Local	127
Campbelltown	Farrier's Arms Inn (former) and water trough	318 Queen Street	Part Lots 67 and 68, DP 1127402	Local	126
Campbelltown	Methodist/ Congregational Cemetery	Pioneer Park, St Johns Road	Lot 13, DP 631041	Local	138
Campbelltown	House	8 Sturt Street	Lot 3, DP 218620	Local	139
Campbelltown	House	10 Sturt Street	Lot 1, DP 743626	Local	140
Campbelltown	House	14 Sturt Street	Lot 3, DP 103059	Local	141
Campbelltown	"Cransley"	104 Waminda Avenue	Lot 21, DP 573760	Local	142
Campbelltown	House	60 Warby Street	Lot 32, DP 7496	Local	143
Claymore	"Hillcrest"	50 Badgally Road	Part Lot 2, DP 1017017	Local	145
Claymore	Glenroy Cottage	2 Dobell Road	Part Lot 2, DP 703539	Local	144
Denham Court	Milestone XXVII	Campbelltown Road	Streetscape elements	Local	148
Denham Court	Denham Court group	238 Campbelltown Road	Lot 392, DP 564854	State	100212



Denham Court, Gilead	“Upper Canal”	In Canal Reserve	Upper Canal, Sydney water supply system	State	101373
Eagle Vale	“Mount St Joseph”	13A Moonstone Place	Lot 4372, DP 261630	Local	149
Englorie Park	Englorie Park House	2 Parkholme Circuit	Lot 48 and Part Lot 50, DP 845826	Local	150
Eschol Park	Eschol Park House (including 6 street trees)	14 Eschol Park Drive and the avenue of trees in Eschol Park Drive between Eschol Park House and Raby Road	Lot 22, DP 545718 and street trees in Eschol Park Drive	Local	151
Gilead	Hume Monument	Appin Road	Road reserve, adjacent to Lot 2, DP 547457	Local	156
Gilead	“Brookdale” site	612 Appin Road	Lot 7001, DP 1055415	Local	154
Gilead	“Beulah”	767 Appin Road	Lot 23, DP 1132464	State	100368
Gilead	“Humewood Forest”	767 Appin Road	Lot 21, DP 1132464	Local	153
Gilead	“Mount Gilead”	901 Appin Road	Part Lot 1, DP 807555	Local	158
Gilead	“Glen Lorne”	982A Appin Road	Part of Lot 1, DP 603674	Local	155
Gilead	“Kilbride”	70 Glendower Street	Lot 3, DP 1065919	Local	159
Gilead	Sugarloaf Farm homestead group and rural landscape setting	Menangle Road	Lot 2, DP 842735; Lot 3, DP 1007066; Part Lot 200, DP 1046336	State	101389
Glen Alpine	“Glen Alpine”—site of original house	Heritage Park, Abington Crescent	Lot 756, DP 787316	Local	161
Glen Alpine	“Glen Alpine”—second house of that name	12 Belltrees Close	Lot 443, DP 746821	Local	162
Glenfield	Milestone XXIV	Campbelltown Road	Streetscape elements	Local	163

Glenfield	Macquarie Field House Homestead Group, ruins and rural landscape setting	Off Campbelltown Road	Lot 1, DP 612265; Part Lot 1, DP 828871; Part Lot 6, DP 270152; Part Lot 2, DP 270152	State	100424
Glenfield	Hurlstone Agricultural High School—original school building and associated farmland	Roy Watts Road	Lot 21, DP 1035516	Local	165
Ingleburn	Robin Hood Farm Homestead Group and surviving undeveloped setting	196 Campbelltown Road	Lot 201, DP 255306	State	101387
Ingleburn	“Boronia”	6 Dove Place	Lot 18, DP 247802	Local	167
Ingleburn	“The Pines”	13 Macquarie Road	Lot 1, DP 449394	Local	168
Ingleburn	Stone cottage and bushland setting	28 Mercedes Road	Lots 55–68, Section 2, DP 2189	Local	169
Ingleburn	Ingleburn Horse Trough	Oxford Road	Centre of Oxford Road, adjacent to Lot 4, Section A, DP 10494	Local	171
Ingleburn	Ingleburn Public School	51 Oxford Road	Lot 1, DP 122332	Local	172
Ingleburn	Ingleburn Community Hall	72 Oxford Road	Lot 8, Section 8, DP 2913	Local	170
Ingleburn	“Woodcrest”	111 Oxford Road	Lots 81–84, DP 1172405	Local	173
Kearns	“Epping Forest” homestead complex	Mississippi Crescent	Lot 34, DP 262269	State	01298
Kentlyn	“Osbaldeston”—stone cottage	226 Georges River Road	Lot 1, DP 226860	Local	175
Kentlyn	Old Ford Road	Northern end of Georges River Road	Georges River Nature Reserve	Local	176
Leumeah	“Hollylea” and former Plough Inn	185 Airds Road	Part Lot 232, DP 713035 (SP 58562)	State	100343
Leumeah	Milestone XXXII	Campbelltown Road	Streetscape elements	Local	178

Leumeah	Warbys Dams 1 and 2 on Leumeah Creek	Fitzroy Crescent	Part Lot 35, DP 31214; Part Lot 12, DP 228179; Lot 7, DP 232798; Lot 3, DP 549482; Part Lot 5, DP 241539	Local	179
Leumeah	Warbys Dams 3 and 4 on Leumeah Creek	Lindesay Street	Lot 48, DP 213178; Lot 72, DP 863222	Local	180
Menangle Park	Glenlee House and outbuildings, garden and gate lodge	Glenlee Road	Lots 1-3, DP 713646	State	100009
Menangle Park	Menangle Weir	Below Menangle Railway Viaduct	Lot 1, DP 775452	Local	186
Menangle Park	Menangle House and outbuildings	Menangle Road	Lot 102, DP 776612	Local	183
Menangle Park	Riverview	Menangle Road	Lots 1 and 2, DP 589899	Local	182
Menangle Park	The Pines	Menangle Road	Lot 12, DP 786117	Local	184
Menangle Park	Menangle Railway Viaduct	Nepean River	Menangle Rail Bridge over Nepean River	State	101047
Menangle Park	Menangle Park Paceway	Racecourse Avenue	Lot 10, DP 1022204	Local	187
Minto	Milestone XXX	Campbelltown Road (south of Ben Lomond Road)	Streetscape elements	Local	188
Minto	Milestone XXXI	Campbelltown Road (west of Airds Road)	Streetscape elements	Local	189
Minto	Eagleview House	107 Eagleview Road	Lot 105, DP 260047	Local	190
Minto	Old St James Anglican Church (including palm trees and original part of front fence)	2 Kent Street	Part of Lot 12, DP 712599	Local	1106
Minto	Campbellfield or Redfern's Cottage	Lind Street	Lot 50, DP 1028174	Local	191
Minto Heights	Stone cottage	Ben Lomond Road	Lot 315, DP 253229	State	101388
Minto Heights	"Kiera-ville"	20 Hansens Road	Lot E, DP 162716	Local	195
Minto Heights	Hansen's Cottage site	23 Hansens Road	Lot 7, DP 548554	Local	194

Minto Heights	Etchell's Cottage	60 Hansens Road	Lot 322, DP 710690	Local	I93
St Andrews	St Andrews Farmhouse	11 Shiel Place	Lot 1200, DP 749489	Local	I96
St Helens Park	Denfield homestead	Appin Road	Lot 101, DP 1128548; Lot 122, DP 813654	State	I00540
St Helens Park	St Helens Park House and Dam	St Helens Park Drive	Lot 60, DP 739072; Part Lot 252, DP 703991; Part Lot 4, DP 865319	State	I00406
Varroville	Ingleburn Dam	St Andrews Road	Lot 1, DP 1086624	Local	I100
Varroville	"Varro Ville"—homestead group	196 St Andrews Road	Part Lot 21, DP 564065	State	I00737
Varroville	"Varro Ville"—estate	166-176 St Andrews Road	Lot 1, DP 218016 and Lot 22, DP 564065	Local	I105
Wedderburn	Union Church site	15 Aberfoyle Road	Part Lot A, DP 449151	Local	I102
Wedderburn	"Morning Glory"—house	208 Minerva Road	Part Lot 1, DP 119350	Local	I103
Wedderburn	Charcoal pits	South of Wedderburn Road	Part Lot 1, DP 1081707	Local	I101
Wedderburn	Wedderburn Post Office (former)	419 Wedderburn Road	Part Lot 1, DP 1081235	Local	I104
Woronora	Woronora Dam	Woronora Dam	Part Lot 1, DP 830604	State	I01378

## Part 2 Heritage conservation areas

Description	Identification on <a href="#">Heritage Map</a>	Significance	Item no
Queen Street Heritage Conservation Area	Shown by red hatching and marked "Queen Street Heritage Conservation Area"	Local	C1

## Schedule 6 Pond-based and tank-based aquaculture

(Clause 5.19)

### Part 1 Pond-based and tank-based aquaculture

#### Division 1 Site location requirements

##### 1 Conservation exclusion zones

- (1) Must not be carried out on the following land, except to the extent necessary to gain access to water—
  - (a) land declared an area of outstanding biodiversity value under the *Biodiversity Conservation Act 2016*,
  - (b) vacant Crown land,
  - (c) land within a wetland of international significance declared under the Ramsar Convention on Wetlands.
- (2) Must not be carried out on the following land, except for the purposes of minimal infrastructure to support the extraction of water from, and discharge of water to, the land concerned—
  - (a) land declared as an aquatic reserve under the *Marine Estate Management Act 2014*,
  - (b) land declared as a marine park under the *Marine Estate Management Act 2014*.

**Note—**

Nothing in this clause affects any requirement under an Act relating to land specified in this clause to obtain a licence or other authority under that Act for development of the land.

#### Division 2 Operational requirements

##### 2 Species selection

Species of fish or marine vegetation cultivated or kept must be consistent with the relevant aquaculture industry development plan (within the meaning of clause 5.19).

##### 3 Pond-based aquaculture that is also intensive aquaculture—pond design

For pond-based aquaculture that is also intensive aquaculture—ponds must be capable of being drained or pumped and then completely dried.

##### 4 Pond-based aquaculture and tank-based aquaculture that is also intensive aquaculture—freshwater discharges

For pond-based aquaculture and tank-based aquaculture that is also intensive

aquaculture—no discharge of freshwater used to intensively cultivate or keep fish to natural waterbodies or wetlands is permitted, except freshwater discharge from open flow through systems.

## **5 Outlets from culture ponds etc**

All outlets from culture ponds, tanks and other culture facilities must be screened to avoid the escape of fish.

## **6 Definition**

In this Division—

**intensive aquaculture** has the same meaning as it has in the [Fisheries Management \(Aquaculture\) Regulation 2017](#).

# **Part 2 Extensive pond-based aquaculture**

## **Division 1 Site location requirements**

### **7 Conservation exclusion zones**

- (1) Must not be carried out on the following land, except to the extent necessary to gain access to water—
  - (a) land declared an area of outstanding biodiversity value under the [Biodiversity Conservation Act 2016](#),
  - (b) vacant Crown land,
  - (c) land within a wetland of international significance declared under the Ramsar Convention on Wetlands.

#### **Note—**

Nothing in this clause affects any requirement under an Act relating to land specified in this clause to obtain a licence or other authority under that Act for development of the land.

### **8 Flood liability**

Must be designed or constructed on land so that it will not be inundated by the discharge of a 1:100 ARI (average recurrent interval) flood event.

## **Division 2 Operational requirements**

### **9 Species selection**

Species of fish or marine vegetation cultivated or kept must be consistent with the relevant aquaculture industry development plan (within the meaning of clause 5.19).

## 10 Pond design

- (1) Must not require the construction of new ponds, water storages, dams or buildings.
- (2) Must not be located on permanent watercourses, creeks, billabongs or isolated outreaches of creeks or rivers.
- (3) Must be capable of preventing the escape of stock into natural waterbodies or wetlands.

## 11 Culture water

Must use freshwater.

## Dictionary

(Clause 1.4)

### Note—

The Act and the [Interpretation Act 1987](#) contain definitions and other provisions that affect the interpretation and application of this Plan.

**Aboriginal object** means any deposit, object or other material evidence (not being a handicraft made for sale) relating to the Aboriginal habitation of an area of New South Wales, being habitation before or concurrent with (or both) the occupation of that area by persons of non-Aboriginal extraction, and includes Aboriginal remains.

