

# Camden Local Environmental Plan No 48 (1992 EPI 88)

[1992-88]



## Status Information

### Currency of version

Repealed version for 9 July 2010 to 2 September 2010 (accessed 18 July 2024 at 6:18)

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

### Provisions in force

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

### Notes—

- **Repeal**

The plan was repealed by cl 1.8 (1) of [Camden Local Environmental Plan 2010 \(514\) \(LW 3.9.2010\)](#) with effect from 3.9.2010.

### 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 3 September 2010

# **Camden Local Environmental Plan No 48 (1992 EPI 88)**



New South Wales

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# Camden Local Environmental Plan No 48 (1992 EPI 88)



New South Wales

## Part 1 Preliminary

### 1 Name of plan

This plan may be cited as *Camden Local Environmental Plan No 48*.

### 2 Aims, objectives etc

The plan aims:

- (a) to simplify, update and consolidate all planning controls in relation to rural lands for the Municipality of Camden in accordance with the current environmental planning and assessment legislation and practices,
- (b) to maintain the agricultural productivity of the Municipality of Camden and to encourage further development of agriculture within a framework of appropriate environmental safeguards,
- (c) to maintain the rural atmosphere of the Municipality of Camden,
- (d) to ensure that development maintains the rural character of the locality and minimises disturbances to the landscape, is in harmony with the environment and does not unreasonably increase demands for public services or reduce the existing levels of service,
- (e) to enable certain non-agricultural activities to be carried out within a particular zone if they are in keeping with the objectives of that zone and compatible with development of adjoining and adjacent lands,
- (f) to regulate the subdivision of rural lands to ensure that actual or potentially productive land is not withdrawn from production or sterilised,
- (g) to enable development to occur that will serve the needs of the rural community,
- (h) to preserve the lifestyles and amenities of the people living in the Municipality of Camden by controlling the type and magnitude of development within the rural areas,

- (i) to conserve the environmental heritage of Camden's rural land, and
- (j) to ensure that future urban lands are not fragmented or developed in such a way as to make urban development more costly and difficult, and
- (k) to promote the use of buildings which are designed, sited and constructed, using passive solar principles, so as to maximise energy efficiency by reducing the consumption of non-renewable forms of energy for heating and cooling purposes.

### **3 Land to which plan applies**

- (1) This plan applies to land within the Municipality of Camden as shown on the map.
- (2) However, this plan does not apply to land to which *Camden Local Environmental Plan No 74—Harrington Park* or *Camden Local Environmental Plan No 121—Spring Farm* applies.

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

This plan repeals:

- (a) Interim Development Orders Nos 3 and 7—Municipality of Camden,
- (b) *Camden Local Environmental Plan No 42*, and
- (c) such other local environmental plans and deemed environmental planning instruments as, immediately before the appointed day, applied to the land to which this plan applies, but to the extent only to which those plans so applied to that land.

### **5 Definitions**

- (1) In this plan:

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

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

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

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

sheds, the breeding, boarding or training of dogs or intensive horticulture or livestock keeping.

**alter**, in respect of a heritage item, means:

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

**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 where cats, dogs, horses or other animals are bred, trained, accommodated or nurtured for gain or reward and includes a riding school.

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

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

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

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

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

**caravan park** means land used as a site for movable dwellings, including tents and caravans or other vehicles used for temporary or permanent accommodation.

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

**cluster housing** means the grouping together of dwelling-houses on a parcel of land in excess of 15 hectares, where the density of the grouping is not greater than one dwelling-house per 10 hectares, the curtilage of each such dwelling-house does not exceed 0.5 hectares and the titles to the individual dwelling-houses are to be created under the *Strata Titles Act 1973*, *Strata Titles (Leasehold) Act 1986* or the *Community Land Development Act 1989*.

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

**Council** means the Council of the Municipality of Camden.

**demolish**, in respect of a heritage item, means wholly or partly destroying, damaging or dismantling that item.

**dual occupancy building** means a building containing 2 dwellings only and having the general external appearance, character and scale of a dwelling-house.

**future urban lands** means land identified as required for urban growth in the revised *Metropolitan Strategy Plan for the Sydney Region, 1989*, a copy of which is deposited in the office of the Council.

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

**heritage item** means a building, work, relic, tree or place described in Schedule 1.

**heritage significance** means historic, scientific, cultural, social, archaeological, architectural, natural or aesthetic significance.

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

- (a) is carried on by the permanent residents of the dwelling and not more than one non-resident, if any, and
- (b) does not take up floorspace of more than 50 square metres on the whole dwelling or ancillary building, and
- (c) does not interfere with the amenity of the locality because of the emission of noise, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil, or otherwise, and

- (d) does not involve exposure to view from any adjacent premises or from any public place of any unsightly matter, goods or products, and
- (e) does not give rise to traffic levels out of keeping with those of the surrounding locality, and
- (f) does not include acts of prostitution between persons of different sexes or of the same sex, such as:
  - (i) sexual intercourse as defined in section 61H of the *Crimes Act 1900*, for payment, and
  - (ii) masturbation of one person by another, for payment.

**hotel** means any premises specified in a hotelier's licence granted under the *Liquor Act 1982*.

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

**intensive horticulture or livestock keeping establishment** means a structure used for growing mushrooms or other produce including large sheds, igloos, greenhouses and the like or a place in which or on which cattle, sheep, goats, poultry, other livestock or fish are held for the purposes of nurturing by artificial feeding methods and includes:

- (a) feed lots,
- (b) piggeries,
- (c) poultry farms, and
- (d) fish farming (including crustaceans and oysters),

but does not include an animal boarding or training establishment or land used for the keeping of livestock or poultry intended solely for personal consumption or enjoyment by the owner or occupier of the land.

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

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

**professional consulting room** means a room or number of rooms forming part of, attached to, or within the curtilage of, a dwelling-house, and used by one legally qualified medical practitioner, by one dentist within the meaning of the *Dentist Act 1989*, or by one health care professional who practises his or her profession therein as a sole practitioner, or in partnership with not more than one other practitioner practising the same profession, being premises in which he or she or the partners, as the case may be, employs or employ not more than one employee in connection with the practice, and in which he or she or his or her partner permanently resides.

**recreation area** means:

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

but does not include a racecourse or a showground.

**recreation facility** means a building or place used for indoor recreation, a billiard saloon, table tennis centre, squash court, swimming pool, gymnasium, health studio, bowling alley, or any other building or place of a like character used for recreation, whether used for the purpose of gain or not, but does not include a place of assembly, fun parlour, pinball parlour, or club registered under the *Registered Clubs Act 1976*.

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

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

**renovate**, in relation to a building or work, means:

- (a) make structural changes to the inside or outside of the building or work, or
- (b) make non-structural changes to the fabric or appearance of the outside of the building or work.

**retail plant nursery** means a building or place primarily used for growing plants and for selling, exposing or offering for sale by retail, plants, landscape supplies, landscape

products, horticultural products and as an ancillary purpose only, for selling or offering for sale by retail items associated with outdoor gardening and food for consumption on the premises only.

