

# Camden Local Environmental Plan No 74—Harrington Park (1996 EPI 1)

[1996-1]



New South Wales

## Status Information

### Currency of version

Repealed version for 17 July 2009 to 2 September 2010 (accessed 17 October 2024 at 20:24)

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The plan was repealed by cl 1.8 (1) of [Camden Local Environmental Plan 2010 \(514\)](#) (LW 3.9.2010) with effect from 3.9.2010.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 74—Harrington Park (1996 EPI 1)



New South Wales

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# Camden Local Environmental Plan No 74—Harrington Park (1996 EPI 1)



New South Wales

## Part 1 Preliminary

### 1 Name of plan

This plan may be cited as *Camden Local Environmental Plan No 74—Harrington Park*.

### 2 Land to which plan applies

- (1) This plan applies to the land in the local government area of Camden as shown edged heavy black on the map.
- (2), (3) (Repealed)

### 3 Aims and objectives

This plan aims:

- (a) to maintain and enhance the character of the locality to which this plan applies by:
  - (i) providing for development that recognises and promotes the distinctive character and amenity of the locality, and
  - (ii) maintaining and strengthening the landscape character and heritage features of the locality, and
  - (iii) preserving significant landscape features and urban bushland areas, and
  - (iv) maintaining the advantages of the traditional lifestyle provided by separate towns in a rural setting, and
  - (v) encouraging innovative and attractive forms of housing and patterns of residential subdivision, and
- (b) to provide for a wide range of housing needs by:
  - (i) allowing a choice of housing, and

- (ii) satisfying the housing needs of the community, including socially and physically disadvantaged people, and
  - (iii) increasing the density of residential development near commercial and community facilities where satisfactory transport services are available, and
  - (iv) promoting more affordable housing, and
- (c) to achieve a high quality of development by:
- (i) encouraging a high design quality that will provide a pleasant living environment, and
  - (ii) promoting development suitable to the site, and
  - (iii) allowing people to carry out a reasonable range of activities from their homes, where such activities are not likely to affect the living environment of neighbours, and
- (d) to achieve sustainable development by:
- (i) maintaining the existing quality of life, and
  - (ii) accepting and making a feature of natural environmental factors, and
  - (iii) minimising the use of resources with regard to land, energy and materials, and
  - (iv) ensuring that services and facilities are adequate to support additional development, and
  - (v) providing a suitable drainage system that will upgrade downstream water quality, add to visual amenity and control stormwater flow, and
- (e) to promote the use of buildings which are designed, sited and constructed, using passive solar principles, so as to maximise energy efficiency by reducing the consumption of non-renewable forms of energy for heating and cooling purposes.

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

- (1) This plan:
- (a) repeals *Camden Local Environmental Plan No 39* except in its application to land marked “Deferred” on Sheet 2 of the map, and
  - (b) (Repealed)
- (2) (Repealed)

## 5 Adoption of model provisions

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

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

## 6 Definitions

(1) In this plan:

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

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

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

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

**backpackers' accommodation** means tourist and visitor accommodation:

- (a) that has shared facilities, such as a communal bathroom, kitchen or laundry, and
- (b) that will generally provide accommodation on a bed basis (rather than by room).

**bed and breakfast accommodation** means tourist and visitor accommodation comprising a dwelling (and any ancillary buildings and parking) where the accommodation is provided by the permanent residents of the dwelling for a maximum of 8 guests and:

- (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.

**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.

**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.

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

**child care centre** means fixed premises at which a child care service 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.

**collector road** means a road designed to accommodate more than 3000 vehicles per day.

**community centre** means a building or place used to provide facilities for the physical, social, cultural, spiritual and intellectual development or welfare of the local community, and may include professional consulting rooms.

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

**conservation area** means an area of land described as a conservation area in Schedule 1.

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

**Council** means Camden Council.

**drainage** means any activity which 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.

**environmental facility** means a building or place which 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.

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

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

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

**heritage 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 in the whole dwelling or ancillary building, and
- (c) does not interfere with the amenity of the locality because of the emission of noise, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil, or otherwise, and
- (d) does not involve exposure to view from any adjacent premises or from any public place of any unsightly matter, goods or products, and
- (e) does not give rise to traffic levels out of keeping with those of the surrounding locality, and
- (f) does not include acts of prostitution between persons of different sexes or of the

same sex, such as:

- (i) sexual intercourse as defined in section 61H of the *Crimes Act 1900*, for payment, and
- (ii) masturbation of one person by another, for payment.

**home occupation** means an occupation carried on in a dwelling, or in a building ancillary to a dwelling, by one or more permanent residents of the dwelling 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 notice, advertisement or sign (other than a notice, advertisement or sign exhibited on that dwelling to indicate the name of the resident and the occupation carried on in the dwelling), 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 or brothels.