**Aboriginal place of heritage significance** means an area of land, the general location of which is identified in an Aboriginal heritage study adopted by the Council after public exhibition and that may be shown on the [Heritage Map](#), that is—

- (a) the site of one or more Aboriginal objects or a place that has the physical remains of pre-European occupation by, or is of contemporary significance to, the Aboriginal people. It may (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.

### Note—

The term may include (but is not limited to) places that are declared under section 84 of the [National Parks and Wildlife Act 1974](#) to be Aboriginal places for the purposes of that Act.

**acid sulfate soils** means naturally occurring sediments and soils containing iron sulfides (principally pyrite) or their precursors or oxidation products, whose exposure to oxygen leads to the generation of sulfuric acid (for example, by drainage or excavation).

**Acid Sulfate Soils Manual** means the manual by that name published by the Acid Sulfate Soils Management Advisory Committee and made publicly available.

**Additional Permitted Uses Map** means the [Campbelltown Local Environmental Plan 2015 Additional Permitted Uses Map](#).

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

**Note—**

The term is defined as a sign, notice, device or representation in the nature of an advertisement visible from any public place or public reserve or from any navigable water.

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

**Note—**

The term is defined as a structure used or to be used principally for the display of an advertisement.

Advertising structures are a type of **signage**—see the definition of that term in this Dictionary.

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

**Note—**

The term is defined as housing for very low income households, low income households or moderate income households, being such households as are prescribed by the regulations or as are provided for in an environmental planning instrument.

**agricultural produce industry** means a building or place used for the handling, treating, processing or packing, for commercial purposes, of produce from agriculture (including dairy products, seeds, fruit, vegetables or other plant material), and includes wineries, flour mills, cotton seed oil plants, cotton gins, feed mills, cheese and butter factories, and juicing or canning plants, but does not include a livestock processing industry.

**Note—**

Agricultural produce industries are a type of **rural industry**—see the definition of that term in this Dictionary.

**agriculture** means any of the following—

- (aaa) agritourism,
- (a) aquaculture,
- (b) extensive agriculture,
- (c) intensive livestock agriculture,
- (d) intensive plant agriculture.

**Note—**

Part 6 of the [Plantations and Reafforestation Act 1999](#) provides that exempt farm forestry within the meaning of that Act is not subject to the [Environmental Planning and Assessment Act 1979](#).

**agritourism** means the following—

- (a) farm gate premises,
- (b) farm experience premises.

**Note—**

Agritourism is a type of **agriculture**—see the definition of that term in this Dictionary.



**air transport facility** means an airport or a heliport that is not part of an airport, and includes associated communication and air traffic control facilities or structures.

**airport** means a place that is used for the landing, taking off, parking, maintenance or repair of aeroplanes, and includes associated buildings, installations, facilities and movement areas and any heliport that is part of the airport.

**Note—**

Airports are a type of **air transport facility**—see the definition of that term in this Dictionary.

**airstrip** means a single runway for the landing, taking off or parking of aeroplanes for private aviation only, but does not include an airport, heliport or helipad.

**amusement centre** means a building or place (not being part of a pub or registered club) used principally for playing—

- (a) billiards, pool or other like games, or
- (b) electronic or mechanical amusement devices, such as pinball machines, computer or video games and the like.

**animal boarding or training establishment** means a building or place used for the breeding, boarding, training, keeping or caring of animals for commercial purposes (other than for the agistment of horses), and includes any associated riding school or ancillary veterinary hospital.

**aquaculture** has the same meaning as in the [Fisheries Management Act 1994](#). It includes oyster aquaculture, pond-based aquaculture and tank-based aquaculture.

**Note—**

Aquaculture is a type of **agriculture**—see the definition of that term in this Dictionary.

**archaeological site** means a place that contains one or more relics.

**artisan food and drink industry** means a building or place the principal purpose of which is the making or manufacture of boutique, artisan or craft food or drink products only. It must also include at least one of the following—

- (a) a retail area for the sale of the products,
- (b) the preparation and serving, on a retail basis, of food and drink to people for consumption on the premises, whether or not liquor, take away meals and drinks or entertainment are also provided,
- (c) facilities for holding tastings, tours or workshops.

**Note—**

See clause 5.4 for controls in certain zones relating to the retail floor area of an artisan food and drink industry.

Artisan food and drink industries are a type of **light industry**—see the definition of that term in this Dictionary.

**attached dwelling** means a building containing 3 or more dwellings, where—

- (a) each dwelling is attached to another dwelling by a common wall, and
- (b) each of the dwellings is on its own lot of land, and

(c) none of the dwellings is located above any part of another dwelling.

**Note—**

Attached dwellings are a type of **residential accommodation**—see the definition of that term in this Dictionary.

**attic** means any habitable space, but not a separate dwelling, contained wholly within a roof above the ceiling line of the storey immediately below, except for minor elements such as dormer windows and the like.

**backpackers' accommodation** means a building or place that—

- (a) provides temporary or short-term accommodation on a commercial basis, and
- (b) has shared facilities, such as a communal bathroom, kitchen or laundry, and
- (c) provides accommodation on a bed or dormitory-style basis (rather than by room).

**Note—**

Backpackers' accommodation is a type of **tourist and visitor accommodation**—see the definition of that term in this Dictionary.

**basement** means the space of a building where the floor level of that space is predominantly below ground level (existing) and where the floor level of the storey immediately above is less than 1 metre above ground level (existing).

**bed and breakfast accommodation** means an existing dwelling in which temporary or short-term accommodation is provided on a commercial basis by the permanent residents of the dwelling and where—

- (a) meals are provided for guests only, and
- (b) cooking facilities for the preparation of meals are not provided within guests' rooms, and
- (c) dormitory-style accommodation is not provided.

**Note—**

See clause 5.4 for controls relating to the number of bedrooms for bed and breakfast accommodation.

Bed and breakfast accommodation is a type of **tourist and visitor accommodation**—see the definition of that term in this Dictionary.

**bee keeping** means a building or place used for the keeping and breeding of bees for commercial purposes.

**Note—**

Bee keeping is a type of **extensive agriculture**—see the definition of that term in this Dictionary.

**biodiversity** or **biological diversity** means the variety of living animal and plant life from all sources, and includes diversity within and between species and diversity of ecosystems.

**biosolids treatment facility** means a building or place used as a facility for the treatment of biosolids from a sewage treatment plant or from a water recycling facility.

**Note—**

Biosolids treatment facilities are a type of **sewerage system**—see the definition of that term in this Dictionary.

**boarding house** means a building or place—

- (a) that provides residents with a principal place of residence for at least 3 months, and
- (b) that contains shared facilities, such as a communal living room, bathroom, kitchen or laundry, and
- (c) that contains rooms, some or all of which may have private kitchen and bathroom facilities, and
- (d) used to provide affordable housing, and
- (e) if not carried out by or on behalf of the Land and Housing Corporation—managed by a registered community housing provider,

but does not include backpackers' accommodation, co-living housing, a group home, hotel or motel accommodation, seniors housing or a serviced apartment.

**boat building and repair facility** means any facility (including a building or other structure) used primarily for the construction, maintenance or repair of boats, whether or not including the storage, sale or hire of boats, but does not include a marina or boat shed.

**boat launching ramp** means a structure designed primarily for the launching of trailer borne recreational vessels, and includes associated car parking facilities.

**boat shed** means a building or other structure used for the storage and routine maintenance of a boat or boats and that is associated with a private dwelling or non-profit organisation, and includes any skid used in connection with the building or other structure.

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

**Note—**

This definition is relevant to the definitions of **home occupation (sex services)** and **sex services premises** in this Dictionary.

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

**Note—**

The term is defined to include part of a building and any structure or part of a structure, but not including a manufactured home, a moveable dwelling or associated structure (or part of a manufactured home, moveable dwelling or associated structure).

**building height (or height of building)** means—

- (a) in relation to the height of a building in metres—the vertical distance from ground level (existing) to the highest point of the building, or
- (b) in relation to the RL of a building—the vertical distance from the Australian Height Datum to the highest point of the building,

including plant and lift overruns, but excluding communication devices, antennae, satellite dishes, masts, flagpoles, chimneys, flues and the like.

**building identification sign** means a sign that identifies or names a building and that may include the name of a building, the street name and number of a building, and a logo or other symbol but does not include general advertising of products, goods or services.

**Note—**

Building identification signs are a type of **signage**—see the definition of that term in this Dictionary.

**building line** or **setback** means the horizontal distance between the property boundary or other stated boundary (measured at 90 degrees from the boundary) and—

- (a) a building wall, or
- (b) the outside face of any balcony, deck or the like, or
- (c) the supporting posts of a carport or verandah roof,

whichever distance is the shortest.

**bush fire hazard reduction work** has the same meaning as in the [Rural Fires Act 1997](#).

**Note—**

The term is defined as follows—

**bush fire hazard reduction work** means—

- (a) the establishment or maintenance of fire breaks on land, and
- (b) the controlled application of appropriate fire regimes or other means for the reduction or modification of available fuels within a predetermined area to mitigate against the spread of a bush fire,

but does not include construction of a track, trail or road.

**bush fire prone land** has the same meaning as in the Act.

**Note—**

The term is defined, in relation to an area, as land recorded for the time being as bush fire prone land on a map for the area certified as referred to in section 10.3(2) of the Act.

**bush fire risk management plan** means a plan prepared under Division 4 of Part 3 of the [Rural Fires Act 1997](#) for the purpose referred to in section 54 of that Act.

**business identification sign** means a sign—

- (a) that indicates—
  - (i) the name of the person or business, and
  - (ii) the nature of the business carried on by the person at the premises or place at which the sign is displayed, and
- (b) that may include the address of the premises or place and a logo or other symbol that identifies the business,

but that does not contain any advertising relating to a person who does not carry on business at the premises or place.

**Note—**

Business identification signs are a type of **signage**—see the definition of that term in this Dictionary.

**business premises** means a building or place at or on which—

- (a) an occupation, profession or trade (other than an industry) is carried on for the provision of services directly to members of the public on a regular basis, or
- (b) a service is provided directly to members of the public on a regular basis,

and includes funeral homes, goods repair and reuse premises and, without limitation, premises such as banks, post offices, hairdressers, dry cleaners, travel agencies, betting agencies and the like, but does not include an entertainment facility, home business, home occupation, home occupation (sex services), medical centre, restricted premises, sex services premises or veterinary hospital.

**Note—**

Business premises are a type of **commercial premises**—see the definition of that term in this Dictionary.

**Campbelltown-Macarthur Regional City Centre** means the area identified as Campbelltown-Macarthur Regional City Centre on the [Centres Map](#).

**camping ground** means an area of land, with access to communal amenities, used for the short term placement of campervans, tents, annexes or other similar portable and lightweight temporary shelters for accommodation and includes a primitive camping ground but does not include—

- (a) a caravan park, or
- (b) farm stay accommodation.

**canal estate development**—see clause 2.9.

**car park** means a building or place primarily used for the purpose of parking motor vehicles, including any manoeuvring space and access thereto, whether operated for gain or not.

**caravan park** means an area of land, with access to communal amenities, used for the installation or placement of caravans, or caravans and other moveable dwellings, but does not include farm stay accommodation.

**catchment action plan** has the same meaning as in the [Catchment Management Authorities Act 2003](#).

**Note—**

The term is defined as a catchment action plan of an authority that has been approved by the Minister under Part 4 of the [Catchment Management Authorities Act 2003](#).

**cellar door premises** means a building or place that is used to sell wine by retail and that is situated on land on which there is a commercial vineyard, and where most of the wine offered for sale is produced in a winery situated on that land or is produced predominantly from grapes grown in the surrounding area.

**Note—**

Cellar door premises are a type of **farm gate premises**—see the definition of that term in this Dictionary.

**cemetery** means a building or place used primarily for the interment of deceased persons or pets or their ashes, whether or not it contains an associated building for conducting memorial services.