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

**the map** means the map marked "Camden Local Environmental Plan No 48", as amended by the maps (or, if sheets of maps are specified, by the specified sheets of the maps) marked as follows:

**Editorial note—**

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

*Camden Local Environmental Plan No 57*

*Camden Local Environmental Plan No 64*

*Camden Local Environmental Plan No 68*

*Camden Local Environmental Plan No 74—Harrington Park (Sheet 1)*

*Camden Local Environmental Plan No 77*

*Camden Local Environmental Plan No 88*

*Camden Local Environmental Plan No 96*

*Camden Local Environmental Plan No 104*

*Camden Local Environmental Plan No 107*

*Camden Local Environmental Plan No 113—Sheet 2*

*Camden Local Environmental Plan No 118*

*Camden Local Environmental Plan No 128—Manooka Valley—Sheet 2*

*Camden Local Environmental Plan No 141*

*Camden Local Environmental Plan No 145*

**theme entertainment park** means a tourist facility.

**timber and building supplies** means a building or place used for the display, sale (whether by retail or wholesale) or hire of goods or materials that are used in the

construction or maintenance of buildings.

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

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

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

(2) In this plan:

- (a) a reference to a map is a reference to a map deposited in the office of the Council,
- (b) a reference to land within a zone specified in clause 8 is a reference to land shown on the map in the manner indicated in that clause as the means of identifying land of the zone so specified, and
- (c) a reference to a building or place used for a purpose is a reference to a building or place intended to be used for that purpose.

## **6 Adoption of Model Provisions**

The *Environmental Planning and Assessment Model Provisions 1980* (except for the definitions of **agriculture**, **home industries**, **home occupation**, **hotel**, **map**, **professional consulting rooms**, **recreation facility**, **residential flat building** and **retail plant nursery** in clause 4 (1) and clauses 8, 15, 16, 17 and 35 (c) are adopted for the purposes of this plan.

## **7 Consent authority**

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

## **Part 2 General restrictions on development of land**

### **8 Zones indicated on the map**

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

Zone No 1 (a) (Rural "A" (40ha) Zone)—shown with heavy black edging and lettered "1 (a)",

Zone No 1 (b) (Rural "B" (2ha) Zone)—shown with heavy black edging and lettered "1 (b)",

Zone No 1 (c) (Rural "C" (0.4ha) Zone)—shown with heavy black edging and lettered "1 (c)",

Zone No 1 (v) (Rural Village (0.2ha) Zone)—shown with heavy black edging and lettered 1 (v),

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

Zone No 3 (c) (Business (Neighbourhood) Zone)—shown with heavy black edging and lettered "3 (c)",

Zone No 5 (a) (Special Uses "A" Zone)—shown with heavy black edging and lettered "5 (a)",

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

Zone No 5 (c) (Special Uses (Botanic Gardens) Zone)—shown with heavy black edging and lettered "5 (c)",

Zone No 6 (a) (Open Space (Local) Zone)—shown with heavy black edging and lettered "6 (a)",

Zone No 7 (d) (Environmental Protection (Scenic) Zone)—shown with heavy black edging and lettered "7 (d)".

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

- (1) The objectives of a zone are set out in the table to this clause under the heading "Objectives of zone" appearing in the matter relating to the zone.
- (2) Except as otherwise provided by this plan, in relation to land within a zone specified in the table to this clause, the purposes (if any) for which:
  - (a) development may be carried out without development consent,
  - (b) development may be carried out only with development consent, and
  - (c) development is prohibited,are specified under the headings "Without development consent", "Only with development consent" and "Prohibited", respectively, appearing in the matter relating to the zone.
- (3) Except as otherwise provided by this plan, the Council shall not grant consent to the carrying out of development on land to which this plan applies unless the Council is of the opinion that the carrying out of the development is consistent with the objectives of the zone within which the development is proposed to be carried out.

Table

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

**1 Objectives of zone**

The objectives of this zone are:

- (a) to provide suitable land for agricultural use,
- (b) to promote the conservation of economic units of productive agricultural land, particularly those areas designated as having prime crop and pasture potential, by regulating subdivision to prevent the fragmentation of actual or potentially productive rural holdings,
- (c) to enable compatible forms of development, including recreation and tourist orientated uses to be carried out, if they are in keeping with the rural character of the locality, and carried out in an environmentally sensitive manner,
- (d) to permit the development of extractive industries to occur in an environmentally acceptable manner, and
- (e) to ensure that development does not detract from the existing rural character of the area or create unreasonable or uneconomic demands for provision or extension of public amenities and services.

**2 Without development consent**

Agriculture (not including intensive horticulture or livestock keeping establishments); forestry.

**3 Only with development consent**

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

**4 Prohibited**

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

**Zone No 1 (b) (Rural “B” (2ha) Zone)**

## **1 Objectives of zone**

The objectives of this zone are:

- (a) to provide for rural residential living opportunities on land having ready access to urban areas and facilities,
- (b) to ensure that development maintains and contributes to the rural character of the locality and minimises disturbances to the landscape and agricultural productivity,
- (c) to ensure that development does not adversely affect rural and residential amenity and does not create unreasonable or uneconomic demands for provision or extension of public amenities and services, and
- (d) to make provision for a reasonable range of suitable activities associated with rural residential occupations of the land, and
- (e) to permit alternative forms of accommodation which do not imperil the rural productivity of the area and which are consistent with the environmental quality of the immediate area.

## **2 Without development consent**

Agriculture (not including intensive horticulture or livestock keeping establishments).

## **3 Only with development consent**

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

## **4 Prohibited**

Animal boarding and training establishments; boarding-houses; brothels; bulk stores; car repair stations; caravan parks; cluster housing; commercial premises (other than home businesses); helipads; heliports; industries (other than home businesses and rural industries); intensive horticulture or livestock keeping establishments; junk yards; liquid fuel depots; mines; motor showrooms; residential flat buildings; roadside stalls; shops; timber yards; transport terminals; warehouses.

### **Zone No 1 (c) (Rural “C” (0.4ha) Zone)**

## **1 Objectives of zone**

The objectives of this zone are:

- (a) to provide for small holding rural residential living opportunities on land not being of prime crop or pasture potential and having ready access to urban areas and facilities,
- (b) to control by means of a development control plan the density of development for land within the zone considering access, natural hazards, landscape quality and physical environment,
- (c) to provide for such community uses as are necessary to meet community needs generated in this zone, and
- (d) to ensure development is carried out in a manner that minimises risk from natural hazards, particularly bushfires and flooding, and does not detract from the scenic quality of the rural area, and
- (e) to permit alternative forms of accommodation which do not imperil the rural productivity of the area and which are consistent with the environmental quality of the immediate area.

## **2 Without development consent**

Agriculture (not including intensive horticulture or livestock keeping establishments).

## **3 Only with development consent**

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

## **4 Prohibited**

Animal boarding and training establishments; boarding-houses; brothels; bulk stores; car repair stations; caravan parks; clubs; cluster housing; commercial premises (other than home businesses); educational establishments; helipads; heliports; hospitals; hotels; industries (other than home businesses and rural industries); institutions; intensive horticulture or livestock keeping establishments; junk yards; liquid fuel depots; mines; motor showrooms; motor vehicle depots; refreshment rooms; residential flat buildings; retail plant nurseries; roadside stalls; sawmills; service stations; shops; stock and sale yards; taverns; timber yards; transport terminals; veterinary establishments; warehouses.