**hotel accommodation** means a building (whether or not a hotel within the meaning of the *Liquor Act 1982*) that provides tourist and visitor accommodation consisting of rooms or self-contained suites, but does not include backpackers' accommodation, a boarding house or bed and breakfast accommodation.

**maintenance building** means a building for the storage and maintenance of equipment and other items associated with the maintenance of the land on which the building is located and associated land.

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

**neighbourhood centre** means a group of buildings situated on not more than 3.5 hectares of land and which comprises any or all of the following:

- (a) commercial premises, shops (having a total floor space of not more than 4000 square metres), recreation facilities, a refreshment room and a professional consulting room, where the combined floor space of all such buildings is not more than 5000 square metres,

- (b) a service station,
- (c) child care centres,
- (d) community facilities or public buildings,
- (e) places of public worship,
- (f) residential flat buildings associated with buildings and land uses referred to in paragraphs (a)–(e),

**pub** means licensed premises under the *Liquor Act 1982* the principal purpose of which is the sale of liquor for consumption on the premises, whether or not the premises include hotel accommodation and whether or not food is sold on the premises.

**recreation area** means:

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

but does not include a racecourse or a showground.

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

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

**storey** means the space within a building situated between one floor level and the floor level next above or, if there is no floor above, the ceiling or roof above, but does not include a basement level if the ceiling or roof of the basement does not extend more than 1 metre above the finished or natural ground level or a roof void if the slope of the roof does not exceed 45°.

**subsurface mining** means mining of an area carried out totally underground by

means of access remote from the area.

**the map** means the map marked “*Camden Local Environmental Plan No 74—Harrington Park*”, as amended by the maps (or specified sheets of the maps) marked as follows:

**Editorial note—**

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

*Camden Local Environmental Plan No 109*

*Camden Local Environmental Plan No 110*

*Camden Local Environmental Plan No 123*

*Camden Local Environmental Plan No 138—Harrington Park 2*

*Camden Local Environmental Plan No 139—Mater Dei*

*Camden Local Environmental Plan No 136—Sheet 2* (but only to the extent to which it relates to the land to which this plan applied immediately before the commencement of [Camden Local Environmental Plan No 136](#))

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

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

**two-dwelling development** means residential development resulting in two dwellings (but no more) on one lot where:

- (a) the development involves an addition or alteration to an existing dwelling-house, the erection of a single building containing two dwellings on a vacant lot or the conversion into a dwelling of a building situated on the same lot as a dwelling-house, and
- (b) both dwellings are attached and under the one roof in one building which has the appearance of a single dwelling-house, except where:
  - (i) one of the dwellings was a dwelling-house situated on the lot as at the appointed day and the other dwelling results from the conversion of a second building that (as at the appointed day) was situated on the lot and used for a purpose ancillary to the use of that dwelling-house, and
  - (ii) the conversion will not result in any extension to the second building, and

- (c) the total amount of the site area occupied by buildings does not exceed two thirds of the site area, and
- (d) the lot has an area of not less than 400m<sup>2</sup> and the Council is satisfied that it will not be further subdivided (whether or not under the *Strata Schemes (Freehold Development) Act 1973* or the *Community Land Development Act 1989*), and
- (e) in the case of the erection of a single building containing two dwellings, the building is of no more than single storey construction, but may be of two storey construction if:
  - (i) adjacent land is occupied by two storey dwellings or is vacant (but is not public land), and
  - (ii) the Council is satisfied that the proposed building will suit the streetscape and have no adverse effect in terms of character, design, scale, bulk, privacy and overshadowing.

**village centre** means a group of buildings situated on land that comprises any or all of the following:

child care centres, clubs, community facilities, conference facilities, gymnasiums, hotel accommodation, meeting rooms, motels, multi-unit housing, offices, places of public worship, professional consulting rooms, public buildings, pubs, recreation areas, refreshment rooms, service stations and shops.

**water management undertaking** means any structure, device or procedure designed to limit, control, restrict or divert the flow of water or to improve water quality by the removal of pollutants or excess nutrients.

- (2) In this plan:
  - (a) a reference to a building or place used for a purpose includes a reference to a building or place intended to be used for the purpose, and
  - (b) a reference to a map is a reference to a map deposited in the office of the Council, and
  - (c) a reference to land within a zone specified in the Table to clause 9 is a reference to land shown on the map in the manner indicated in clause 8 as the means of identifying land of the zone so specified.
- (3) Notes in this plan do not form part of this plan.

## 7 Consent authority

The Council is the consent authority for the purposes of this plan.