**centre-based child care facility** means—

- (a) a building or place used for the education and care of children that provides any one or more of

the following—

- (i) long day care,
  - (ii) occasional child care,
  - (iii) out-of-school-hours care (including vacation care),
  - (iv) preschool care, or
- (b) an approved family day care venue (within the meaning of the *Children (Education and Care Services) National Law (NSW)*),

**Note—**

An approved family day care venue is a place, other than a residence, where an approved family day care service (within the meaning of the *Children (Education and Care Services) National Law (NSW)*) is provided.

but does not include—

- (c) a building or place used for home-based child care or school-based child care, or
- (d) an office of a family day care service (within the meanings of the *Children (Education and Care Services) National Law (NSW)*), or
- (e) a babysitting, playgroup or child-minding service that is organised informally by the parents of the children concerned, or
- (f) a child-minding service that is provided in connection with a recreational or commercial facility (such as a gymnasium) to care for children while the children's parents are using the facility, or
- (g) a service that is concerned primarily with providing lessons or coaching in, or providing for participation in, a cultural, recreational, religious or sporting activity, or providing private tutoring, or
- (h) a child-minding service that is provided by or in a health services facility, but only if the service is established, registered or licensed as part of the institution operating in the facility.

**Note—**

Centre-based child care facilities are a type of **early education and care facility**—see the definition of that term in this Dictionary.

**Centres Map** means the [Campbelltown Local Environmental Plan 2015 Centres Map](#).

**charter and tourism boating facility** means any facility (including a building or other structure) used for charter boating or tourism boating purposes, being a facility that is used only by the operators of the facility and that has a direct structural connection between the foreshore and the waterway, but does not include a marina.

**classified road** has the same meaning as in the *Roads Act 1993*.

**Note—**

The term is defined as follows—

**classified road** means any of the following—

- (a) a main road,
- (b) a highway,
- (c) a freeway,
- (d) a controlled access road,
- (e) a secondary road,
- (f) a tourist road,
- (g) a tollway,
- (h) a transitway,
- (i) a State work.

(See [Roads Act 1993](#) for meanings of these terms.)

**Clause Application Map** means the [Campbelltown Local Environmental Plan 2015 Clause Application Map](#).

**clearing native vegetation** has the same meaning as in Part 5A of the [Local Land Services Act 2013](#).

**clearing vegetation** has the same meaning as in [State Environmental Planning Policy \(Biodiversity and Conservation\) 2021](#), Chapter 2.

**coastal hazard** has the same meaning as in the [Coastal Management Act 2016](#).

**coastal lake** means a body of water identified in [State Environmental Planning Policy \(Resilience and Hazards\) 2021](#), Schedule 1.

**coastal protection works** has the same meaning as in the [Coastal Management Act 2016](#).

**coastal waters of the State**—see section 58 of the [Interpretation Act 1987](#).

**coastal zone** has the same meaning as in the [Coastal Management Act 2016](#).

**co-living housing** means a building or place that—

- (a) has at least 6 private rooms, some or all of which may have private kitchen and bathroom facilities, and
- (b) provides occupants with a principal place of residence for at least 3 months, and
- (c) has shared facilities, such as a communal living room, bathroom, kitchen or laundry, maintained by a managing agent, who provides management services 24 hours a day,

but does not include backpackers' accommodation, a boarding house, a group home, hotel or motel accommodation, seniors housing or a serviced apartment.

**Note—**

Co-living housing is a type of **residential accommodation**—see the definition of that term in this Dictionary.

**commercial farm** means a farm on which agriculture is undertaken that is—

- (a) on land categorised as farmland under the *Local Government Act 1993*, section 515, or
- (b) a primary production business within the meaning of the *Income Tax Assessment Act 1997* of the Commonwealth, or part of a primary production business, including a business that—
  - (i) was a primary production business, and
  - (ii) has temporarily ceased to be a primary production business because of a natural disaster, including a drought, flood or bush fire.

**commercial premises** means any of the following—

- (a) business premises,
- (b) office premises,
- (c) retail premises.

**community facility** means a building or place—

- (a) owned or controlled by a public authority or non-profit community organisation, and
- (b) used for the physical, social, cultural or intellectual development or welfare of the community,

but does not include an educational establishment, hospital, retail premises, place of public worship or residential accommodation.

**community land** has the same meaning as in the *Local Government Act 1993*.

**correctional centre** means—

- (a) any premises declared to be a correctional centre by a proclamation in force under section 225 of the *Crimes (Administration of Sentences) Act 1999*, including any juvenile correctional centre or periodic detention centre, and
- (b) any premises declared to be a detention centre by an order in force under section 5(1) of the *Children (Detention Centres) Act 1987*,

but does not include any police station or court cell complex in which a person is held in custody in accordance with any Act.

**Council** means the Campbelltown City Council.

**creative industry** means a building or place the principal purpose of which is to produce or demonstrate arts, crafts, design or other creative products, and includes artists' studios, recording studios, and set design and production facilities.

**Note—**

Creative industries are a type of **light industry**—see the definition of that term in this Dictionary.

**crematorium** means a building or place in which deceased persons or pets are cremated or processed by alkaline hydrolysis, whether or not the building or place contains an associated building for conducting memorial services.



**curtilage**, in relation to a heritage item or conservation area, means the area of land (including land covered by water) surrounding a heritage item, a heritage conservation area, or building, work or place within a heritage conservation area, that contributes to its heritage significance.

**dairy (pasture-based)** means a dairy that is conducted on a commercial basis where the only restriction facilities present are milking sheds and holding yards and where cattle generally feed by grazing on living grasses and other plants on the land and are constrained for no more than 10 hours in any 24 hour period (excluding during any period of drought or similar emergency relief).

**Note—**

Dairies (pasture-based) are a type of **extensive agriculture**—see the definition of that term in this Dictionary.

**dairy (restricted)** means a dairy that is conducted on a commercial basis where restriction facilities (in addition to milking sheds and holding yards) are present and where cattle have access to grazing for less than 10 hours in any 24 hour period (excluding during any period of drought or similar emergency relief). It may comprise the whole or part of a restriction facility.

**Note—**

Dairies (restricted) are a type of **intensive livestock agriculture**—see the definition of that term in this Dictionary.

**data centre** means a building or place the principal purpose of which is to collect, distribute, process or store electronic data using information technology.

**Note—**

Data centres are a type of **high technology industry**—see the definition of that term in this Dictionary.

**demolish**, in relation to a heritage item or an Aboriginal object, or a building, work, relic or tree within a heritage conservation area, means wholly or partly destroy, dismantle or deface the heritage item, Aboriginal object or building, work, relic or tree.

**depot** means a building or place used for the storage (but not sale or hire) of plant, machinery or other goods (that support the operations of an existing undertaking) when not required for use, but does not include a farm building.

**drainage** means any activity that intentionally alters the hydrological regime of any locality by facilitating the removal of surface or ground water. It may include the construction, deepening, extending, opening, installation or laying of any canal, drain or pipe, either on the land or in such a manner as to encourage drainage of adjoining land.

**dual occupancy** means a dual occupancy (attached) or a dual occupancy (detached).

**Note—**

Dual occupancies are a type of **residential accommodation**—see the definition of that term in this Dictionary.

**dual occupancy (attached)** means 2 dwellings on one lot of land that are attached to each other, but does not include a secondary dwelling.

**Note—**

Dual occupancies (attached) are a type of **dual occupancy**—see the definition of that term in this Dictionary.

**dual occupancy (detached)** means 2 detached dwellings on one lot of land, but does not include a secondary dwelling.

**Note—**

Dual occupancies (detached) are a type of **dual occupancy**—see the definition of that term in this Dictionary.

**dwelling** means a room or suite of rooms occupied or used or so constructed or adapted as to be capable of being occupied or used as a separate domicile.

**dwelling house** means a building containing only one dwelling.

**Note—**

Dwelling houses are a type of **residential accommodation**—see the definition of that term in this Dictionary.

**early education and care facility** means a building or place used for the education and care of children, and includes any of the following—

- (a) a centre-based child care facility,
- (b) home-based child care,
- (c) school-based child care.

**earthworks** means excavation or filling.

**ecologically sustainable development** has the same meaning as in the Act.

**eco-tourist facility** means a building or place that—

- (a) provides temporary or short-term accommodation to visitors on a commercial basis, and
- (b) is located in or adjacent to an area with special ecological or cultural features, and
- (c) is sensitively designed and located so as to minimise bulk, scale and overall physical footprint and any ecological or visual impact.

It may include facilities that are used to provide information or education to visitors and to exhibit or display items.

**Note—**

See clause 5.13 for requirements in relation to the granting of development consent for eco-tourist facilities.

Eco-tourist facilities are not a type of **tourist and visitor accommodation**—see the definition of that term in this Dictionary.

**educational establishment** means a building or place used for education (including teaching), being—

- (a) a school, or
- (b) a tertiary institution, including a university or a TAFE establishment, that provides formal education and is constituted by or under an Act.

**electricity generating works** means a building or place used for the purpose of—

- (a) making or generating electricity, or
- (b) electricity storage.

**emergency services facility** means a building or place (including a helipad) used in connection with the provision of emergency services by an emergency services organisation.

**emergency services organisation** means any of the following—

- (a) Ambulance Service of New South Wales,
- (b) Fire and Rescue NSW,
- (c) NSW Rural Fire Service,
- (d) NSW Police Force,
- (e) State Emergency Service,
- (f) New South Wales Volunteer Rescue Association Incorporated,
- (g) New South Wales Mines Rescue Brigade established under the [Coal Industry Act 2001](#),
- (h) an accredited rescue unit within the meaning of the [State Emergency and Rescue Management Act 1989](#).

**entertainment facility** means a theatre, cinema, music hall, concert hall, dance hall and the like, but does not include a pub or registered club.

**Environmental Constraint Map** means the [Campbelltown Local Environmental Plan 2015 Environmental Constraint Map](#).

**environmental facility** means a building or place that provides for the recreational use or scientific study of natural systems, and includes walking tracks, seating, shelters, board walks, observation decks, bird hides or the like, and associated display structures.

**environmental protection works** means works associated with the rehabilitation of land towards its natural state or any work to protect land from environmental degradation, and includes bush regeneration works, wetland protection works, erosion protection works, dune restoration works and the like, but does not include coastal protection works.

**estuary** has the same meaning as in the [Water Management Act 2000](#).

**Note—**

The term is defined as follows—

**estuary** means—

- (a) any part of a river whose level is periodically or intermittently affected by coastal tides, or
- (b) any lake or other partially enclosed body of water that is periodically or intermittently open to the sea, or
- (c) anything declared by the regulations (under the [Water Management Act 2000](#)) to be an estuary,

but does not include anything declared by the regulations (under the [Water Management Act 2000](#)) not to be an estuary.

**excavation** means the removal of soil or rock, whether moved to another part of the same site or to another site, but does not include garden landscaping that does not significantly alter the shape, natural form or drainage of the land.

**exhibition home** means a dwelling built for the purposes of the public exhibition and marketing of new dwellings, whether or not it is intended to be sold as a private dwelling after its use for those

purposes is completed, and includes any associated sales or home finance office or place used for displays.

**exhibition village** means 2 or more exhibition homes and associated buildings and places used for house and land sales, site offices, advisory services, car parking, food and drink sales and other associated purposes.

**extensive agriculture** means any of the following—

- (a) the production of crops or fodder (including irrigated pasture and fodder crops) for commercial purposes,
- (b) the grazing of livestock (other than pigs and poultry) for commercial purposes on living grasses and other plants on the land as their primary source of dietary requirements, and any supplementary or emergency feeding, or temporary agistment or housing for weaning, dipping, tagging or similar husbandry purposes, of the livestock,
- (c) bee keeping,
- (d) a dairy (pasture-based) where the animals generally feed by grazing on living grasses and other plants on the land as their primary source of dietary requirements, and any supplementary or emergency feeding, or temporary agistment or housing for weaning, dipping, tagging or similar husbandry purposes, of the animals.

**Note—**

Extensive agriculture is a type of **agriculture**—see the definition of that term in this Dictionary.

**extractive industry** means the winning or removal of extractive materials (otherwise than from a mine) by methods such as excavating, dredging, tunnelling or quarrying, including the storing, stockpiling or processing of extractive materials by methods such as recycling, washing, crushing, sawing or separating, but does not include turf farming.

**Note—**

Extractive industries are not a type of **industry**—see the definition of that term in this Dictionary.

**extractive material** means sand, soil, gravel, rock or similar substances that are not minerals within the meaning of the [Mining Act 1992](#).

**farm building** means a structure the use of which is ancillary to an agricultural use of the landholding on which it is situated and includes a hay shed, stock holding yard, machinery shed, shearing shed, silo, storage tank, outbuilding or the like, but does not include a dwelling.