## **Zone No 1 (v) (Rural Village (0.2ha) Zone)**

### **1 Objectives of zone**

The objectives of this zone are:

- (a) to recognise existing villages and to enable future development appropriate to their function, and
- (b) to enable land within the zone to be developed for certain rural residential purposes, and
- (c) to permit alternative forms of accommodation consistent with the existing village character.

### **2 Without development consent**

Agriculture.

### **3 Only with development consent**

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

### **4 Prohibited**

Animal boarding and training establishments; brothels; bulk stores; caravan parks; commercial premises (other than those referred to in Schedule 2); cluster housing; forestry; helipads; heliports; industries (other than home businesses and rural industries); institutions; intensive horticulture or livestock keeping establishments; junk yards; liquid fuel depots; mines; motor showrooms; motor vehicle depots; residential flat buildings; roadside stalls; sawmills; shops; timber yards; transport terminals; warehouses.

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

### **1 Objectives of zone**

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

### **2 Without development consent**

Nil.

### **3 Only with development consent**

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

#### **4 Prohibited**

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

### **Zone No 3 (c) (Business (Neighbourhood) Zone)**

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

The objective of this zone is to permit limited retail and commercial development designed to satisfy the localised needs of the rural areas of the Municipality.

#### **2 Without development consent**

Nil.

#### **3 Only with development consent**

Commercial premises; dwelling-houses used in conjunction with commercial premises and shops; general stores; refreshment rooms; service stations; shops.

#### **4 Prohibited**

Any purpose other than a purpose included in Item 3.

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

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

The objective of this zone is to make provision for particular specialised uses identified on the map and purposes ordinarily incidental or subsidiary to those uses.

## **2 Without development consent**

Nil.

## **3 Only with development consent**

The particular purpose indicated by black lettering on the map or any purpose ordinarily incidental or subsidiary to that purpose; utility installations.

## **4 Prohibited**

Any purpose other than a purpose included in Item 3.

### **Zone No 5 (b) (Special Uses (Arterial Road Reservation) Zone)**

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

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

#### **2 Without development consent**

Nil.

#### **3 Only with development consent**

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

#### **4 Prohibited**

Any purpose other than a purpose included in Item 3.

### **Zone No 5 (c) (Special Uses (Botanic Gardens) Zone)**

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

The objectives of this zone are:

- (a) to provide for the development of a native botanic garden and arboretum in an efficient and effective manner having regard to the environmental characteristics of the subject land, and
- (b) to provide for public access to a unique passive recreation and educational resource.

## **2 Without development consent**

Agriculture; bushfire control and maintenance.

## **3 Only with development consent**

Botanic gardens and purposes ordinarily incidental or subsidiary to such gardens; utility installations.

## **4 Prohibited**

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

### **Zone No 6 (a) (Open Space (Local) Zone)**

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

The objective of this zone is to identify land which is currently used or is intended to be used for the purposes of open space or public recreation.

#### **2 Without development consent**

Gardening; landscaping and bush fire hazard reduction.

#### **3 Only with development consent**

Agriculture; caravan parks; forestry; public buildings; recreation areas; recreation facilities; showgrounds; sportsgrounds; utility installations other than generating works or gas holders; any purpose ordinarily incidental or subsidiary to a purpose included in this Item.

#### **4 Prohibited**

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

### **Zone No 7 (d) (Environmental Protection (Scenic) Zone)**

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

The objectives of this zone are:

- (a) to protect and enhance those areas of particular scenic value and ensure that the land remains a rural environment providing visual contrast to urban development,
- (b) to maintain the visual amenity of prominent ridgelines,

- (c) to enable cluster housing and recreation and tourist orientated uses to be carried out if they are in keeping with the environmentally sensitive nature of the zone, and
- (d) to prevent development in geologically hazardous areas and escarpment areas.

## **2 Without development consent**

Agriculture (not including intensive horticulture or livestock keeping establishments).

## **3 Only with development consent**

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

## **4 Prohibited**

Advertising structures, other than those displaying advertisements relating to the land on which the structures are erected; airports; boarding-houses; brothels; bulk stores; car repair stations; caravan parks; commercial premises; drive-in theatres; generating works; heliports; hotels; industries (other than rural industries); intensive horticulture or livestock keeping establishments; junk yards; liquid fuel depots; mines; motor showrooms; residential flat buildings; retail plant nurseries; roadside stalls; sawmills; service stations; shops; stock and sale yards; taverns; transport terminals; warehouses.

# **Part 3 Special provisions**

## **10 Minor variations of zone boundaries**

- (1) This clause applies to land which is within 50 metres of a boundary between any two of Zones Nos 1 (a), 1 (b), 1 (c), 1 (v), 5 (a), 5 (c), 6 (a) and 7 (d).
- (2) Subject to subclause (3), development may, with the consent of the Council, be carried out on land to which this clause applies for any purpose for which development may be carried out in the adjoining zone.
- (3) The Council shall not consent to the carrying out of development referred to in subclause (2) unless, in the opinion of the Council, the carrying out of the development is desirable due to planning, design, ownership, servicing or similar criteria relating to the most appropriate development of the land.

## **11 Subdivision of land generally**

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

## **12 Subdivision of land—Zones Nos 1 (a), 1 (b), 1 (c), 1 (v) and 7 (d)**

- (1) This clause applies to land within Zone No 1 (a), 1 (b), 1 (c), 1 (v) or 7 (d).
- (2) The Council shall not consent to the subdivision of land to which this clause applies unless each separate allotment created by the subdivision will have an area of not less than:
  - (a) in the case of land within Zone No 1 (a) or 7 (d)—40 hectares,
  - (b) in the case of land within Zone No 1 (b)—2 hectares,
  - (c) in the case of land within Zone No 1 (c)—0.4 hectares, or
  - (d) in the case of land within Zone No 1 (v)—0.2 hectares.
- (3) Despite any other provision of this plan, the Council must not consent to the subdivision of land being Lots 101 and 102, DP 841639, Lots 100 and 101, DP 803468 and Lot 14, DP 855147, as shown edged heavy black on the map marked "*Camden Local Environmental Plan No 118*", unless:
  - (a) the Council has taken into account the extent to which the development is in accordance with a masterplan that has been specifically prepared for the land and that provides a comprehensive proposal for its development, and
  - (b) the Council has taken into account the extent to which the development is consistent with the constraints on development of the site that have been identified in the local environmental study entitled *Grasmere Local Environmental Study* and dated May 2000 prepared by Planning Workshop for the site, and
  - (c) the development is consistent with the following description of the desired future character of the land:
    - (i) The Grasmere locality will remain a rural-residential area consisting of predominantly houses in a distinctly non-urban setting. The landscape character will continue to reflect the predominantly rural context and the natural environment.
    - (ii) The rural character will be maintained and enhanced where possible through a sensitive subdivision design. The planting of local native vegetation species will be encouraged along the main drainage corridor and along ridgelines to strengthen visual quality around the site boundaries and to link the existing remnant bushland tracts.