## **Part 2 General control of development**

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

The following zones are used in this plan. Land to which this plan applies is within a zone specified below if it is shown on the map in the distinctive manner specified below for the zone:

- Zone No 1 (e) (Rural “E” (0.6 ha))—edged heavy black and lettered “1 (e)”,
- Zone No 1 (f) (Rural “F” (0.2 ha))—edged heavy black and lettered “1 (f)”,
- Zone No 2 (d) (Residential)—edged heavy black and lettered “2 (d)”,
- Zone No 3 (b1) (Business Support)—edged heavy black and lettered “3 (b1)”,
- Zone No 5 (a) (Cultural Landscape)—edged heavy black and lettered “5 (a)”,
- Zone No 5 (b) (Special Uses—Arterial Road)—edged heavy black and lettered “5 (b)”,
- Zone No 5 (e) (Special Uses—Water Management)—edged heavy black and lettered “5 (e)”,
- Zone No 6 (a) (Open Space)—edged heavy black and lettered “6 (a)”,
- Zone No 6 (e) (Open Space—Waterway Buffer)—edged heavy black and lettered “6 (e)”,
- Zone No 7 (a) (Environmentally Sensitive Land)—edged heavy black and lettered “7 (a)”,
- Zone No 7 (d4) (Environmental Protection (Eco-Residential))—edged heavy black and lettered “7 (d4)”.

### **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:
  - (a) the development that may be carried out without development consent, and
  - (b) the development that maybe carried out only with development consent, and
  - (c) the development that is prohibited,is specified under the headings “Without development consent”, “Only with development consent” and “Prohibited”, respectively, appearing in the matter relating

to the zone.

- (3) Except as otherwise provided by this plan, 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 plan and of the zone in which the development is proposed to be carried out.

## **Zone No 1 (e) (Rural “E” (0.6 ha))**

### **1 Objectives of zone**

The objectives are as follows:

- (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 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,
- (c) 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**

Nil.

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

Development for the purpose of dwelling-houses.

Any other development not included in item 4.

### **4 Prohibited**

Development for the purpose of:

advertisements; agriculture; animal boarding and training establishments; boarding-houses; bulk stores; car repair stations; caravan parks; churches; clubs; cluster housing; commercial premises (other than home businesses); educational establishments; extractive industries; forestry; helipads; heliports; hospitals; hotels; industries (other than home businesses); institutions; intensive horticulture or livestock keeping establishments; junk yards; light industries; liquid fuel

depots; mines; motels; motor showrooms; motor vehicle depots; places of assembly; professional consulting rooms; recreation facilities; refreshment rooms; residential flat buildings; retail plant nurseries; road transport terminals; roadside stalls; rural industries; rural workers' dwellings; sawmills; service stations; shops; stock and sale yards; taverns; timber yards; tourist facilities; transport terminals; veterinary establishments; warehouses.

## **Zone No 1 (f) (Rural "F" (0.2 ha))**

### **1 Objectives of zone**

The objectives are as follows:

- (a) to provide for small holding rural residential living opportunities having ready access to urban areas and facilities on land that does not have prime crop or pasture potential,
- (b) to ensure development is carried out in a manner that minimises risk from natural hazards, particularly bush fires and flooding,
- (c) to permit housing forms which are consistent with the environmental and scenic quality of the area,
- (d) to ensure that the scenic impact of development is minimised,
- (e) to encourage the retention and provision of a range of facilities related to horse agistment and horse riding activities.

### **2 Without development consent**

Development for the purpose of:

bush fire hazard reduction work authorised by the *Rural Fires Act 1997*; environmental protection works carried out in accordance with a conservation management plan approved by the Council; home occupations.

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

Development for the purpose of:

advertisements; cycleways; drainage; dwelling houses; footpaths; home businesses; horse stables; minor buildings and facilities ancillary to the stabling and riding of horses; roads; subsurface mining; utility

installations.

#### **4 Prohibited**

Any development not included in items 2 and 3.

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

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

The objectives are as follows:

- (a) to promote a distinctive character and quality of development, based on the historic and natural characteristics of the land,
- (b) to allow the provision of a range of housing types,
- (c) to promote the provision of accessible and convenient commercial, social, recreational, educational, religious, community and employment facilities close to public transport so as to serve the needs of the residential district for education, recreation, religious, community service and welfare activities,
- (d) to provide an appropriate urban drainage system in an environmentally sensitive manner that provides a dual use facility for control of stormwater and for recreational use,
- (e) to provide a visual and auditory buffer between residential areas and Camden Valley Way and The Northern Road,
- (f) to allow open space for such active and passive recreation as may be required for proper accessibility and distribution in relation to the population generally and to young children in particular,
- (g) to allow land for pedestrian and cycle routes between areas of activity,
- (h) to protect and enhance areas of landscape and vegetation significance,
- (i) to protect the ecological integrity of bush and riparian corridors by facilitating sensitive development on land adjoining land within Zone No 7 (a) and Zone No 7 (d4) and integrating existing bushland into planning for open space and active recreation areas,
- (j) to ensure that development retains the significance of heritage items and archaeological sites and their settings and does not adversely impact on

significant views,

(k) to protect the rural character of Cobbitty Road.