**farm experience premises** means a building or place—

- (a) on a commercial farm, and
- (b) ancillary to the farm, and
- (c) used to provide visitors to the farm, on a commercial basis, with small-scale and low-impact tourist or recreational activities, including the following, but not including motor sports—
  - (i) horse riding,

- (ii) farm tours,
- (iii) functions or conferences,
- (iv) farm field days.

**Note—**

Farm experience premises are a type of **agritourism**—see the definition of that term in this Dictionary.

**farm gate premises—**

- (a) means a building or place—
  - (i) on a commercial farm, and
  - (ii) ancillary to the farm, and
  - (iii) used to provide visitors to the farm, on a commercial basis, with agricultural products predominantly from the farm, supplemented by products from other farms in the region, or with services or activities related to the products, including the following—
    - (A) processing, packaging and sale of the products, but not the processing of animals,
    - (B) the preparation and serving, on a retail basis, of food and drink to people for consumption on the premises, whether or not liquor, take away meals and drinks or entertainment are also provided,
    - (C) tastings or workshops,
    - (D) the provision of information or education related to the products, and
- (b) includes cellar door premises.

**Note—**

Farm gate premises are a type of **agritourism**—see the definition of that term in this Dictionary.

**farm stay accommodation** means a building or place—

- (a) on a commercial farm, and
- (b) ancillary to the farm, and
- (c) used to provide temporary accommodation to paying guests of the farm, including in buildings or moveable dwellings.

**Note—**

Farm stay accommodation is a type of **tourist and visitor accommodation**—see the definition of that term in this Dictionary.

**feedlot** means a confined or restricted area that is operated on a commercial basis to rear and fatten cattle, sheep or other animals, but does not include a poultry farm, dairy or pig farm.

**Note—**

Feedlots are a type of **intensive livestock agriculture**. Intensive livestock agriculture does not include **extensive**

**agriculture.** See the definitions of those terms in this Dictionary.

**fill** means the depositing of soil, rock or other similar extractive material obtained from the same or another site, but does not include—

- (a) the depositing of topsoil or feature rock imported to the site that is intended for use in garden landscaping, turf or garden bed establishment or top dressing of lawns and that does not significantly alter the shape, natural form or drainage of the land, or
- (b) the use of land as a waste disposal facility.

**filming** means recording images (whether on film or video tape or electronically or by other means) for exhibition or broadcast (such as by cinema, television or the internet or by other means), but does not include—

- (a) still photography, or
- (b) recording images of a wedding ceremony or other private celebration or event principally for the purpose of making a record for the participants in the ceremony, celebration or event, or
- (c) recording images as a visitor or tourist for non-commercial purposes, or
- (d) recording for the immediate purposes of a television program that provides information by way of current affairs or daily news.

**fish** has the same meaning as in the [Fisheries Management Act 1994](#).

**Note—**

The term is defined as follows—

**Definition of “fish”**

(1)

**Fish** means marine, estuarine or freshwater fish or other aquatic animal life at any stage of their life history (whether alive or dead).

(2)

**Fish** includes—

- (a) oysters and other aquatic molluscs, and
- (b) crustaceans, and
- (c) echinoderms, and
- (d) beachworms and other aquatic polychaetes.

(3)

**Fish** also includes any part of a fish.

(4)

However, **fish** does not include whales, mammals, reptiles, birds, amphibians or other things excluded from the definition by the regulations under the [Fisheries Management Act 1994](#).

**flood mitigation work** means work designed and constructed for the express purpose of mitigating

flood impacts. It involves changing the characteristics of flood behaviour to alter the level, location, volume, speed or timing of flood waters to mitigate flood impacts. Types of works may include excavation, construction or enlargement of any fill, wall, or levee that will alter riverine flood behaviour, local overland flooding, or tidal action so as to mitigate flood impacts.

**floor space ratio**—see clause 4.5.

**Floor Space Ratio Map** means the [Campbelltown Local Environmental Plan 2015 Floor Space Ratio Map](#).

**food and drink premises** means premises that are used for the preparation and retail sale of food or drink (or both) for immediate consumption on or off the premises, and includes any of the following—

- (a) a restaurant or cafe,
- (b) take away food and drink premises,
- (c) a pub,
- (d) a small bar.

**Note—**

Food and drink premises are a type of **retail premises**—see the definition of that term in this Dictionary.

**forestry** means forestry operations within the meaning of the [Forestry Act 2012](#) or Part 5B of the [Local Land Services Act 2013](#).

**Former LEP and IDO Boundaries Map** means the [Campbelltown Local Environmental Plan 2015 Former LEP and IDO Boundaries Map](#).

**freight transport facility** means a facility used principally for the bulk handling of goods for transport by road, rail, air or sea, including any facility for the loading and unloading of vehicles, aircraft, vessels or containers used to transport those goods and for the parking, holding, servicing or repair of those vehicles, aircraft or vessels or for the engines or carriages involved.

**function centre** means a building or place used for the holding of events, functions, conferences and the like, and includes convention centres, exhibition centres and reception centres, but does not include an entertainment facility.

**funeral home** means premises that are used to arrange, conduct and cater for funerals and memorial services, whether or not the premises include facilities for the short-term storage, dressing and viewing of bodies of deceased persons.

**Note—**

Funeral homes are a type of **business premises**—see the definition of that term in this Dictionary.

**garden centre** means a building or place the principal purpose of which is the retail sale of plants and landscaping and gardening supplies and equipment. It may include a restaurant or cafe and the sale of any of the following—

- (a) outdoor furniture and furnishings, barbecues, shading and awnings, pools, spas and associated supplies, and items associated with the construction and maintenance of outdoor areas,

- (b) pets and pet supplies,
- (c) fresh produce.

**Note—**

Garden centres are a type of **retail premises**—see the definition of that term in this Dictionary.

**general industry** means a building or place (other than a heavy industry or light industry) that is used to carry out an industrial activity.

**Note—**

General industries are a type of **industry**—see the definition of that term in this Dictionary.

**Glenfield Precinct** means the land identified as “Glenfield Precinct” on the [Locality and Site Identification Map](#).

**goods repair and reuse premises** means a building or place the principal purpose of which is to collect, repair or refurbish goods, including furniture and appliances, for the purposes of sale, hire or swap, and includes premises known as op shops.

**Note—**

Goods repair and reuse premises are a type of **business premises**—see the definition of that term in this Dictionary.

**gross floor area** means the sum of the floor area of each floor of a building measured from the internal face of external walls, or from the internal face of walls separating the building from any other building, measured at a height of 1.4 metres above the floor, and includes—

- (a) the area of a mezzanine, and
  - (b) habitable rooms in a basement or an attic, and
  - (c) any shop, auditorium, cinema, and the like, in a basement or attic,
- but excludes—
- (d) any area for common vertical circulation, such as lifts and stairs, and
  - (e) any basement—
    - (i) storage, and
    - (ii) vehicular access, loading areas, garbage and services, and
  - (f) plant rooms, lift towers and other areas used exclusively for mechanical services or ducting, and
  - (g) car parking to meet any requirements of the consent authority (including access to that car parking), and
  - (h) any space used for the loading or unloading of goods (including access to it), and
  - (i) terraces and balconies with outer walls less than 1.4 metres high, and
  - (j) voids above a floor at the level of a storey or storey above.



**ground level (existing)** means the existing level of a site at any point.

**ground level (finished)** means, for any point on a site, the ground surface after completion of any earthworks (excluding any excavation for a basement, footings or the like) for which consent has been granted or that is exempt development.

**ground level (mean)** means, for any site on which a building is situated or proposed, one half of the sum of the highest and lowest levels at ground level (finished) of the outer surface of the external walls of the building.

**group home** means a permanent group home or a transitional group home.

**Note—**

Group homes are a type of **residential accommodation**—see the definition of that term in this Dictionary.

**group home (permanent) or permanent group home** means a dwelling—

- (a) that is occupied by persons as a single household with or without paid supervision or care and whether or not those persons are related or payment for board and lodging is required, and
- (b) that is used to provide permanent household accommodation for people with a disability or people who are socially disadvantaged,

but does not include development to which [State Environmental Planning Policy \(Housing\) 2021](#), Chapter 3, Part 5 applies.

**Note—**

Permanent group homes are a type of **group home**—see the definition of that term in this Dictionary.

**group home (transitional) or transitional group home** means a dwelling—

- (a) that is occupied by persons as a single household with or without paid supervision or care and whether or not those persons are related or payment for board and lodging is required, and
- (b) that is used to provide temporary accommodation for the relief or rehabilitation of people with a disability or for drug or alcohol rehabilitation purposes, or that is used to provide half-way accommodation for persons formerly living in institutions or temporary accommodation comprising refuges for men, women or young people,

but does not include development to which [State Environmental Planning Policy \(Housing\) 2021](#), Chapter 3, Part 5 applies.

**Note—**

Transitional group homes are a type of **group home**—see the definition of that term in this Dictionary.

**hardware and building supplies** means a building or place the principal purpose of which is the sale or hire of goods or materials, such as household fixtures, timber, tools, paint, wallpaper, plumbing supplies and the like, that are used in the construction and maintenance of buildings and adjacent outdoor areas.

**Note—**

Hardware and building supplies are a type of **retail premises**—see the definition of that term in this Dictionary.

**hazardous industry** means a building or place used to carry out an industrial activity that would,

when carried out and when all measures proposed to reduce or minimise its impact on the locality have been employed (including, for example, measures to isolate the activity from existing or likely future development on other land in the locality), pose a significant risk in the locality—

- (a) to human health, life or property, or
- (b) to the biophysical environment.

**Note—**

Hazardous industries are a type of **heavy industry**—see the definition of that term in this Dictionary.

**hazardous storage establishment** means a building or place that is used for the storage of goods, materials or products and that would, when in operation and when all measures proposed to reduce or minimise its impact on the locality have been employed (including, for example, measures to isolate the building or place from existing or likely future development on other land in the locality), pose a significant risk in the locality—

- (a) to human health, life or property, or
- (b) to the biophysical environment.

**Note—**

Hazardous storage establishments are a type of **heavy industrial storage establishment**—see the definition of that term in this Dictionary.

**headland** includes a promontory extending from the general line of the coastline into a large body of water, such as a sea, coastal lake or bay.

**health care professional** means any person registered under an Act for the purpose of providing health care.

**health consulting rooms** means premises comprising one or more rooms within (or within the curtilage of) a dwelling house used by not more than 3 health care professionals at any one time.

**Note—**

Health consulting rooms are a type of **health services facility**—see the definition of that term in this Dictionary.

**health services facility** means a building or place used to provide medical or other services relating to the maintenance or improvement of the health, or the restoration to health, of persons or the prevention of disease in or treatment of injury to persons, and includes any of the following—

- (a) a medical centre,
- (b) community health service facilities,
- (c) health consulting rooms,
- (d) patient transport facilities, including helipads and ambulance facilities,
- (e) hospital.

**heavy industrial storage establishment** means a building or place used for the storage of goods, materials, plant or machinery for commercial purposes and that requires separation from other

development because of the nature of the processes involved, or the goods, materials, plant or machinery stored, and includes any of the following—

- (a) a hazardous storage establishment,
- (b) a liquid fuel depot,
- (c) an offensive storage establishment.

**heavy industry** means a building or place used to carry out an industrial activity that requires separation from other development because of the nature of the processes involved, or the materials used, stored or produced, and includes—

- (a) hazardous industry, or
- (b) offensive industry.

It may also involve the use of a hazardous storage establishment or offensive storage establishment.

**Note—**

Heavy industries are a type of **industry**—see the definition of that term in this Dictionary.

**Height of Buildings Map** means the [Campbelltown Local Environmental Plan 2015 Height of Buildings Map](#).

**helipad** means a place not open to the public used for the taking off and landing of helicopters.

**heliport** means a place open to the public that is used for the taking off and landing of helicopters, whether or not it includes—

- (a) a terminal building, or
- (b) facilities for the parking, storage or repair of helicopters.

**Note—**

Heliports are a type of **air transport facility**—see the definition of that term in this Dictionary.

**heritage conservation area** means an area of land of heritage significance—

- (a) shown on the [Heritage Map](#) as a heritage conservation area, and
- (b) the location and nature of which is described in Schedule 5,

and includes any heritage items situated on or within that area.