- (iii) The impact of new development on views from Werombi Road will be minimised by the use of articulated building forms, generous landscaped spaces around buildings and the use of building materials that blend in with colours and textures of the natural landscape, and
- (d) the land forms part of an existing holding within the meaning of clause 13 (2), and
  - (e) the lot density does not exceed 2.5 lots per hectare, and
  - (f) the area of each separate lot to be created is not less than 0.2 hectare, and
  - (g) each lot is provided with a connection to a Sydney Water Corporation sewer.
- (4) The Council must not consent to the development of land that is shown with heavy diagonal cross hatching on the map marked "*Camden Local Environmental Plan No 118*" as being environmentally sensitive land unless:
    - (a) the development minimises disturbance to existing natural vegetation, watercourses, wetlands and overland flow paths, and
    - (b) locally indigenous native vegetation is or will be established in the areas adjacent to streams to form a riparian buffer, and
    - (c) natural hydrological processes are or will be established as much as possible including natural vegetation and flow regimes to maintain creek line stability and the health of terrestrial and aquatic communities, and
    - (d) measures will be taken to minimise and control nutrients and sediment entering watercourses, water-bodies or ground water, and
    - (e) the development is compatible with the odour constraints of the site.
  - (5) Despite subclause (2) (c) and any other provision of this plan, the Council may consent to the subdivision of land within Zone No 1 (c), as shown edged heavy black and lettered "1 (c)" on the map marked "*Camden Local Environmental Plan No 145*", if:
    - (a) no more than six separate lots are to be created for the purpose of a single dwelling house on each lot, and
    - (b) a separate lot is to be created for the existing workers cottage (being building 15 in the Site Plan), and
    - (c) a separate lot is to be created for the Yamba cottage, barn, and roadside stall and packing shed (being buildings 1, 6 and 8, respectively, in the Site Plan), and
    - (d) the area of each separate lot to be created is not less than 0.1 hectare, and
    - (e) the Council has taken into account the extent to which the subdivision is

consistent with the Site Plan.

- (6) In this clause, the **Site Plan** means the *Yamba Cottage Site Conservation Management Plan* dated November 2008 and prepared by Graham Brooks and Associates.

### **13 Subdivision for the purposes of dwellings—Zone No 1 (a)**

- (1) This clause applies to land within Zone No 1 (a).

- (2) For the purpose of this clause:

**existing holding** means:

- (a) a single allotment, portion of parcel of land that was owned by one person, or held by the same persons as joint tenants or as tenants in common, on 18 July 1973, or
- (b) if, on that date, an area of land consisting of two or more adjacent or adjoining allotments, portions or parcels of land was owned by one person, or held by the same persons as joint tenants or as tenants in common, any such area of land.
- (3) Notwithstanding clause 12 but subject to subclause (5), the Council may consent to the subdivision of an existing holding to create allotments each of which it is satisfied will be used for the purposes of one dwelling-house where each allotment created has an area of not less than 2 hectares and not more than 10 hectares.
- (4) An allotment created under subclause (3) (or created by a subdivision after 18 July 1973 but before the commencement of this plan, being an allotment the Council is satisfied was created for the purpose of erecting a dwelling-house) shall not be subdivided so as to create an allotment on which a dwelling-house may lawfully be erected.
- (5) The total number of allotments that may be created under subclause (3) from an existing holding, whether by one or more successive subdivisions, shall not exceed:
- (a) nil, where the existing holding has an area of less than 10 hectares,
- (b) 1, where the existing holding has an area of 10 hectares or more but not more than 40 hectares,
- (c) 2, where the existing holding has an area of more than 40 hectares but not more than 80 hectares, or
- (d) 3, where the existing holding has an area of more than 80 hectares.
- (6) For the purposes of calculating the total number of allotments that may be created by a subdivision of an existing holding under subclause (3), an allotment created by a subdivision of the existing holding after 18 July 1973 but before the commencement of this plan is to be treated as having been created under subclause (3).

- (7) In determining an application to subdivide land under this clause, the Council shall have regard to:
- (a) the effect of the creation of an allotment on the remainder of the land the subject of the application, particularly on its agricultural production potential and the desirability of limiting the size of new allotments,
  - (b) whether a proposed allotment intended to be used for the purpose of a dwelling-house has been located on land of inferior agricultural production potential,
  - (c) the appropriateness of the size of the proposed allotments for the purpose for which they are intended to be used, and
  - (d) whether the subdivision and any subsequent development will have the effect of creating demands for the provision of services by the Council, in particular for the upgrading and sealing of public roads.

#### **14 Dwelling-houses**

- (1) This clause applies to land within Zone No 1 (a), 1 (b), 1 (c), 1 (v) or 7 (d).
- (2) Except as provided by subclause (3), a single dwelling-house may be erected:
  - (a) on each allotment created pursuant to clause 12 or 13, or
  - (b) on land which has an area equal to or greater than the allotment area required by clause 12 in respect of land within the same zone.
- (3) Notwithstanding subclause (2), a single dwelling-house may be erected on an allotment of land lawfully created or approved by the Council before the appointed day, and upon which a dwelling-house could have been lawfully erected immediately prior to that day.

#### **15 Rural workers' dwellings**

- (1) This clause applies to land within Zone No 1 (a) or 7 (d).
- (2) The Council may grant consent to the erection of an additional dwelling-house on land to which this clause applies on which a dwelling-house is already erected if:
  - (a) the additional dwelling-house will be actually occupied by a person employed or engaged by the owner of the land for the purpose of agriculture on that land,
  - (b) the erection of the additional dwelling-house will not impair the suitability of the land for agriculture,
  - (c) the needs of existing agriculture on the land genuinely require that rural workers reside on the land, and

- (d) the total number of all dwellings erected on the land would not exceed one for each 40 hectares of the land.

## **16 Cluster housing within Zone No 7 (d)**

- (1) This clause applies to land within Zone No 7 (d).
- (2) The Council may consent to development for the purpose of cluster housing on land to which this clause applies if:
  - (a) the land has an area in excess of 15 hectares, and
  - (b) the number of dwelling-houses does not exceed one house for each 10 hectares of land.
- (3) Where the land referred to in subclause (2) (a) is held under two or more separate titles (other than under the *Strata Titles Act 1973*, the *Strata Titles (Leasehold) Act 1986* or the *Community Land Development Act 1989*), the land shall be consolidated into a single title prior to development being carried out pursuant to this clause.
- (4) Whenever land is developed in accordance with this clause, the following development on that land is prohibited:
  - (a) development for the purposes of a tourist facility, and
  - (b) subdivision (other than subdivision under the *Strata Titles Act 1973*, the *Strata Titles (Leasehold) Act 1986* or the *Community Land Development Act 1989*).

## **17 Control of materials used on buildings and amenity in certain places**

- (1) In this clause:

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

**prescribed materials**, in relation to a building, means materials or coloured finishes that are consistent with the landscape and heritage qualities of the site and its surroundings and ensure that the building merges with the background and does not dominate the landscape.