## **2 Without development consent**

Nil.

## **3 Only with development consent**

Any development other than development included in item 4.

## **4 Prohibited**

Development for the purpose of:

airline terminals; amusement centres; boarding houses; brothels; bulk stores; bus depots; car repair stations; caravan parks; clubs (other than as part of a village centre); commercial premises (other than as part of a neighbourhood centre or village centre); conference facilities (other than as part of a village centre); extractive industries; generating works; helipads or heliports; hospitals; hotels (other than as part of a village centre); industries (other than home businesses); institutions; junk yards; liquid fuel depots; mining (other than subsurface mining); motels (other than as part of a village centre); motor showrooms; places of assembly; places of public worship accommodating more than 150 people (other than as part of a neighbourhood centre or village centre or other than located on a site of over 4000 square metres and situated on a collector road); professional consulting rooms (other than as part of a neighbourhood centre or village centre); public buildings (other than as part of a neighbourhood centre or village centre); refreshment rooms (other than as part of a neighbourhood centre or village centre); retail plant nurseries; road transport terminals; roadside stalls; rural industries; rural workers' dwellings; sawmills; service stations (other than as part of a neighbourhood centre or village centre or situated on a collector road); shops (other than as part of a neighbourhood centre or village centre); stock and sale yards; tourist facilities; transport terminals; warehouses; all other land uses (other than landscaping) having direct access to The Northern Road or Camden Valley Way.

## **Zone No 3 (b1) (Business Support)**

## **1 Objectives of zone**

The objectives are as follows:

- (a) to set aside land for land uses requiring extensive site areas or a large area for handling, storage and display of goods on a relatively free-standing location with adequate space for on-site vehicular movement, parking and loading and unloading of goods and which is conveniently located with a high level of exposure and accessibility,
- (b) to ensure that the size and scale of development, in terms of site and floor area, are designed to encourage and provide opportunities for the establishment of bulky goods shops,
- (c) to ensure that land uses are confined to bulky goods retailing, tourist activities and the provision of services to the travelling public and the like,
- (d) to provide for appropriate forms of commercial development and light industry that will contribute to the economic and social growth of the area and increase employment opportunities in the area,
- (e) to provide opportunities for residential development which is either ancillary to a permitted use in this zone or in accordance with a development control plan for a comprehensive residential estate integrated with surrounding land uses,
- (f) to allow shops, other than bulky goods shops, only if they are associated with and ancillary to industry or if they service the day-to-day needs of the immediate neighbourhood, the travelling public or the local workforce,
- (g) to retain the efficiency of the surrounding road system, maintain safety and reduce vehicular and pedestrian conflicts by rationalising access points.

## **2 Without development consent**

Nil.

## **3 Only with development consent**

Any purpose other than a purpose included in item 4.

#### **4 Prohibited**

Agriculture; animal boarding establishments; bed and breakfast establishments; boarding-houses; bulk stores; bus depots; bus stations; caravan parks; commercial uses specified in Schedule 2; dwelling-houses (other than those associated with permitted uses); extractive industries; forestry; gas holders; generating works; heliports; home businesses; hospitals; industries (other than those uses specified in Schedule 3); institutions; intensive animal husbandry; junk yards; liquid fuel depots; mineral sand mines; mines; offensive or hazardous industries; professional consulting rooms; road transport terminals; roadside stalls; rural industries; rural workers' dwellings; service industries; shops (other than bulky goods shops or shops specified in Schedule 4); transport terminals; two-dwelling development; units for aged persons; warehouses.

#### **Zone No 5 (a) (Cultural Landscape)**

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

The objective is to conserve the heritage significance of the cultural landscape of Harrington Park, Orielton and Wivenhoe, including buildings, associated structures and surrounding vistas.

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

Development for the purpose of:

any conservation works described in a conservation management plan endorsed by the Heritage Council as development which can occur without consent; passive open space.

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

Development for the purpose of:

any other works described in a conservation management plan endorsed by the Heritage Council; drainage; minor structures with floor areas of less than 50 square metres; pathways; roads.

##### **4 Prohibited**

Any development not included in item 2 or 3.

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

**1 Objectives of zone**

The objective is to identify lands required for existing arterial roads.

**2 Without development consent**

Nil.

**3 Only with development consent**

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

**4 Prohibited**

Any purpose other than a purpose included in item 3.

**Zone No 5 (e) (Special Uses—Water Management)**

**1 Objectives of zone**

The objectives are as follows:

- (a) to ensure that Narellan Creek maintains its primary function as a water quality system,
- (b) to preserve and enhance vegetation within and adjacent to Narellan Creek,
- (c) to restrict development that would have a detrimental effect on water quality,
- (d) to ensure adequate land is set aside for drainage and water quality management purposes.