**heritage conservation management plan** means a document prepared in accordance with guidelines prepared by the Public Service agency responsible to the Minister administering the [Heritage Act 1977](#) that documents the heritage significance of an item, place or heritage conservation area and identifies conservation policies and management mechanisms that are appropriate to enable that significance to be retained.

**heritage impact statement** means a document consisting of—

- (a) a statement demonstrating the heritage significance of a heritage item or heritage conservation

area, and

- (b) an assessment of the impact that proposed development will have on that significance, and
- (c) proposals for measures to minimise that impact.

**heritage item** means a building, work, place, relic, tree, object or archaeological site the location and nature of which is described in Schedule 5.

**Note—**

An inventory of heritage items is also available at the office of the Council.

**heritage management document** means—

- (a) a heritage conservation management plan, or
- (b) a heritage impact statement, or
- (c) any other document that provides guidelines for the ongoing management and conservation of a heritage item, Aboriginal object, Aboriginal place of heritage significance or heritage conservation area.

**Heritage Map** means the [Campbelltown Local Environmental Plan 2015 Heritage Map](#).

**heritage significance** means historical, scientific, cultural, social, archaeological, architectural, natural or aesthetic value.

**high technology industry** means a building or place predominantly used to carry out an industrial activity that involves any of the following—

- (a) electronic or micro-electronic systems, goods or components,
- (b) information technology (such as computer software or hardware),
- (c) instrumentation or instruments of a scientific, industrial, technological, medical or similar nature,
- (d) biological, pharmaceutical, medical or paramedical systems, goods or components,
- (e) film, television or multi-media technologies, including any post production systems, goods or components,
- (f) telecommunications systems, goods or components,
- (g) sustainable energy technologies,
- (h) any other goods, systems or components intended for use in a science or technology related field,

and includes a data centre, but does not include a building or place used to carry out an industrial activity that presents a hazard or potential hazard to the neighbourhood or that, because of the scale and nature of the processes involved, interferes with the amenity of the neighbourhood.

**Note—**

High technology industries are a type of **light industry**—see the definition of that term in this Dictionary.

**highway service centre** means a building or place used to provide refreshments and vehicle services to highway users. It may include any one or more of the following—

- (a) a restaurant or cafe,
- (b) take away food and drink premises,
- (c) service stations and facilities for emergency vehicle towing and repairs,
- (d) parking for vehicles,
- (e) rest areas and public amenities.

**home-based child care** means a family day care residence (within the meaning of the [Children \(Education and Care Services\) National Law \(NSW\)](#)) at which the education and care service is provided at any one time to no more than 7 children (including any child of the person providing the service) all of whom are under the age of 13 years and no more than 4 of whom are children who do not ordinarily attend school.

**Note 1—**

A family day care residence is a residence at which a family day care educator educates and cares for children as part of a family day care service—see the [Children \(Education and Care Services\) National Law \(NSW\)](#).

**Note 2—**

Home-based child care is a type of **early education and care facility**—see the definition of that term in this Dictionary.

**home business** means a business, whether or not involving the sale of items online, carried on in a dwelling, or in a building ancillary to a dwelling, by 1 or more permanent residents of the dwelling and not involving the following—

- (a) the employment of more than 2 persons other than the residents,
- (b) interference with the amenity of the neighbourhood because of the emission of noise, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil, traffic generation or otherwise,
- (c) the exposure to view, from adjacent premises or from a public place, of unsightly matter,
- (d) the exhibition of signage, other than a business identification sign,
- (e) the retail sale of, or the exposure or offer for retail sale of, items, whether goods or materials, not produced at the dwelling or building, other than by online retailing,

but does not include bed and breakfast accommodation, home occupation (sex services) or sex services premises.

**Note—**

See clause 5.4 for controls relating to the floor area used for a home business.

**home industry** means an industrial activity, whether or not involving the sale of items online, carried on in a dwelling, or in a building ancillary to a dwelling, by 1 or more permanent residents of the dwelling and not involving the following—

- (a) the employment of more than 2 persons other than the residents,
- (b) interference with the amenity of the neighbourhood because of the emission of noise, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil, traffic generation or otherwise,
- (c) the exposure to view, from adjacent premises or from a public place, of unsightly matter,
- (d) the exhibition of signage, other than a business identification sign,
- (e) the retail sale of, or the exposure or offer for retail sale of, items, whether goods or materials, not produced at the dwelling or building, other than by online retailing,

but does not include bed and breakfast accommodation or sex services premises.

**Note—**

See clause 5.4 for controls relating to the floor area used for a home industry.

Home industries are a type of **light industry**—see the definition of that term in this Dictionary.

**home occupation** means an occupation that is carried on in a dwelling, or in a building ancillary to a dwelling, by one or more permanent residents of the dwelling and that does not involve—

- (a) the employment of persons other than those residents, or
- (b) interference with the amenity of the neighbourhood by reason of the emission of noise, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil, traffic generation or otherwise, or
- (c) the display of goods, whether in a window or otherwise, or
- (d) the exhibition of any signage (other than a business identification sign), or
- (e) the sale of items (whether goods or materials), or the exposure or offer for sale of items, by retail,

but does not include bed and breakfast accommodation, home occupation (sex services) or sex services premises.

**home occupation (sex services)** means the provision of sex services in a dwelling that is a brothel, or in a building that is a brothel and is ancillary to such a dwelling, by no more than 2 permanent residents of the dwelling and that does not involve—

- (a) the employment of persons other than those residents, or
- (b) interference with the amenity of the neighbourhood by reason of the emission of noise, traffic generation or otherwise, or
- (c) the exhibition of any signage, or
- (d) the sale of items (whether goods or materials), or the exposure or offer for sale of items, by retail,

but does not include a home business or sex services premises.

**horticulture** means the cultivation of fruits, vegetables, mushrooms, nuts, cut flowers and foliage and

nursery products for commercial purposes, but does not include a plant nursery, turf farming or viticulture.

**Note—**

Horticulture is a type of **intensive plant agriculture**—see the definition of that term in this Dictionary.

**hospital** means a building or place used for the purpose of providing professional health care services (such as preventative or convalescent care, diagnosis, medical or surgical treatment, psychiatric care or care for people with disabilities, or counselling services provided by health care professionals) to people admitted as in-patients (whether or not out-patients are also cared for or treated there), and includes ancillary facilities for (or that consist of) any of the following—

- (a) day surgery, day procedures or health consulting rooms,
- (b) accommodation for nurses or other health care workers,
- (c) accommodation for persons receiving health care or for their visitors,
- (d) shops, kiosks, restaurants or cafes or take away food and drink premises,
- (e) patient transport facilities, including helipads, ambulance facilities and car parking,
- (f) educational purposes or any other health-related use,
- (g) research purposes (whether or not carried out by hospital staff or health care workers or for commercial purposes),
- (h) chapels,
- (i) hospices,
- (j) mortuaries.

**Note—**

Hospitals are a type of **health services facility**—see the definition of that term in this Dictionary.

**hostel** means premises that are generally staffed by social workers or support providers and at which—

- (a) residential accommodation is provided in dormitories, or on a single or shared basis, or by a combination of them, and
- (b) cooking, dining, laundering, cleaning and other facilities are provided on a shared basis.

**Note—**

Hostels are a type of **residential accommodation**—see the definition of that term in this Dictionary.

**hotel or motel accommodation** means a building or place (whether or not licensed premises under the [Liquor Act 2007](#)) that provides temporary or short-term accommodation on a commercial basis and that—

- (a) comprises rooms or self-contained suites, and

(b) may provide meals to guests or the general public and facilities for the parking of guests' vehicles, but does not include backpackers' accommodation, a boarding house, bed and breakfast accommodation or farm stay accommodation.

**Note—**

Hotel or motel accommodation is a type of **tourist and visitor accommodation**—see the definition of that term in this Dictionary.

**independent living unit** means a dwelling or part of a building, whether or not attached to another dwelling—

- (a) used to house seniors or people with a disability, and
- (b) containing private facilities for cooking, sleeping and bathing, and
- (c) where clothes washing facilities or other facilities for use in connection with the dwelling or part of a building may be provided on a shared basis,

but does not include a hostel.

**Note—**

Independent living units are a type of **seniors housing**—see the definition of that term in this Dictionary.

**industrial activity** means the manufacturing, production, assembling, altering, formulating, repairing, renovating, ornamenting, finishing, cleaning, washing, dismantling, transforming, processing, recycling, adapting or servicing of, or the research and development of, any goods, substances, food, products or articles for commercial purposes, and includes any storage or transportation associated with any such activity.

**industrial retail outlet** means a building or place that—

- (a) is used in conjunction with an industry (other than an artisan food and drink industry) or rural industry, and
- (b) is situated on the land on which the industry or rural industry is located, and
- (c) is used for the display or sale (whether by retail or wholesale) of only those goods that have been manufactured on the land on which the industry or rural industry is located,

but does not include a warehouse or distribution centre.

**Note—**

See clause 5.4 for controls relating to the retail floor area of an industrial retail outlet.

**industrial training facility** means a building or place used in connection with vocational training in an activity (such as forklift or truck driving, welding or carpentry) that is associated with an industry, rural industry, extractive industry or mining, but does not include an educational establishment, business premises or retail premises.

**industry** means any of the following—

- (a) general industry,



- (b) heavy industry,
  - (c) light industry,
- but does not include—
- (d) rural industry, or
  - (e) extractive industry, or
  - (f) mining.

**information and education facility** means a building or place used for providing information or education to visitors, and the exhibition or display of items, and includes an art gallery, museum, library, visitor information centre and the like.

**intensive livestock agriculture** means the keeping or breeding, for commercial purposes, of cattle, poultry, pigs, goats, horses, sheep or other livestock, and includes any of the following—

- (a) dairies (restricted),
- (b) feedlots,
- (c) pig farms,
- (d) poultry farms,

but does not include extensive agriculture, aquaculture or the operation of facilities for drought or similar emergency relief.

**Note—**

Intensive livestock agriculture is a type of **agriculture**—see the definition of that term in this Dictionary.

**intensive plant agriculture** means any of the following—

- (a) the cultivation of irrigated crops for commercial purposes (other than irrigated pasture or fodder crops),
- (b) horticulture,
- (c) turf farming,
- (d) viticulture.

**Note—**

Intensive plant agriculture is a type of **agriculture**—see the definition of that term in this Dictionary.

**jetty** means a horizontal decked walkway providing access from the shore to the waterway and is generally constructed on a piered or piled foundation.

**kiosk** means premises that are used for the purposes of selling food, light refreshments and other small convenience items.

**Note—**

See clause 5.4 for controls relating to the gross floor area of a kiosk.

Kiosks are a type of **retail premises**—see the definition of that term in this Dictionary.

**Land Application Map** means the [Campbelltown Local Environmental Plan 2015 Land Application Map](#).

**Land Reclassification (Part Lots) Map** means the *Campbelltown Local Environmental Plan 2015 Land Reclassification (Part Lots) Map*.

**Land Reservation Acquisition Map** means the [Campbelltown Local Environmental Plan 2015 Land Reservation Acquisition Map](#).

**Land Zoning Map** means the [Campbelltown Local Environmental Plan 2015 Land Zoning Map](#).

**landholding** means an area of land—

- (a) constituted or worked as a single property, and
- (b) if comprising more than 1 lot—the lots are—
  - (i) contiguous, or
  - (ii) separated only by a road or watercourse.

**landscaped area** means a part of a site used for growing plants, grasses and trees, but does not include any building, structure or hard paved area.

**landscaping material supplies** means a building or place used for the storage and sale of landscaping supplies such as soil, gravel, potting mix, mulch, sand, railway sleepers, screenings, rock and the like.

**Note—**

Landscaping material supplies are a type of **retail premises**—see the definition of that term in this Dictionary.

**lawn cemetery** means a cemetery in which monuments and grave markers memorialising the interment of deceased persons do not extend above natural ground level.

**light industry** means a building or place used to carry out an industrial activity that does not interfere with the amenity of the neighbourhood by reason of noise, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil, or otherwise, and includes any of the following—

- (a) high technology industry,
- (b) home industry,
- (c) artisan food and drink industry,
- (d) creative industry.

**Note—**

Light industries are a type of **industry**—see the definition of that term in this Dictionary.

**liquid fuel depot** means premises used for the bulk storage of petrol, oil, petroleum or other inflammable liquid for wholesale distribution and at which no retail trade is conducted.

**Note—**

Liquid fuel depots are a type of **heavy industrial storage establishment**—see the definition of that term in this Dictionary.