**site** means the area of land to which a development application relates.

**storey** does not include space within a roof void.

- (2) This clause applies to land shown hatched by heavy black lines on the map and all the land within Zone No 7 (d).
- (3) Notwithstanding any other provision of this plan, development shall not be carried out

on land to which this clause applies, and any such land shall not be cleared of trees or other vegetation, without the consent of the Council.

- (4) A building may be erected on land to which this clause applies only if:
  - (a) it has a maximum height about natural ground level of no more than 8 metres, and
  - (b) it has a height of less than 6.5 metres above natural ground level when measured at the eaves, gutter line or equivalent building element, and
  - (c) it does not have more than 2 storeys, and
  - (d) the external surfaces of the building are composed of prescribed materials except where the building is screened from view from outside the site by topography or building design, and
  - (e) the Council is satisfied that the building will not interfere to an unacceptable degree with the amenity of the locality by detracting from the visual or scenic quality of any ridgeline.
- (5) In determining an application for consent to the carrying out of development on land to which this clause applies, the Council must (in addition to the other matters which it is required to consider under any other provision of the Act and this plan) consider the adequacy of the landscaping of the site, and may, as a condition of its consent, require the retention of existing vegetation, trees or shrubs or the planting of additional trees and shrubs.
- (6) The Council must not consent to the carrying out of development on land to which this clause applies unless it has considered plans and details showing the existing vegetation (including tree heights) and showing what landscaping of the site is proposed and the number and types of any trees and shrubs proposed to be planted.

## **18 Advertising of certain applications within Zone No 7 (d)**

Pursuant to section 30 (4) of the Act, the provisions of sections 84, 85, 86, 87 (1) and 90 of the Act apply to and in respect of development on land within Zone No 7 (d) for the purpose of a club, cluster housing, educational establishment, hospital, place of assembly, place of public worship, recreational establishment, recreational facility, refreshment room, or theme entertainment park, in the same way as those provisions apply to and in respect of designated development.

## **19 Development on steep land**

- (1) This clause applies to any land which has a slope greater than 1 in 5 (or 20 per cent).
- (2) No excavation will be made on any land to which this clause applies, and no filling shall be placed on any such land, without the consent of the Council.

- (3) Land to which this clause applies shall not be cultivated or have its surface otherwise disturbed except with the consent of the Council.
- (4) An application for consent to the carrying out of development on land to which this clause applies shall be accompanied by plans and details showing any proposed excavation or filling, the method of stabilising any slope produced in excess of the natural slope and existing vegetation and proposed plantings in and around any areas to be excavated or filled.
- (5) Notwithstanding subclause (2), consent is not required for an excavation or any filling of land which does not result in finished surface levels being more than 50 centimetres below or above the natural surface level of the land.

## **20 Dual occupancy**

- (1) Where development for the purposes of a dwelling-house may be carried out on an allotment of land to which this plan applies, a person may, with development consent, erect a dual occupancy building.
- (2) The Council shall not grant consent to the erection of a dual occupancy building, or the alteration of, or addition to, an existing dwelling-house so as to create a dual occupancy building, unless arrangements satisfactory to the Council have been made for the provision of a water supply to, and the disposal of sewage and stormwater drainage from, the land.
- (3) The Council may, in granting consent to the carrying out of development on land for the purpose of a dual occupancy building, impose a condition requiring the owner of the land to occupy one of the dwellings thereby created.

## **21 Flood prone land**

- (1) Notwithstanding any other provision of this plan, a person shall not erect a building or carry out a work on land which, in the opinion of the Council, is likely to be subject to a 1 per cent probability flood, except with the consent of the Council.
- (2) The Council may refuse consent to the carrying out of any development on land to which this plan applies which, in its opinion, will:
  - (a) detrimentally affect the flood level at any point upstream or downstream of the development,
  - (b) increase, to a detrimental degree, the flow of floodwater on any adjoining land,
  - (c) cause soil erosion, siltation or destruction of river bank vegetation, or adversely affect river bank stability,
  - (d) affect the water table of any adjoining land, or

- (e) be adversely affected by inundation or likely structural damage from floodwaters.
- (3) The Council shall not consent to the subdivision of land to which this clause applies within Zone No 1 (a), 1 (b), 1 (c) or 1 (v) unless there is, in the opinion of the Council, sufficient land within each allotment in the subdivision, for the purposes of erecting a dwelling-house, above the 1 per cent probability flood line and flood free access is provided to that dwelling-house site.
- (4) For the purposes of this clause, the Council shall determine the position of the 1 per cent probability flood line from information supplied by the Department of Water Resources, the Department of Public Works or other sources as determined by the Council.

## **21A Landforming operations**

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

## **22 Land subject to bushfire hazards**

The Council shall not grant consent to the subdivision of land or to the erection of a building on land which is subject to bushfire hazards by reason of the vegetation on the land or on any adjacent land unless, in the opinion of the Council:

- (a) adequate provision is made for access for fire fighting vehicles,
- (b) adequate safeguards are adopted in the form of fire breaks, reserves and fire radiation zones, and
- (c) adequate water supplies are available for fire fighting purposes.

## **23 Airport noise exposure and building height restrictions**

- (1) This clause applies to land that should, in the opinion of the Council, be subject to aircraft noise and building height restrictions attributable to the operation of Camden Airport.
- (2) In determining any application for consent to carry out development on land to which

this clause applies, the Council shall take into consideration the advice contained in the Commonwealth Department of Aviation's publication entitled "*Land Use Compatibility for Areas in the Vicinity of Australian Airports*" and any representations made to it by that Department.

## **24 Protection of heritage items and relics**

- (1) The following may be carried out only with development consent in respect of a heritage item:
  - (a) demolishing, defacing, damaging or moving,
  - (b) external and internal structural changes,
  - (c) excavation of land for the purpose of discovering, exposing or moving a relic,
  - (d) erecting a building on, or subdividing, land on which a heritage item is located,
  - (e) non-structural changes to the detail, fabric, finish or appearance of the exterior, except changes resulting from any maintenance necessary for its ongoing protective care which does not adversely affect its heritage significance,
  - (f) damaging any tree on land on which any such item is situated.
- (2) Development consent is not required by this clause if the Council is of the opinion that the proposed development would not adversely affect the heritage significance of the heritage item.
- (3) When determining a development application required by this clause, the Council must take into consideration the extent to which the carrying out of the proposed development would affect the heritage significance of the heritage item.
- (4) When considering applications for consent to the erection of a building in the vicinity of a heritage item, the Council must consider an assessment of:
  - (a) the pitch and form of the roof, if any, and
  - (b) the style, size, proportion and position of the openings for windows or doors, if any, and
  - (c) whether the colour, texture, style, size, type and decoration or finish of the materials to be used on the exterior of the building are compatible with those of the materials used in existing buildings adjoining the heritage item, and
  - (d) the bulk-massing, proportion, size and general design of the proposed development, and
  - (e) the proximity of any proposed excavation to the heritage item and its likely effects.

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

**Note—**

The website of the Heritage Branch of the Department of Planning has publications that provide guidance on assessing the impact of proposed development on the heritage significance of items (for example, *Statements of Heritage Impact*).