**2 Without development consent**

Nil.

**3 Only with development consent**

Development for the purpose of:

advertising structures; advertisements; drainage; public utility undertakings; roads; utility installations; water management undertakings.

#### **4 Prohibited**

Any development not included in item 3.

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

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

The objectives are to ensure there is provision of adequate open space to meet the needs of all residents and provide opportunities to enhance the cultural landscape of Harrington Park Homestead.

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

Nil.

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

Any development ancillary to the use of the land for public recreation.

Development for the purpose of:

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

#### **4 Prohibited**

Any development not included in item 3.

### **Zone No 6 (e) (Open Space—Waterway Buffer)**

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

The objectives are as follows:

- (a) to provide a visual and physical riverine buffer between residential development and Narellan Creek so as to protect and enhance the function and amenity of the creek system,
- (b) to ensure that land adjoining Narellan Creek is maintained for open space or public recreational purposes.
- (c) to restrict development that would adversely affect the water quality in Narellan Creek,
- (d) to allow development that fosters the public enjoyment of the foreshores of the creek system without compromising the environmental quality of

such system.

## **2 Without development consent**

Nil.

## **3 Only with development consent**

Development for the purpose of:

advertising structures; drainage; public utility undertakings; roads; utility installations; recreation areas; water management undertakings; any purpose ordinarily incidental or subsidiary to a purpose included in this item.

## **4 Prohibited**

Any development not included in item 3.

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

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

The objectives are as follows:

- (a) to ensure the protection and management of environmentally sensitive land for the principal purpose of biodiversity conservation,
- (b) to conserve, restore and enhance native flora and fauna habitat and the ecological viability of land identified for biodiversity protection purposes,
- (c) to provide for development of a limited scale to support passive recreation and ecological interpretation,
- (d) to foster habitat connectivity by providing links with other natural areas, as part of an open space and bush corridor network,
- (e) to conserve, restore and enhance the functions and habitats of watercourses and their associated riparian areas.

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

Development for the purpose of:

bush fire hazard reduction work authorised by the [Rural Fires Act 1997](#); environmental protection works carried out in accordance with a conservation management plan approved by the Council; home

occupations.

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

Development for the purpose of:

advertisements; advertising structures; cycleways; drainage; environmental facilities; footpaths; maintenance buildings (associated with environmental protection works); recreation areas; roads; subsurface mining; utility installations.

### **4 Prohibited**

Any development not included in item 2 or 3.

## **Zone No 7 (d4) (Environmental Protection (Eco-Residential))**

### **1 Objectives of zone**

The objectives are as follows:

- (a) to provide for residential development that incorporates design, construction and operational practices that significantly reduce or eliminate negative impacts on the environment through energy efficiency, water conservation, pollution prevention, biodiversity conservation and reducing resource consumption,
- (b) to ensure a distinctive character and urban form that reflects and responds to the natural context of the area and minimises bush fire risk,
- (c) to provide a subdivision pattern which allows for pedestrian and vehicular connectivity and permeability,
- (d) to provide sustainable water quality and quantity controls,
- (e) to ensure that subdivision design retains significant remnant native trees while still achieving an urban setting for housing and associated infrastructure,
- (f) to ensure that development retains the significance of heritage items and archaeological sites and their settings and does not adversely impact on significant views,
- (g) to protect the rural character of Cobbitty Road.

## **2 Without development consent**

Development for the purpose of:

bush fire hazard reduction work authorised by the *Rural Fires Act 1997*; environmental protection works carried out in accordance with a conservation management plan approved by the Council; home occupations.

## **3 Only with development consent**

Development for the purpose of:

advertisements; advertising structures; community facilities; cycleways; dams; drainage; dwelling houses; environmental facilities; footpaths; home businesses; recreation areas; roads; subsurface mining; utility installations.

## **4 Prohibited**

Any development not included in item 2 or 3.

## **Part 3 Special provisions**

### **9A 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 2 (d), 5 (e), 6 (a) and 6 (e).
- (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 because of planning, design, ownership, servicing or similar criteria relating to the most appropriate development of the land.

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

- (1) Where land to which this plan applies is used for the purpose of an educational establishment, the site and facilities of the establishment may, with development consent, be used for the purpose of meeting rooms, public halls, public libraries, entertainment, sport or recreation or for any other community land use, whether or not any such use is a commercial use of the land.
- (2) Development consent is not required if the other land use could be carried out on that

land under another provision of this plan, or under any other environmental planning instrument, without development consent.

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

Nothing in this plan shall prevent the Council from, or require the Council to obtain its own consent for, the carrying out of development on land to which this plan applies for the purpose of roads, stormwater drainage, recreation areas (excluding buildings), landscaping, gardening, bushfire hazard reduction, utility installations or flood mitigation works.