**livestock processing industry** means a building or place used for the commercial production of products derived from the slaughter of animals (including poultry) or the processing of skins or wool of animals and includes abattoirs, knackeries, tanneries, woolscours and rendering plants.

**Note—**

Livestock processing industries are a type of **rural industry**—see the definition of that term in this Dictionary.

**local distribution premises** means a building or place used for the storage or handling of items (whether goods or materials) pending their delivery to people and businesses in the local area, but from which no retail sales are made.

**Locality and Site Identification Map** means the [Campbelltown Local Environmental Plan 2015 Locality and Site Identification Map](#).

**Lot Averaging Map** means the [Campbelltown Local Environmental Plan 2015 Lot Averaging Map](#).

**Lot Size for Dual Occupancy Development Map** means the [Campbelltown Local Environmental Plan 2015 Lot Size for Dual Occupancy Development Map](#).

**Lot Size Map** means the [Campbelltown Local Environmental Plan 2015 Lot Size Map](#).

**maintenance**, in relation to a heritage item, Aboriginal object or Aboriginal place of heritage significance, or a building, work, archaeological site, tree or place within a heritage conservation area, means ongoing protective care, but does not include the removal or disturbance of existing fabric, alterations (such as carrying out extensions or additions) or the introduction of new materials or technology.

**manufactured home** has the same meaning as in the [Local Government Act 1993](#).

**marina** means a permanent boat storage facility (whether located wholly on land, wholly on a waterway or partly on land and partly on a waterway), and includes any of the following associated facilities—

- (a) any facility for the construction, repair, maintenance, storage, sale or hire of boats,
- (b) any facility for providing fuelling, sewage pump-out or other services for boats,
- (c) any facility for launching or landing boats, such as slipways or hoists,
- (d) any car parking or commercial, tourist or recreational or club facility that is ancillary to the boat storage facility,
- (e) any berthing or mooring facilities.

**market** means an open-air area, or an existing building, that is used for the purpose of selling, exposing or offering goods, merchandise or materials for sale by independent stall holders, and includes temporary structures and existing permanent structures used for that purpose on an

intermittent or occasional basis.

**Note—**

Markets are a type of **retail premises**—see the definition of that term in this Dictionary.

**mean high water mark** means the position where the plane of the mean high water level of all ordinary local high tides intersects the foreshore, being 1.44m above the zero of Fort Denison Tide Gauge and 0.515m Australian Height Datum.

**medical centre** means premises that are used for the purpose of providing health services (including preventative care, diagnosis, medical or surgical treatment, counselling or alternative therapies) to out-patients only, where such services are principally provided by health care professionals. It may include the ancillary provision of other health services.

**Note—**

Medical centres are a type of **health services facility**—see the definition of that term in this Dictionary.

**mezzanine** means an intermediate floor within a room.

**mine** means any place (including any excavation) where an operation is carried on for mining of any mineral by any method and any place on which any mining related work is carried out, but does not include a place used only for extractive industry.

**mine subsidence district** means a mine subsidence district proclaimed under section 15 of the [Mine Subsidence Compensation Act 1961](#).

**mining** means mining carried out under the [Mining Act 1992](#) or the recovery of minerals under the [Offshore Minerals Act 1999](#), and includes—

- (a) the construction, operation and decommissioning of associated works, and
- (b) the rehabilitation of land affected by mining.

**Note—**

Mining is not a type of **industry**—see the definition of that term in this Dictionary.

**mixed use development** means a building or place comprising 2 or more different land uses.

**mooring** means a detached or freestanding apparatus located on or in a waterway and that is capable of securing a vessel, but does not include a mooring pen.

**mooring pen** means an arrangement of freestanding piles or other restraining devices designed or used for the purpose of berthing a vessel.

**mortuary** means premises that are used, or intended to be used, for the receiving, preparation, embalming and storage of bodies of deceased persons pending their interment or cremation.

**moveable dwelling** has the same meaning as in the [Local Government Act 1993](#).

**Note—**

The term is defined as follows—

**moveable dwelling** means—

- (a) any tent, or any caravan or other van or other portable device (whether on wheels or not), used for human habitation, or
- (b) a manufactured home, or
- (c) any conveyance, structure or thing of a class or description prescribed by the regulations (under the [Local Government Act 1993](#)) for the purposes of this definition.

**multi dwelling housing** means 3 or more dwellings (whether attached or detached) on one lot of land, each with access at ground level, but does not include a residential flat building.

**Note—**

Multi dwelling housing is a type of **residential accommodation**—see the definition of that term in this Dictionary.

**native fauna** means any animal-life that is indigenous to New South Wales or is known to periodically or occasionally migrate to New South Wales, whether vertebrate (including fish) or invertebrate and in any stage of biological development, but does not include humans.

**native flora** means any plant-life that is indigenous to New South Wales, whether vascular or non-vascular and in any stage of biological development, and includes fungi and lichens, and marine vegetation within the meaning of Part 7A of the [Fisheries Management Act 1994](#).

**native vegetation** has the same meaning as in Part 5A of the [Local Land Services Act 2013](#).

**navigable waterway** means any waterway that is from time to time capable of navigation and is open to or used by the public for navigation, but does not include flood waters that have temporarily flowed over the established bank of a watercourse.

**neighbourhood shop** means premises used for the purposes of selling general merchandise such as foodstuffs, personal care products, newspapers and the like to provide for the day-to-day needs of people who live or work in the local area, but does not include neighbourhood supermarkets or restricted premises.

**Note—**

See clause 5.4 for controls relating to the retail floor area of neighbourhood shops.

Neighbourhood shops are a type of **shop**—see the definition of that term in this Dictionary.

**neighbourhood supermarket** means premises the principal purpose of which is the sale of groceries and foodstuffs to provide for the needs of people who live or work in the local area.

**Note—**

See clause 5.4 for controls relating to the gross floor area of neighbourhood supermarkets.

Neighbourhood supermarkets are a type of **shop**—see the definition of that term in this Dictionary.

**nominated State heritage item** means a heritage item that—

- (a) has been identified as an item of State significance in a publicly exhibited heritage study adopted by the Council, and
- (b) the Council has, by notice in writing to the Heritage Council, nominated as an item of potential State significance.

**non-potable water** means water that does not meet the standards or values for drinking water recommended from time to time by the National Health and Medical Research Council.

**offensive industry** means a building or place used to carry out an industrial activity that would, when carried out and when all measures proposed to reduce or minimise its impact on the locality have been employed (including, for example, measures to isolate the activity from existing or likely future development on other land in the locality), emit a polluting discharge (including, for example, noise) in a manner that would have a significant adverse impact in the locality or on existing or likely future development on other land in the locality.

**Note—**

Offensive industries are a type of **heavy industry**—see the definition of that term in this Dictionary.

**offensive storage establishment** means a building or place that is used for the storage of goods, materials or products and that would, when all measures proposed to reduce or minimise its impact on the locality have been employed (including, for example, measures to isolate the building or place from existing or likely future development on other land in the locality), emit a polluting discharge (including, for example, noise) in a manner that would have a significant adverse impact in the locality or on existing or likely future development on other land in the locality.

**Note—**

Offensive storage establishments are a type of **heavy industrial storage establishment**—see the definition of that term in this Dictionary.

**office premises** means a building or place used for the purpose of administrative, clerical, technical, professional or similar activities that do not include dealing with members of the public at the building or place on a direct and regular basis, except where such dealing is a minor activity (by appointment) that is ancillary to the main purpose for which the building or place is used.

**Note—**

Office premises are a type of **commercial premises**—see the definition of that term in this Dictionary.

**open cut mining** means mining carried out on, and by excavating, the earth's surface, but does not include underground mining.

**operational land** has the same meaning as in the [Local Government Act 1993](#).

**oyster aquaculture** means the cultivation of any species of edible oyster for a commercial purpose.

**Note—**

Oyster aquaculture is a type of **aquaculture**—see the definition of that term in this Dictionary.

**parking space** means a space dedicated for the parking of a motor vehicle, including any manoeuvring space and access to it, but does not include a car park.

**passenger transport facility** means a building or place used for the assembly or dispersal of passengers by any form of transport, including facilities required for parking, manoeuvring, storage or routine servicing of any vehicle that uses the building or place.

**people who are socially disadvantaged** means—

- (a) people who are disadvantaged because of their alcohol or drug dependence, extreme poverty, psychological disorder or other similar disadvantage, or
- (b) people who require protection because of domestic violence or upheaval.

**people with a disability** means people of any age who, as a result of having an intellectual, psychiatric, sensory, physical or similar impairment, or a combination of such impairments, either permanently or for an extended period, have substantially limited opportunities to enjoy full and active lives.

**pig farm** means land that is used to keep or breed pigs for animal production, whether an indoor, outdoor, free-range or other type of operation.

**Note—**

Pig farms are a type of **intensive livestock agriculture**—see the definition of that term in this Dictionary.

**place of public worship** means a building or place used for the purpose of religious worship by a congregation or religious group, whether or not the building or place is also used for counselling, social events, instruction or religious training.

**plant nursery** means a building or place the principal purpose of which is the retail sale of plants that are grown or propagated on site or on an adjacent site. It may include the on-site sale of any such plants by wholesale and, if ancillary to the principal purpose for which the building or place is used, the sale of landscape and gardening supplies and equipment and the storage of these items.

**Note—**

Plant nurseries are a type of **retail premises**—see the definition of that term in this Dictionary.

**pond-based aquaculture** means aquaculture undertaken predominantly in ponds, raceways or dams (including any part of the aquaculture undertaken in tanks such as during the hatchery or depuration phases), but not including natural water-based aquaculture.

**Note—**

Pond-based aquaculture is a type of **aquaculture**—see the definition of that term in this Dictionary. Typical pond-based aquaculture is the pond culture of prawns, yabbies or silver perch.

**port facilities** means any of the following facilities at or in the vicinity of a designated port within the meaning of section 47 of the [Ports and Maritime Administration Act 1995](#)—

- (a) facilities for the embarkation or disembarkation of passengers onto or from any vessels, including public ferry wharves,
- (b) facilities for the loading or unloading of freight onto or from vessels and associated receipt, land transport and storage facilities,
- (c) wharves for commercial fishing operations,
- (d) refuelling, launching, berthing, mooring, storage or maintenance facilities for any vessel,
- (e) sea walls or training walls,
- (f) administration buildings, communication, security and power supply facilities, roads, rail lines, pipelines, fencing, lighting or car parks.

**potable water** means water that meets the standards or values for drinking water recommended from time to time by the National Health and Medical Research Council.

**poultry farm** means land that is used to keep or breed poultry for animal production, whether for

meat or egg production (or both) and whether an indoor, outdoor, free-range or other type of operation.

**Note—**

Poultry farms are a type of **intensive livestock agriculture**—see the definition of that term in this Dictionary.

**primitive camping ground** means a camping ground approved under the [Local Government Act 1993](#), Chapter 7, Part 1 as a primitive camping ground.

**Note—**

Primitive camping ground is a type of **camping ground**—see the definition of that term in this Dictionary.

**private open space** means an area external to a building (including an area of land, terrace, balcony or deck) that is used for private outdoor purposes ancillary to the use of the building.

**property vegetation plan** mean a property vegetation plan approved under Part 4 of the [Native Vegetation Act 2003](#) before the repeal of that Act (as continued in force by the regulations under the [Biodiversity Conservation Act 2016](#)).

**pub** means licensed premises under the [Liquor Act 2007](#) the principal purpose of which is the retail sale of liquor for consumption on the premises, whether or not the premises include hotel or motel accommodation and whether or not food is sold or entertainment is provided on the premises.

**Note—**

Pubs are a type of **food and drink premises**—see the definition of that term in this Dictionary.

**public administration building** means a building used as offices or for administrative or other like purposes by the Crown, a statutory body, a council or an organisation established for public purposes, and includes a courthouse or a police station.

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

**public land** has the same meaning as in the [Local Government Act 1993](#).

**public reserve** has the same meaning as in the [Local Government Act 1993](#).

**public utility infrastructure**, in relation to an urban release area, includes infrastructure for any of the following—

- (a) the supply of water,
- (b) the supply of electricity,
- (c) the disposal and management of sewage.