**25 Notice of certain heritage development applications**

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

- (a) demolishing, defacing or damaging of a heritage item, and
- (b) use of a building or land referred to in clause 25C for a purpose which, but for that clause, would be prohibited by this plan,

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

**25A (Repealed)**

**25B Development in the vicinity of heritage items and archaeological sites**

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

**25C Conservation incentives**

- (1) The Council may grant consent to the use, for any purpose, of a building that is a heritage item or of the land on which the building is erected, even though the use would otherwise be prohibited by this plan, if it is satisfied that:
  - (a) the proposed use would not adversely affect the heritage significance of the heritage item, and
  - (b) the conservation of the building depends on the granting of the consent.
- (2) When considering an application for consent to erect a building on land on which a heritage item is located, the Council may, for the purpose of determining the floor space ratio and number of parking spaces to be provided on-site, exclude the floor space of the building erected on the land, but only if the Council is satisfied that the conservation of the building depends on such exclusion.

## **25D Development of known or potential archaeological sites**

- (1) The Council may grant consent to the carrying out of development on an archaeological site that has Aboriginal heritage significance (such as a site that is the location of an Aboriginal place or a relic, within the meaning of the *National Parks and Wildlife Act 1974*) or a potential archaeological site that is reasonably likely to have Aboriginal heritage significance only if:
  - (a) it has considered an assessment of how the proposed development would affect the conservation of the site and any relic known or reasonably likely to be located at the site prepared in accordance with any guidelines for the time being notified to it by the Director-General of National Parks and Wildlife, and
  - (b) except where the proposed development is integrated development, it has notified the local Aboriginal communities (in such a way as it thinks appropriate) of the development application and taken into consideration any comments received in response within 21 days after the notice was sent, and
  - (c) it is satisfied that any necessary consent or permission under the *National Parks and Wildlife Act 1974* has been granted.
- (2) The Council may grant consent to the carrying out of development on an archaeological site that has non-Aboriginal heritage significance or a potential archaeological site that is reasonably likely to have non-Aboriginal heritage significance only if:
  - (a) it has considered an assessment of how the proposed development would affect the conservation of the site and any relic known or reasonably likely to be located at the site prepared in accordance with any guidelines for the time being notified to it by the Heritage Council, and
  - (b) (Repealed)
  - (c) it is satisfied that any necessary excavation permit required by the *Heritage Act 1977* has been granted.

## **26 Use of open space**

The Council shall not consent to the carrying out of development on land within Zone No 6 (a) unless consideration has been given to:

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

## **27 Community use of school facilities**

- (1) This clause applies to land used or zoned for the purposes of a school, college, technical college or other educational establishment.
- (2) The land, buildings or facilities associated with land to which this clause applies may be used, with the Council's consent, for community purposes, whether or not such use is a commercial use of the land.

## **28 Protection of trees**

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

- Lantana (Lantana camara)
  - Coccus Palm (Syagrs rhomanzofianum),
- (f) a tree located on land that is subject to a development consent for the erection of a building or the carrying out of a work that authorises the removal of that tree, or
- (g) the destruction or removal of a tree within 0.5 metre of the boundary between land owned or occupied by different persons, for the purpose of enabling a survey to be carried out along that boundary by a surveyor registered under the *Surveyors Act 1929*.
- (6) The Council must not grant consent as required by this clause unless it has taken into consideration such of the following matters as are of relevance to the application:
- (a) the aesthetic, botanical, environmental, historic and heritage importance of the tree,
  - (b) whether the tree presents or is likely to present a health or safety hazard to persons,
  - (c) whether the tree has damaged (or would be likely to damage) property,
  - (d) the extent to which the tree diminishes sunlight to habitable rooms in buildings and outdoor areas,
  - (e) whether the tree obstructs or would be likely to obstruct accessways, footpaths, roads, utility services, drainage lines or the like or would otherwise cause a nuisance to, or endanger the movement of, persons or their vehicles,
  - (f) the impact of the action or work on the appearance, health or stability of the tree and the general amenity of the surrounding area,
  - (g) in the case of an application for consent to remove a tree:
    - (i) whether the pruning of the tree would be a more practical and desirable alternative, or
    - (ii) whether a replacement tree or trees should be planted,
  - (h) guidelines, plans and policies adopted by the Council from time to time that are available for public inspection at the Council's offices concerning the preservation and protection of trees, including those identified in:
    - (i) the document called "*Camden Significant Tree and Vegetated Landscape Study*", or
    - (ii) plans of management or vegetation plans, or

- (iii) tree management policies.

## **28A Development affecting trees**

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

## **29 Clearing**

- (1) Land within Zone No 1 (a), 1 (b), 1 (c), 1 (v), 5 (a), 5 (b), 6 (a) or 7 (d) must not be cleared for any purpose, except with the consent of the Council.
- (2) In considering whether to grant consent as required by this clause, the Council must take into consideration the extent to which clearing would adversely affect the amenity of the natural and rural landscape.
- (3) In this clause:

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

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

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

but does not include sustainable grazing.

**critical habitat** has the same meaning as in the *Threatened Species Conservation Act 1995*.

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

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

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

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

**threatened species, population or ecological community** has the same meaning as in the *Threatened Species Conservation Act 1995*.

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

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

to be carried out along that boundary by a surveyor registered under the *Surveyors Act 1929*.

- (5) The Council must not grant consent as required by this clause unless it has taken into consideration the likely social, environmental and economic consequences of granting or refusing to grant consent, and such of the following matters as are of relevance to the application:
- (a) whether the vegetation is remnant vegetation in a region that has been extensively cleared,
  - (b) whether the area has a high biological diversity,
  - (c) whether the area contains any of the following:
    - disjunct populations of a native species or a species that is near the limit of its geographic range,
    - riparian vegetation,
    - vegetation associated with wetlands,
  - (d) whether the area has connective importance as, or as part of, a corridor of native vegetation (meaning native vegetation forming a connection that allows for the potential passage of species of flora or fauna between two or more other patches of vegetation),
  - (e) whether the area is, or is part of, land identified as wilderness in a wilderness assessment report prepared by the Director-General of National Parks and Wildlife,
  - (f) whether the vegetation is adequately represented in a conservation reserve system,
  - (g) whether the area is an “inholding” situated within land reserved or dedicated under the *National Parks and Wildlife Act 1974*,
  - (h) whether the area is important as a site along a migratory route for wildlife,
  - (i) whether the area functions as an important drought refuge for wildlife,
  - (j) whether clearance would be likely to contribute significantly to any of the following problems:
    - soil erosion,
    - salinisation of soil and water,
    - acidification of soil,
    - land slip,

- deterioration in the quality of surface or ground water,
  - increased flooding,
- (k) whether there is any need for conservation of all or some of the vegetation because of:
- its unusually good condition or integrity as a sample of its type, or
  - the low boundary to area ratio of the area, or
  - the existence within the area of Aboriginal sites, or
  - the existence within the area of a site of geological significance,
- (l) guidelines adopted by the Council from time to time that are available for public inspection at the Council's offices concerning the preservation and protection of vegetation (including those identified in plans of management, vegetation plans and vegetation management plans and policies).