### **12 Exhibition homes and villages**

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

### **13 Development affected by floodwaters etc**

The Council must not consent to the carrying out of development on any land to which this plan applies if the Council is satisfied that the proposed development is likely:

- (a) to be adversely affected by floodwaters or overland drainage flows, or
- (b) to adversely affect the flood peak at any point upstream or downstream of the site of the development, or
- (c) to adversely affect, to a substantial degree, the flow of floodwater on adjoining land, or
- (d) to cause avoidable erosion, siltation or unnecessary destruction of creek bank vegetation in the area, or
- (e) to have an adverse effect on the water table to that land or any adjoining land, or
- (f) to adversely affect creek bank stability.

### **13A 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 land use 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.

#### **14 Height of buildings**

A building erected on land to which this plan applies must not exceed two storeys in height.

#### **15 Home businesses**

The Council may consent to the use of a building on land within Zone No 2 (d) for the purpose of a home business, only if:

- (a) comment has been sought from persons who, in the opinion of the Council, could reasonably be considered to be affected by that use, and
- (b) the Council is satisfied that the granting of consent would not be contrary to the public interest.

#### **16 Noise reduction**

(1) The Council must not grant development consent to the subdivision of any land for residential purposes adjoining Camden Valley Way, The Northern Road or Cobbitty Road, unless:

- (a) the Council is satisfied that:
  - (i) a program, detailing appropriate noise attenuation measures to reduce traffic noise to potentially affected properties, has been prepared and will achieve or surpass the environmental goal, and
  - (ii) the program has been prepared by a person who, in the opinion of the Council, is a qualified noise consultant and that person has formulated the program based on current acoustic assessment, and
  - (iii) the program is in accordance with the requirements of the *Environmental Criteria for Road Traffic Noise* (Environment Protection Authority, 1999), and
  - (iv) any proposed noise attenuation measures will not have a significant impact on identified view corridors and will be of a kind that are sympathetic to the surrounding landscape, and
- (b) if the Roads and Traffic Authority is the roads authority (within the meaning of the [Roads Act 1993](#)) for the relevant road, the Council has given the Authority details of the subdivision proposal and the program and taken into account any submission made by the Authority within 28 days of providing the details to it.

(2) For the purpose of this clause, the environmental goal for traffic noise is a maximum LA10, 18-hour noise level of 63 dB(A) when measured at 1 metre from the residential

facade lines or other sensitive locations relative to Camden Valley Way, The Northern Road or Cobbitty Road, respectively.

### **17 Restricted vehicular access**

The Council may consent to development on land that adjoins The Northern Road or Camden Valley Way:

- (a) only if any vehicular access to the land from those roads is made by way of an existing intersection or another road, or
- (b) (Repealed)

### **18 Development standard for two-dwelling development**

The floor space of one of the dwellings resulting from any two-dwelling development is not to exceed 60 square metres.

### **19 Village centres**

The Council must not consent to development for the purpose of a village centre if, as a result of the development:

- (a) the total area occupied by all village centres situated on land to which this plan applies would exceed 1.5 hectares, or
- (b) the combined floor area of all clubs, conference facilities, hotels, motels, multi-unit housing, offices, professional consulting rooms, public buildings, refreshment rooms, service stations and shops in a particular village centre would exceed 10,000 square metres.

### **20 Subdivision**

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

#### **20A Subdivision of land within Zone No 1 (e)**

- (1) The Council may consent to an application for consent to subdivide land within Zone No 1 (e) only if each separate allotment of land created by the subdivision has an area of not less than 0.6 hectare.
- (2) Notwithstanding subclause (1), land within Zone No 1 (e) may be subdivided with the consent of the Council if that subdivision is for the purpose of:
  - (a) creating an allotment or allotments intended for open space or other public purposes, or
  - (b) making minor adjustments to common property boundaries.

- (3) In determining an application for consent to subdivide land within Zone No 1 (e), 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 cultural and scenic qualities of the area, and
  - (b) the appropriateness of the size of the proposed allotments for the purpose for which they are intended to be used, and
  - (c) whether the subdivision and any subsequent development will have the effect of creating demands for the provision of services by the Council.

## **21 Suspension of certain laws**

- (1) For the purpose of enabling development to be carried out in accordance with this plan or in accordance with a consent granted under the Act, any agreement, covenant or similar instrument imposing restrictions as to the erection or use of buildings for certain purposes or as to the use of land for certain purposes, to the extent necessary to serve that purpose, shall not apply to the development.
- (2) Nothing in subclause (1) shall affect the rights or interests of any statutory authority under any registered instrument.
- (3) Pursuant to section 28 of the Act, before the making of this clause, the Governor approved of subclauses (1) and (2).

## **22 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, or
  - (iv) the *Harrington Park Stage 2/Mater Dei Conservation Management Plan* approved by the Council on 9 October 2006 and held in the offices of the Council and any site-specific conservation management plan that may be submitted to the Council by an applicant in relation to a development application.