**public utility undertaking** means any of the following undertakings carried on or permitted to be carried on by or by authority of any Public Service agency or under the authority of or in pursuance of any Commonwealth or State Act—

- (a) railway, road transport, water transport, air transport, wharf or river undertakings,
- (b) undertakings for the supply of water, hydraulic power, electricity or gas or the provision of sewerage or drainage services,



and a reference to a person carrying on a public utility undertaking includes a reference to a council, electricity supply authority, Public Service agency, corporation, firm or authority carrying on the undertaking.

**rainwater tank** means a tank designed for the storage of rainwater gathered on the land on which the tank is situated.

**recreation area** means a place used for outdoor recreation that is normally open to the public, and includes—

- (a) a children’s playground, or
- (b) an area used for community sporting activities, or
- (c) a public park, reserve or garden or the like,

and any ancillary buildings, but does not include a recreation facility (indoor), recreation facility (major) or recreation facility (outdoor).

**recreation facility (indoor)** means a building or place used predominantly for indoor recreation, whether or not operated for the purposes of gain, including a squash court, indoor swimming pool, gymnasium, table tennis centre, health studio, bowling alley, ice rink or any other building or place of a like character used for indoor recreation, but does not include an entertainment facility, a recreation facility (major) or a registered club.

**recreation facility (major)** means a building or place used for large-scale sporting or recreation activities that are attended by large numbers of people whether regularly or periodically, and includes theme parks, sports stadiums, showgrounds, racecourses and motor racing tracks.

**recreation facility (outdoor)** means a building or place (other than a recreation area) used predominantly for outdoor recreation, whether or not operated for the purposes of gain, including a golf course, golf driving range, mini-golf centre, tennis court, paint-ball centre, lawn bowling green, outdoor swimming pool, equestrian centre, skate board ramp, go-kart track, rifle range, water-ski centre or any other building or place of a like character used for outdoor recreation (including any ancillary buildings), but does not include an entertainment facility or a recreation facility (major).

**Reduced Level (RL)** means height above the Australian Height Datum, being the datum surface approximating mean sea level that was adopted by the National Mapping Council of Australia in May 1971.

**registered club** means a club that holds a club licence under the [Liquor Act 2007](#).

**registered community housing provider** has the same meaning as in the [Community Housing Providers \(Adoption of National Law\) Act 2012](#), section 13.

**relic** has the same meaning as in the [Heritage Act 1977](#).

**Note—**

The term is defined as follows—

**relic** means any deposit, artefact, object or material evidence that—

- (a) relates to the settlement of the area that comprises New South Wales, not being Aboriginal settlement, and
- (b) is of State or local heritage significance.

**research station** means a building or place operated by a public authority for the principal purpose of agricultural, environmental, fisheries, forestry, minerals or soil conservation research, and includes any associated facility for education, training, administration or accommodation.

**residential accommodation** means a building or place used predominantly as a place of residence, and includes any of the following—

- (a) attached dwellings,
- (b) boarding houses,
- (baa) co-living housing,
- (c) dual occupancies,
- (d) dwelling houses,
- (e) group homes,
- (f) hostels,
- (faa) (Repealed)
- (g) multi dwelling housing,
- (h) residential flat buildings,
- (i) rural workers' dwellings,
- (j) secondary dwellings,
- (k) semi-detached dwellings,
- (l) seniors housing,
- (m) shop top housing,

but does not include tourist and visitor accommodation or caravan parks.

**residential care facility** means accommodation for seniors or people with a disability that includes—

- (a) meals and cleaning services, and
- (b) personal care or nursing care, or both, and
- (c) appropriate staffing, furniture, furnishings and equipment for the provision of that accommodation and care,

but does not include a dwelling, hostel, hospital or psychiatric facility.

**Note—**

Residential care facilities are a type of **seniors housing**—see the definition of that term in this Dictionary.

**residential flat building** means a building containing 3 or more dwellings, but does not include an attached dwelling, co-living housing or multi dwelling housing.

**Note—**

Residential flat buildings are a type of **residential accommodation**—see the definition of that term in this Dictionary.

**resource recovery facility** means a building or place used for the recovery of resources from waste, including works or activities such as separating and sorting, processing or treating the waste, composting, temporary storage, transfer or sale of recovered resources, energy generation from gases and water treatment, but not including re-manufacture or disposal of the material by landfill or incineration.

**Note—**

Resource recovery facilities are a type of **waste or resource management facility**—see the definition of that term in this Dictionary.

**respite day care centre** means a building or place that is used for the care of seniors or people who have a disability and that does not provide overnight accommodation for people other than those related to the owner or operator of the centre.

**restaurant or cafe** means a building or place the principal purpose of which is the preparation and serving, on a retail basis, of food and drink to people for consumption on the premises, whether or not liquor, take away meals and drinks or entertainment are also provided, but does not include the preparation and serving of food and drink to people that occurs as part of—

- (a) an artisan food and drink industry, or
- (b) farm gate premises.

**Note—**

Restaurants or cafes are a type of **food and drink premises**—see the definition of that term in this Dictionary.

**restricted premises** means premises that, due to their nature, restrict access to patrons or customers over 18 years of age, and includes sex shops and similar premises, but does not include a pub, hotel or motel accommodation, home occupation (sex services) or sex services premises.

**restriction facilities** means facilities where animals are constrained for management purposes, including milking sheds, pads, feed stalls, holding yards and paddocks where the number of livestock exceeds the ability of vegetation to recover from the effects of grazing in a normal growing season, but does not include facilities for drought or similar emergency relief.

**retail premises** means a building or place used for the purpose of selling items by retail, or hiring or displaying items for the purpose of selling them or hiring them out, whether the items are goods or materials (or whether also sold by wholesale), and includes any of the following—

- (a), (b) (Repealed)
- (c) food and drink premises,
- (d) garden centres,

- (e) hardware and building supplies,
- (f) kiosks,
- (g) landscaping material supplies,
- (h) markets,
- (i) plant nurseries,
- (j) roadside stalls,
- (k) rural supplies,
- (l) shops,
- (la) specialised retail premises,
- (m) timber yards,
- (n) vehicle sales or hire premises,

but does not include farm gate premises, highway service centres, service stations, industrial retail outlets or restricted premises.

**Note—**

Retail premises are a type of **commercial premises**—see the definition of that term in this Dictionary.

**road** means a public road or a private road within the meaning of the [Roads Act 1993](#), and includes a classified road.

**roadside stall** means a place or temporary structure used for the retail sale of agricultural produce or hand crafted goods (or both) produced from the property on which the stall is situated or from an adjacent property.

**Note—**

See clause 5.4 for controls relating to the gross floor area of roadside stalls.

Roadside stalls are a type of **retail premises**—see the definition of that term in this Dictionary.

**rural industry** means the handling, treating, production, processing, storage or packing of animal or plant agricultural products for commercial purposes, and includes any of the following—

- (a) agricultural produce industries,
- (b) livestock processing industries,
- (c) composting facilities and works (including the production of mushroom substrate),
- (d) sawmill or log processing works,
- (e) stock and sale yards,
- (f) the regular servicing or repairing of plant or equipment used for the purposes of a rural enterprise.

**Note—**

Rural industries are not a type of **industry**—see the definition of that term in this Dictionary.

**rural supplies** means a building or place used for the display, sale or hire of stockfeeds, grains, seed, fertilizers, veterinary supplies and other goods or materials used in farming and primary industry production.

**Note—**

Rural supplies are a type of **retail premises**—see the definition of that term in this Dictionary.

**rural worker's dwelling** means a building or place that is additional to a dwelling house on the same lot and that is used predominantly as a place of residence by persons employed, whether on a long-term or short-term basis, for the purpose of agriculture or a rural industry on that land.

**Note—**

Rural workers' dwellings are a type of **residential accommodation**—see the definition of that term in this Dictionary.

**sawmill or log processing works** means a building or place used for handling, cutting, chipping, pulping or otherwise processing logs, baulks, branches or stumps, principally derived from surrounding districts, into timber or other products derived from wood.

**Note—**

Sawmill or log processing works are a type of **rural industry**—see the definition of that term in this Dictionary.

**school** means a government school or non-government school within the meaning of the [Education Act 1990](#).

**Note—**

Schools are a type of **educational establishment**—see the definition of that term in this Dictionary.

**school-based child care** means a building or place within a school that is used to provide out-of-school-hours care (including vacation care) for school children only.

**Note 1—**

Accordingly, a building or place within a school that is used to provide out-of-school-hours care for both school children and pre-school children is not school-based child care.

**Note 2—**

School-based child care is a type of **early education and care facility**—see the definition of that term in this Dictionary.

**secondary dwelling** means a self-contained dwelling that—

- (a) is established in conjunction with another dwelling (the **principal dwelling**), and
- (b) is on the same lot of land as the principal dwelling, and
- (c) is located within, or is attached to, or is separate from, the principal dwelling.

**Note—**

See clauses 5.4 and 5.5 for controls relating to the total floor area of secondary dwellings.

Secondary dwellings are a type of **residential accommodation**—see the definition of that term in this Dictionary.

**self-storage units** means premises that consist of individual enclosed compartments for storing

goods or materials (other than hazardous or offensive goods or materials).

**Note—**

Self-storage units are a type of **storage premises**—see the definition of that term in this Dictionary.

**semi-detached dwelling** means a dwelling that is on its own lot of land and is attached to only one other dwelling.

**Note—**

Semi-detached dwellings are a type of **residential accommodation**—see the definition of that term in this Dictionary.

**seniors housing** means a building or place that is—

- (a) a residential care facility, or
- (b) a hostel within the meaning of *State Environmental Planning Policy (Housing) 2021*, Chapter 3, Part 5, or
- (c) a group of independent living units, or
- (d) a combination of any of the buildings or places referred to in paragraphs (a)–(c),  
and that is, or is intended to be, used permanently for—
- (e) seniors or people who have a disability, or
- (f) people who live in the same household with seniors or people who have a disability, or
- (g) staff employed to assist in the administration of the building or place or in the provision of services to persons living in the building or place,

but does not include a hospital.

**Note—**

Seniors housing is a type of **residential accommodation**—see the definition of that term in this Dictionary.

**service station** means a building or place used for the sale by retail of fuels and lubricants for motor vehicles, whether or not the building or place is also used for any one or more of the following—

- (a) the ancillary sale by retail of spare parts and accessories for motor vehicles,
- (b) the cleaning of motor vehicles,
- (c) installation of accessories,
- (d) inspecting, repairing and servicing of motor vehicles (other than body building, panel beating, spray painting, or chassis restoration),
- (e) the ancillary retail selling or hiring of general merchandise or services or both.

**serviced apartment** means a building (or part of a building) providing self-contained accommodation to tourists or visitors on a commercial basis and that is regularly serviced or cleaned by the owner or manager of the building or part of the building or the owner's or manager's agents.

**Note—**

Serviced apartments are a type of **tourist and visitor accommodation**—see the definition of that term in this Dictionary.

**sewage reticulation system** means a building or place used for the collection and transfer of sewage to a sewage treatment plant or water recycling facility for treatment, or transfer of the treated waste for use or disposal, including associated—

- (a) pipelines and tunnels, and
- (b) pumping stations, and
- (c) dosing facilities, and
- (d) odour control works, and
- (e) sewage overflow structures, and
- (f) vent stacks.

**Note—**

Sewage reticulation systems are a type of **sewerage system**—see the definition of that term in this Dictionary.

**sewage treatment plant** means a building or place used for the treatment and disposal of sewage, whether or not the facility supplies recycled water for use as an alternative water supply.

**Note—**

Sewage treatment plants are a type of **sewerage system**—see the definition of that term in this Dictionary.

**sewerage system** means any of the following—

- (a) biosolids treatment facility,
- (b) sewage reticulation system,
- (c) sewage treatment plant,
- (d) water recycling facility,
- (e) a building or place that is a combination of any of the things referred to in paragraphs (a)–(d).

**sex services** means sexual acts or sexual services in exchange for payment.

**sex services premises** means a brothel, but does not include home occupation (sex services).

**shop** means premises that sell merchandise such as groceries, personal care products, clothing, music, homewares, stationery, electrical goods or the like or that hire any such merchandise, and includes a neighbourhood shop and neighbourhood supermarket, but does not include food and drink premises or restricted premises.

**Note—**

Shops are a type of **retail premises**—see the definition of that term in this Dictionary.

**shop top housing** means one or more dwellings located above the ground floor of a building, where at least the ground floor is used for commercial premises or health services facilities.