(6)-(9) (Repealed)

## 30 Advertisements

- (1) Except as provided by subclauses (3), (4) and (5), an advertising structure shall not be erected and an advertisement shall not be displayed on any land within Zone No 1 (b), 1 (c), 5 (a) or 7 (d).
- (2) Nothing in this clause prohibits the Council or a person, with the consent of the Council, from erecting advertising structures on land referred to in subclause (1) for the purpose of directing the travelling public to tourist areas, or for the display on such structures of advertisements of tourist facilities.
- (3) A commercial sign may be erected or displayed on any land without the consent of the Council.
- (4) An advertising structure that is larger than a commercial sign may be erected on any land, for the purpose only of displaying a notice relating to the purpose for which the land is used without the consent of the Council.
- (5) A temporary advertisement may be erected or displayed on any land without the consent of the Council.
- (6) Nothing in this clause precludes a person, with the consent of the Council, from erecting an advertising structure or displaying an advertisement on land within Zone No 1 (a) or 1 (v).
- (7) In this clause, **advertisement**, **advertising structure** and **commercial sign** have the same meanings as in *Ordinance No 55* under the *Local Government Act 1919* and

**temporary advertisement** means an advertisement of a temporary nature for which a permit is required under clause 16 of that ordinance.

### **31 Roads, drainage, recreation areas and parking**

- (1) Nothing in this plan prevents the Council or a public authority from carrying out development on land within any zone for the purposes of roads, stormwater drainage, recreation areas, landscaping, gardening, bushfire hazard reduction, parking, amenities buildings or river bank stabilisation.
- (2) The reference in subclause (1) to the carrying out of development for the purposes of roads includes a reference to the winning of extractive materials by a public authority for the purpose of road construction.

### **32 Suspension of certain laws etc**

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

### **33 (Repealed)**

#### **33A Camden Local Environmental Plan No 113—subsurface mining**

- (1) In this clause **subsurface mining** means mining of an area carried out totally underground by means of access remote from the area.
- (2) The amendment made by clause 6 (a) of *Camden Local Environmental Plan No 113* allows subsurface mining on land rezoned by that amendment to be carried out only with development consent.

#### **33B Camden Local Environmental Plan No 118—subsurface mining**

- (1) In this clause:  
**subsurface mining** means mining of an area carried out totally underground by means of access remote from the area.
- (2) Despite any other provision of this plan, the amendment made by Schedule 1 [1] to the *Camden Local Environmental Plan No 118* allows subsurface mining of land rezoned by that amendment only with the consent of the Council.

### **34 Development for special purposes**

- (1) Nothing in this plan prevents a person, with the consent of the Council, from carrying out development on land referred to in Schedule 3 for a purpose specified in relation to that land in the Schedule, subject to such conditions (if any) as are so specified.
- (2) Subclause (1) does not affect the application, to or in respect of development to which this clause applies, of such of the provisions of this plan as are not inconsistent with that subclause or with a consent granted by the Council in respect of the development.
- (3) If a condition referred to in subclause (1) provides that consent to the carrying out of development should be obtained within a specified period, the Council must not grant consent after the expiration of that period (or such longer period as the Minister may, before the expiration of that period, notify by an order published in the Gazette).
- (4) Nothing in subclause (3) prevents the Council from granting consent to the carrying out of alterations or extensions to, or the rebuilding of, a building or place being used for the purpose for which consent has been granted in accordance with subclause (1).

### **35 Provision of services**

The Council shall not consent to the carrying out of any development on an allotment of land if, as a result of the carrying out of that development, it will be necessary to provide potable water, or sewerage and drainage facilities, to the allotment unless it is satisfied that adequate arrangements have been made for the provision of that water or those facilities.

### **36 Development of certain land in the vicinity of Camelot**

- (1) This clause applies to land situated in the vicinity of "Camelot" Kirkham Lane, Kirkham, shown within a heavy black dotted line on the map.
- (2) Notwithstanding any other provision of this plan (clause 17 excepted), development shall not be carried out on land to which this clause applies:
  - (a) which is within Zone No 1 (a), for the purposes of aerodromes, broadcasting and television transmission relay stations, caravan parks, clubs, drive-in theatres, hotels, generating works, industries (other than home industries), intensive horticulture and livestock keeping establishments, mines, motels, stock and saleyards, saw mills, service stations or transport terminals, or
  - (b) which is within Zone No 1 (c), for any purpose (except as provided by subclause (3)).
- (3) Subclause (2) does not prevent a person from carrying out development on land to which this clause applies within Zone No 1 (c):

- (a) for the purpose of a home industry or home occupation, but only with development consent, or
- (b) for the purpose of agriculture or a dwelling-house, in which cases development consent is necessary only if it is required by clause 17.

### **36A Detached dual occupancy—Leppington area**

- (1) This clause applies to land within Zone No 1 (b) being land bounded by Camden Valley Way, Bringelly Road and Riley's Creek catchment boundary as shown edged heavy black on the map marked "*Camden Local Environmental Plan No 107*".
- (2) Where, on an allotment of land to which this clause applies, development for the purposes of a dwelling-house may be carried out, a person may, with the consent of the Council:
  - (a) erect 2 dwelling-houses on the allotment, or
  - (b) erect a second dwelling-house in addition to one already on the allotment, but only if:
    - (c) not more than 2 dwellings will be situated on the allotment after the development is carried out, and
    - (d) notwithstanding any other provision of this plan, the area of the allotment is not less than 2 hectares, and
    - (e) the Council is satisfied that adequate provision has been made for on-site effluent disposal, and
    - (f) where the allotment has frontage to either Bringelly Road or Camden Valley Way:
      - (i) a common access driveway is provided to serve the vehicular access needs of both dwellings, and
      - (ii) in the case where the allotment has direct access to two roads, one of which usually carries less traffic than the other, vehicular access is restricted to that road only.
- (3) *State Environmental Planning Policy No 1—Development Standards* does not apply so as to allow an exception from, or a variation of, any requirement made by this clause.
- (4) For the purposes of this clause, an allotment reduced in size as a result of compulsory land acquisition for road widening shall be taken to be the size that existed prior to the land acquisition occurring.
- (5) The provisions contained in this clause take effect on and from 1 October 1988 being the date on which the saving allowing development applications to be made for

consent for dual occupancy development within the area of Camden contained in clause 38 of *State Environmental Planning Policy No 53—Metropolitan Residential Development* lapses.

### **37 Retail plant nurseries**

Notwithstanding any other provision of this plan, a person shall not use land for the purpose of a retail plant nursery:

- (a) if the land has a frontage to The Northern Road, Bringelly Road or Camden Valley Way at any place indicated by diagonal black hatching on the map marked “*Camden Local Environmental Plan No 65*”,
- (b) if the land has a frontage to a road that connects with The Northern Road, Bringelly Road or Camden Valley Way at any place so indicated and any vehicular access to the land is within 100 metres (measured along the connecting road) of the nearest alignment of any part of The Northern Road, Bringelly Road or Camden Valley Way at that place.