## **22A 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.

## **22B Clearing**

- (1) Land within Zone No 1 (f), 2 (d), 5 (a), 7 (a) or 7 (d4) 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) bush fire hazard reduction work authorised by the [Rural Fires Act 1997](#),
  - (c1) environmental protection works carried out in accordance with a conservation management plan approved by the Council,
  - (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)

## **22C What is exempt and complying development?**

- (1) Development of minimal environmental impact listed as exempt development in

Chapter 2 of Part B of *Camden Development Control Plan (DCP) 2006* as adopted by the Council on 10 July 2006 is **exempt development**, despite any other provision of this plan.

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

## Part 4 Heritage conservation

### 23 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.

#### **24 Protection of heritage items, relics and conservation areas**

- (1) Development consent is required for any of the following:
  - (a) demolishing, defacing, damaging or moving a heritage item or a building, work or tree within a conservation area,
  - (b) external and internal structural changes to a heritage item or a building or work within a conservation area,
  - (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 or land within a conservation area,
  - (e) non-structural changes to the detail, fabric, finish or appearance of the exterior of a heritage item or a building or work within a conservation area, except changes resulting from any maintenance necessary for its ongoing protective care which do not adversely affect its heritage significance,
  - (f) damaging any tree on land on which a heritage item is situated or on land within a conservation area.
- (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 or conservation area.
- (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 or conservation area.
- (4) When considering applications for consent to the erection of a building in the vicinity of a heritage item or on land within a conservation area, 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 the heritage significance of the item or the conservation area, 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 or to a building, work or tree within the conservation area and its likely effects.
- (5) The Council must not consent to development involving a heritage item or conservation area 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 Control of materials used on buildings and amenity in certain zones**

(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** means:

- (a) in relation to the roof of a building, concrete tiles or non-reflective metal sheeting (such as “Colourbond”), in either case being of a uniform dark colour (such as black, dark grey or olive),
- (b) in relation to the external walls of a building:
  - (i) unpainted brickwork comprising brown or brownish red bricks, or
  - (ii) brickwork or masonry that is bagged or rendered in a soft muted colour (such as grey, grey-green, blue-grey, brown, salmon or fawn).

**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 the land shown edged heavy black on the map marked “*Camden Local Environmental Plan No 133*”.
- (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) the topmost ceiling in the building is no more than 7.0 metres above natural ground level, and
  - (b) the ridge of the roof of the building is no more than 9.5 metres above natural ground level, and is not adorned by any finial or decorative crest, and
  - (c) in the case of a garage on a site having frontage to Nolan Way and some other road, the access to the garage is from the other road, and
  - (d) the building complies with the requirements set out in the document entitled *Harrington Park Guidelines for ‘Residential 1’ development Stages 23 to 35*, dated April 2003, and
  - (e) the front fencing on the site is of a post and rail or post and wire construction, and
  - (f) the building is set back from the side boundaries of the site, and
  - (g) the building has a verandah that has a minimum depth of 2 metres and that extends across at least 50% of the front of the building (excluding any garage), and
  - (h) any trees planted in the front yard of the site are of a species approved by the Council, and
  - (i) 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.
- (4A) The ridge of the roof of a building erected on any of the lots in the following Table must not have a height above Australian Height Datum greater than the height (in metres) specified in respect of that lot:

<b>Lot</b>	<b>RL (AHD)</b>
1902	88.7
1903	89.5
1904	90.2
1905	91.0

1912	92.2
1913	93.0
1914	93.5
1915	94.0
1916	94.5
1949	95.3
1950	95.0
1951	93.8

- (4B) The provisions of subclause (4) (a) and (b) do not apply to any building erected on a lot referred to in the Table to subclause (4A).
- (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 within Zone No 1 (e) 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.

## **26 Development on steep land**

- (1) This clause applies to any land which has a slope greater than 1 in 5 (or 20 percent).
- (2) No excavation is to 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.

## **27 Notice of certain heritage development applications**

For the purposes of the Act, the following is identified as advertised development:

- (a) demolishing, defacing or damaging a heritage item,
- (b) use of a building or land referred to in clause 31 for a purpose which, but for that clause, would be prohibited by this plan.

## **28 (Repealed)**

## **29 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.

## **30 Development in the vicinity of Harrington Park, Orierton and Wivenhoe Homesteads**

The Council must not consent to development in the vicinity of the Harrington Park Homestead, the Orierton Homestead or the Wivenhoe Homestead unless it has made an assessment of the likely effect that the carrying out of the development will have on the heritage significance of the relevant Homestead, its curtilage and its setting and on views into and out of the site.