**Note—**

Shop top housing is a type of **residential accommodation**—see the definition of that term in this Dictionary.

**signage** means any sign, notice, device, representation or advertisement that advertises or promotes any goods, services or events and any structure or vessel that is principally designed for, or that is used for, the display of signage, and includes any of the following—

- (a) an advertising structure,
- (b) a building identification sign,
- (c) a business identification sign,

but does not include a traffic sign or traffic control facilities.

**site area** means the area of any land on which development is or is to be carried out. The land may include the whole or part of one lot, or more than one lot if they are contiguous to each other, but does not include the area of any land on which development is not permitted to be carried out under this Plan.

**Note—**

The effect of this definition is varied by clause 4.5 for the purpose of the determination of permitted floor space area for proposed development.

**site coverage** means the proportion of a site area covered by buildings. However, the following are not included for the purpose of calculating site coverage—

- (a) any basement,
- (b) any part of an awning that is outside the outer walls of a building and that adjoins the street frontage or other site boundary,
- (c) any eaves,
- (d) unenclosed balconies, decks, pergolas and the like.

**small bar** means a small bar within the meaning of the [Liquor Act 2007](#).

**Note—**

Small bars are a type of **food and drink premises**—see the definition of that term in this Dictionary.

**spa pool** has the same meaning as in the [Swimming Pools Act 1992](#).

**Note—**

The term is defined to include any excavation, structure or vessel in the nature of a spa pool, flotation tank, tub or the like.

**specialised retail premises** means a building or place the principal purpose of which is the sale, hire or display of goods that are of a size, weight or quantity, that requires—

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

but does not include a building or place used for the sale of foodstuffs or clothing unless their sale is ancillary to the sale, hire or display of other goods referred to in this definition.



**Note—**

Examples of goods that may be sold at specialised retail premises include automotive parts and accessories, household appliances and fittings, furniture, homewares, office equipment, outdoor and recreation equipment, pet supplies and party supplies.

Specialised retail premises are a type of **retail premises**—see the definition of that term in this Dictionary.

**stock and sale yard** means a building or place that is used on a commercial basis for the purpose of offering livestock or poultry for sale and that may be used for the short-term storage and watering of stock.

**Note—**

Stock and sale yards are a type of **rural industry**—see the definition of that term in this Dictionary.

**storage premises** means a building or place used for the storage of goods, materials, plant or machinery for commercial purposes and where the storage is not ancillary to any industry, business premises or retail premises on the same parcel of land, and includes self-storage units, but does not include a heavy industrial storage establishment, local distribution premises or a warehouse or distribution centre.

**storey** means a space within a building that is 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 space that contains only a lift shaft, stairway or meter room, or
- (b) a mezzanine, or
- (c) an attic.

**swimming pool** has the same meaning as in the *Swimming Pools Act 1992*.

**Note—**

The term is defined as follows—

**swimming pool** means an excavation, structure or vessel—

- (a) that is capable of being filled with water to a depth of 300 millimetres or more, and
- (b) that is solely or principally used, or that is designed, manufactured or adapted to be solely or principally used, for the purpose of swimming, wading, paddling or any other human aquatic activity,

and includes a spa pool, but does not include a spa bath, anything that is situated within a bathroom or anything declared by the regulations made under the *Swimming Pools Act 1992* not to be a swimming pool for the purposes of that Act.

**take away food and drink premises** means premises that are predominantly used for the preparation and retail sale of food or drink (or both) for immediate consumption away from the premises.

**Note—**

Take away food and drink premises are a type of **food and drink premises**—see the definition of that term in this Dictionary.

**tank-based aquaculture** means aquaculture undertaken exclusively in tanks, but not including natural water-based aquaculture.

**Note—**

Tank-based aquaculture is a type of **aquaculture**—see the definition of that term in this Dictionary. Typical tank-based

aquaculture is the tank culture of barramundi or abalone.

**telecommunications facility** means—

- (a) any part of the infrastructure of a telecommunications network, or
- (b) any line, cable, optical fibre, fibre access node, interconnect point equipment, apparatus, tower, mast, antenna, dish, tunnel, duct, hole, pit, pole or other structure in connection with a telecommunications network, or
- (c) any other thing used in or in connection with a telecommunications network.

**telecommunications network** means a system, or series of systems, that carries, or is capable of carrying, communications by means of guided or unguided electromagnetic energy, or both.

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

**Note—**

The term is defined as follows—

**temporary structure** includes a booth, tent or other temporary enclosure (whether or not part of the booth, tent or enclosure is permanent), and also includes a mobile structure.

**Terrestrial Biodiversity Map** means the [Campbelltown Local Environmental Plan 2015 Terrestrial Biodiversity Map](#).

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

**timber yard** means a building or place the principal purpose of which is the sale of sawn, dressed or treated timber, wood fibre boards or similar timber products. It may include the cutting of such timber, boards or products to order and the sale of hardware, paint, tools and materials used in conjunction with the use and treatment of timber.

**Note—**

Timber yards are a type of **retail premises**—see the definition of that term in this Dictionary.

**tourist and visitor accommodation** means a building or place that provides temporary or short-term accommodation on a commercial basis, and includes any of the following—

- (a) backpackers' accommodation,
  - (b) bed and breakfast accommodation,
  - (c) farm stay accommodation,
  - (d) hotel or motel accommodation,
  - (e) serviced apartments,
- but does not include—
- (f) camping grounds, or
  - (g) caravan parks, or

(h) eco-tourist facilities.

**transport depot** means a building or place used for the parking or servicing of motor powered or motor drawn vehicles used in connection with a business, industry, shop or passenger or freight transport undertaking.

**truck depot** means a building or place used for the servicing and parking of trucks, earthmoving machinery and the like.

**turf farming** means the commercial cultivation of turf for sale and the removal of turf for that purpose.

**Note—**

Turf farming is a type of **intensive plant agriculture**—see the definition of that term in this Dictionary.

**underground mining** means—

- (a) mining carried out beneath the earth's surface, including bord and pillar mining, longwall mining, top-level caving, sub-level caving and auger mining, and
- (b) shafts, drill holes, gas and water drainage works, surface rehabilitation works and access pits associated with that mining (whether carried out on or beneath the earth's surface),

but does not include open cut mining.

**urban release area** means the area of land identified as “Urban Release Area” on the [Urban Release Area Map](#).

**Urban Release Area Map** means the [Campbelltown Local Environmental Plan 2015 Urban Release Area Map](#).

**vehicle body repair workshop** means a building or place used for the repair of vehicles or agricultural machinery, involving body building, panel building, panel beating, spray painting or chassis restoration.

**vehicle repair station** means a building or place used for the purpose of carrying out repairs to, or the selling and fitting of accessories to, vehicles or agricultural machinery, but does not include a vehicle body repair workshop or vehicle sales or hire premises.

**vehicle sales or hire premises** means a building or place used for the display, sale or hire of motor vehicles, caravans, boats, trailers, agricultural machinery and the like, whether or not accessories are sold or displayed there.

**Note—**

Vehicle sales or hire premises are a type of **retail premises**—see the definition of that term in this Dictionary.

**veterinary hospital** means a building or place used for diagnosing or surgically or medically treating animals, whether or not animals are kept on the premises for the purpose of treatment.

**viticulture** means the cultivation of grapes for use in the commercial production of fresh or dried fruit or wine.

**Note—**

Viticulture is a type of **intensive plant agriculture**—see the definition of that term in this Dictionary.

**warehouse or distribution centre** means a building or place used mainly or exclusively for storing or handling items (whether goods or materials) pending their sale, but from which no retail sales are made, but does not include local distribution premises.

**waste disposal facility** means a building or place used for the disposal of waste by landfill, incineration or other means, including such works or activities as recycling, resource recovery and other resource management activities, energy generation from gases, leachate management, odour control and the winning of extractive material to generate a void for disposal of waste or to cover waste after its disposal.

**Note—**

Waste disposal facilities are a type of **waste or resource management facility**—see the definition of that term in this Dictionary.

**waste or resource management facility** means any of the following—

- (a) a resource recovery facility,
- (b) a waste disposal facility,
- (c) a waste or resource transfer station,
- (d) a building or place that is a combination of any of the things referred to in paragraphs (a)–(c).

**waste or resource transfer station** means a building or place used for the collection and transfer of waste material or resources, including the receipt, sorting, compacting, temporary storage and distribution of waste or resources and the loading or unloading of waste or resources onto or from road or rail transport.

**Note—**

Waste or resource transfer stations are a type of **waste or resource management facility**—see the definition of that term in this Dictionary.

**water recreation structure** means a structure used primarily for recreational purposes that has a direct structural connection between the shore and the waterway, and may include a pier, wharf, jetty or boat launching ramp.

**water recycling facility** means a building or place used for the treatment of sewage effluent, stormwater or waste water for use as an alternative supply to mains water, groundwater or river water (including, in particular, sewer mining works), whether the facility stands alone or is associated with other development, and includes associated—

- (a) retention structures, and
- (b) treatment works, and
- (c) irrigation schemes.

**Note—**

Water recycling facilities are a type of **sewerage system**—see the definition of that term in this Dictionary.

**water reticulation system** means a building or place used for the transport of water, including pipes, tunnels, canals, pumping stations, related electricity infrastructure and dosing facilities.

**Note—**

Water reticulation systems are a type of **water supply system**—see the definition of that term in this Dictionary.

**water storage facility** means a dam, weir or reservoir for the collection and storage of water, and includes associated monitoring or gauging equipment.

**Note—**

Water storage facilities are a type of **water supply system**—see the definition of that term in this Dictionary.

**water supply system** means any of the following—

- (a) a water reticulation system,
- (b) a water storage facility,
- (c) a water treatment facility,
- (d) a building or place that is a combination of any of the things referred to in paragraphs (a)–(c).

**water treatment facility** means a building or place used for the treatment of water (such as a desalination plant or a recycled or reclaimed water plant) whether the water produced is potable or not, and includes residuals treatment, storage and disposal facilities, but does not include a water recycling facility.

**Note—**

Water treatment facilities are a type of **water supply system**—see the definition of that term in this Dictionary.

**waterbody** means a waterbody (artificial) or waterbody (natural).

**waterbody (artificial)** or **artificial waterbody** means an artificial body of water, including any constructed waterway, canal, inlet, bay, channel, dam, pond, lake or artificial wetland, but does not include a dry detention basin or other stormwater management construction that is only intended to hold water intermittently.

**waterbody (natural)** or **natural waterbody** means a natural body of water, whether perennial or intermittent, fresh, brackish or saline, the course of which may have been artificially modified or diverted onto a new course, and includes a river, creek, stream, lake, lagoon, natural wetland, estuary, bay, inlet or tidal waters (including the sea).

**watercourse** means any river, creek, stream or chain of ponds, whether artificially modified or not, in which water usually flows, either continuously or intermittently, in a defined bed or channel, but does not include a waterbody (artificial).

**waterway** means the whole or any part of a watercourse, wetland, waterbody (artificial) or waterbody (natural).

**wetland** means—

- (a) natural wetland, including marshes, mangroves, backwaters, billabongs, swamps, sedgeland, wet meadows or wet heathlands that form a shallow waterbody (up to 2 metres in depth) when

inundated cyclically, intermittently or permanently with fresh, brackish or salt water, and where the inundation determines the type and productivity of the soils and the plant and animal communities, or

- (b) artificial wetland, including marshes, swamps, wet meadows, sedgeland or wet heathlands that form a shallow waterbody (up to 2 metres in depth) when inundated cyclically, intermittently or permanently with water, and are constructed and vegetated with wetland plant communities.

**wharf or boating facilities** means a wharf or any of the following facilities associated with a wharf or boating that are not port facilities—

- (a) facilities for the embarkation or disembarkation of passengers onto or from any vessels, including public ferry wharves,
- (b) facilities for the loading or unloading of freight onto or from vessels and associated receipt, land transport and storage facilities,
- (c) wharves for commercial fishing operations,
- (d) refuelling, launching, berthing, mooring, storage or maintenance facilities for any vessel,
- (e) sea walls or training walls,
- (f) administration buildings, communication, security and power supply facilities, roads, rail lines, pipelines, fencing, lighting or car parks.

**wholesale supplies** means a building or place used for the display, sale or hire of goods or materials by wholesale only to businesses that have an Australian Business Number registered under the [A New Tax System \(Australian Business Number\) Act 1999](#) of the Commonwealth.