### **38 What is exempt and complying development?**

- (1) Development of minimal environmental impact listed as exempt development in Chapter 2 of Part B of *Camden Development Control Plan (DCP) 2006* as adopted by the Council on 10 July 2006 is **exempt development**, despite any other provision of this plan.
- (2) Development listed as complying development in Chapter 3 of Part B of *Camden Development Control Plan (DCP) 2006* as adopted by the Council on 10 July 2006 is **complying development** if:
  - (a) it is local development of a kind that can be carried out with consent on the land on which it is proposed, and
  - (b) it is not an existing use, as defined in section 106 of the Act.
- (3) Development is exempt or complying development only if it complies with the development standards and other requirements applied to the development by Part B of *Camden Development Control Plan (DCP) 2006* as adopted by the Council on 10 July 2006.
- (4) A complying development certificate issued for any complying development is to be subject to the conditions for the development specified in Chapter 3 of Part B of *Camden Development Control Plan (DCP) 2006* adopted by the Council, as in force when the certificate is issued.

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

- (1) The public land described in Schedule 4 is classified, or reclassified, as operational

land for the purposes of the *Local Government Act 1993*, subject to this clause.

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

## Schedule 1 Heritage items

(Clause 5 (1))

Allenby	Bringelly Road, Rossmore
“Burnham Grove”	Cawdor Road, Camden
Camelot	Kirkham Lane, Camden
Carrington	Werombi Road, Camden
“Denbigh”	Northern Road, Bringelly
Gledswood	Camden Valley Way, Catherine Field
Harrington Park	Camden Valley Way, Narellan
Hassall Cottage	Macquarie Grove Road, Camden
Kirkham	Kirkham Lane, Camden
Macquarie Grove	Macquarie Grove Road, Camden

“Maryland”	Northern Road, Bringelly
Nesbitt Home	Macarthur Road, Camden East
Oldham Hills	Cawdor Road, Camden
Oran Park	Oran Park Road, Narellan
Orielton	Northern Road, Narellan
Raby	Camden Valley Way, Catherine Field
Roman Catholic Cemetery	Cawdor Road, Camden
Rossmore Public School	Bringelly Road, Rossmore
Slab Hut	Cawdor Road, Camden
St. Gregory’s Agricultural College	Camden Valley Way, Narellan
St. Pauls’ Group comprising Church Hall, Heber Chapel, School Master’s House, St. Paul’s Church of England and St. Paul’s Rectory	Cobbitty Road, Cobbitty
“Teen Ranch”	Cobbitty Road, Cobbitty
Upper Canal Water Supply System	Narellan Road, Kenny Hill
“Wivenhoe” Group	Macquarie Grove Road, Camden
Yamba Cottage (including the workers cottage, barn and roadside stall and packing shed)	Camden Valley Way, Kirkham

## Schedule 2

(Clause 9)

- Galleries
- Home businesses
- Potteries
- Refreshment rooms
- Craft outlets

## Schedule 3

(Clause 34)

Lot 72, DP 706546, St. Andrews Road, Leppington—a dwelling and the manufacture and storage of fireworks.

Lot 34 (b) Ingleburn Road, Leppington—a liquid fuel depot.

Lots 1 and 2, DP 746767, Camden Valley Way—a two level international hotel.

Lot 2, DP 232871, (Gledswood) Camden Valley Way—refreshment rooms (including the sale of wine blended or bottled on the premises); art galleries; craftsman studios; tourist facilities.

Lot 1, DP 784848, Cobbitty Road, Cobbitty—subdivision, where each separate allotment to be created thereby has an area of not less than 10 hectares.

Lot F, DP 401548, Camden Valley Way, Catherine Field—subdivision, where each separate allotment to be created thereby has an area of not less than 10 hectares.

Part Lot 3, Section 7, DP 2650 (No 10) Greendale Road, Bringelly, as shown edged heavy black on the map marked "*Camden Local Environmental Plan No 73*"—retail of agricultural hardware and rural supplies, where consent to the development is granted within 2 years from the date when *Camden Local Environmental Plan No 73* took effect.

Lot 209, DP 27602, Deepfields Road, Catherine Field, as shown edged heavy black on the map marked "*Camden Local Environmental Plan No 85*"—storage of materials associated with the existing use of adjoining land where such storage is only within the existing buildings as at the gazettal date of *Camden Local Environmental Plan No 85*.

Lot 61, DP 810692, No 110 Springs Road, Spring Farm, as shown edged heavy black on the map marked "*Camden Local Environmental Plan No 95*"—composting of duck and chicken litter, fly-ash, mushroom waste and greenwaste (but not sewage sludge or household waste).

Part Lot 22, DP 850132, No 347 Narellan Road and Lot 1, DP 605149, No 359 Narellan Road, Currans Hill, as shown edged heavy black on the map marked "*Camden Local Environmental Plan No 119*"—Aged Persons' Accommodation, meaning a group of single storey buildings for the purpose of accommodating aged persons with ancillary buildings to cater for the needs of the residents.

Lot 3, DP 882365, Macquarie Grove Road, Kirkham, as shown edged heavy black on the map marked "*Camden Local Environmental Plan No 120*"—55 dwelling-houses subject to the following conditions:

- (a) there is no more than one dwelling-house per 0.4 hectares,
- (b) the curtilages of the dwelling-houses shall range from a minimum of 1,000 square metres to a maximum of 2,000 square metres, to give an average of approximately 1,500 square metres,
- (c) the titles to the individual dwelling-houses are created under the *Strata Schemes (Freehold Development) Act 1973*, *Strata Schemes (Leasehold Development) Act 1986* or the *Community Land Development Act 1989*,
- (d) each dwelling-house curtilage be provided with connection to a Sydney Water Corporation Limited sewer.

Part of Lot 132, DP 825469, 1 Mount Annan Drive, Mount Annan, as shown edged heavy black on the map marked "*Camden Local Environmental Plan No 141*"—development for the purpose of any of the following associated with the Macarthur Centre for Sustainable Living:

- (a) an office,
- (b) a visitors centre,
- (c) an education centre,

- (d) a nursery,
- (e) a cafe,
- (f) demonstration and community gardens,
- (g) garden tours,
- (h) festivals,
- (i) markets.

Lot 1, DP 599327, Lot 1, DP 1101108 and Lots 4 and 5, DP 253184, Nos 647–667 Cobbitty Road, Cobbitty, as shown edged heavy black on the map marked “*Camden Local Environmental Plan No 142*”—aged persons’ accommodation, being a group of buildings for the purpose of accommodating aged persons with ancillary buildings to cater for the needs of the residents.

That part of Lot 10, DP 1103895, 181 Camden Valley Way, Kirkham that is within Zone No 2 (a) Residential, as shown edged heavy black on Sheet 2 of the map marked “*Camden Local Environmental Plan No 145*”—multi-dwelling housing.

## **Schedule 4 Classification and reclassification of public land as operational**

(Clause 39)

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

<b>Locality</b>	<b>Description</b>
<b>Leppington</b>	
66A Byron Road	Lot 1, DP 822334

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

<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>
<b>Locality</b>	<b>Description</b>	<b>Any trusts etc not discharged</b>