## **31 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 a building that is a heritage item is erected, even though the use would otherwise be prohibited by this plan, if it satisfied that:
  - (a) the proposed use would not adversely affect the heritage significance of the heritage item, and
  - (b) the conservation of the heritage item depends on the granting of the consent.
- (2) When 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 heritage item erected on the land, but only if the Council is satisfied that the conservation of the heritage item depends on such exclusion.

## **32 Development of certain land—“Struggletown”, Narellan**

- (1) This clause applies to land with frontage to Sharman Close and Stewart Street, Narellan, known as “Struggletown”, shown shaded on the map marked “*Camden Local*

*Environmental Plan No 123”.*

- (2) Notwithstanding any other provision of this plan, development may be carried out, with the consent of the Council, on land to which this clause applies, for the purpose of the following:
  - (a) art, craft and antique galleries,
  - (b) bed and breakfast establishments,
  - (c) conference facilities,
  - (d) multi-unit housing,
  - (e) craft studios,
  - (f) refreshment rooms,
  - (g) professional consulting rooms.
- (3) The Council may consent to development of the land for the purpose of multi-unit housing only if that development is in keeping with the character of the “Struggletown” precinct.
- (4) The Council may consent to development of the land for the purpose of a craft studio only if that development:
  - (a) involves the manufacture, display and sale of handmade goods only, and
  - (b) involves the use of an existing building or the erection of a new building that is compatible with the character of the “Struggletown” precinct, 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, wastewater, 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 that would have an adverse effect on the amenity of the surrounding locality.
- (5) The Council may consent to development of the land for the purpose of a bed and breakfast establishment only if that establishment is operated in a dwelling-house by its permanent residents to provide short term paid accommodation (which may include meals). That development may include ancillary buildings so long as they are within the curtilage of the dwelling-house.

### 33 Development of land—Narellan CBD and Environs

- (1) **Development control plan required** Development consent must not be granted for any development on land to which this plan applies shown on Sheet 1 of the map marked “*Camden Local Environmental Plan No 136*” unless a development control plan has been prepared by the Council that applies to all of that land and addresses, where the Council considers appropriate, the following matters in relation to that land:
- (a) proposals for general design principles, incorporating the following:
    - (i) criteria for built form,
    - (ii) setback,
    - (iii) block precinct development principles,
    - (iv) street frontage design,
    - (v) landmark features,
    - (vi) character,
    - (vii) car parking,
    - (viii) signage,
    - (ix) crime prevention through environmental design,
  - (b) the identification of building controls that will reduce the potential for future salinity effects,
  - (c) measures to reduce the risk of harm to human health and the biophysical environment by ensuring that contaminated land and potentially contaminated land are identified early in the development process and that contaminated land is remediated or otherwise rendered harmless prior to the land being used for the proposed purpose,
  - (d) the conservation of known and potential archaeological sites and places of Aboriginal heritage significance,
  - (e) the conservation of the environmental heritage of Narellan by:
    - (i) protecting identified heritage items, potential heritage items and archaeological sites and their settings, and
    - (ii) conserving curtilage and settings associated with heritage items, potential heritage items and archaeological sites, and
    - (iii) ensuring that new development is planned to minimise adverse impacts on heritage items, potential heritage items and archaeological sites, and

- (iv) encouraging high quality design that will provide a pleasant living environment,
- (f) implementation of ecologically sustainable stormwater management practices that use, where possible, natural environmental elements and promote water sensitive urban design practices,
- (g) identification of measures that conserve landscape function through the management of watercourses and native vegetation.

**Note—**

Section 74D of the Act provides that a development control plan, required by an environmental planning instrument, may be prepared by the owners of the land concerned.

- (2) **Land fronting the Narellan Road Extension** A person must not carry out development on land that adjoins the Narellan Road Extension (being that section of road connecting Narellan Road with The Northern Road at Narellan) unless vehicular access is by way of another road (not being the Narellan Road Extension).
- (3) **Noise attenuation** A noise assessment must be undertaken for any proposed residential development located within 100 metres of Narellan Road, The Northern Road or Camden Valley Way. In granting consent to a development application in areas significantly affected by road noise, the Council must take into account whether measures to minimise noise impact on that development are proposed.

## **Part 5 Special Provisions applying to Harrington Park 2 and Mater Dei**

### **34 Application of Part**

This Part applies to the land shown edged heavy black on the map marked “*Camden Local Environmental Plan No 138—Harrington Park 2*” and to land in Mater Dei as shown edged heavy black on the map marked “*Camden Local Environmental Plan No 139—Mater Dei*”.

### **35 Refreshment rooms on certain land within Zone No 7 (a)**

- (1) This clause applies to land within Zone No 7 (a) that is at the top of Creer Hill and shown hatched on the map marked “*Camden Local Environmental Plan No 138—Harrington Park 2*”.
- (2) Despite any other provision of this plan, the Council may grant consent to development for the purposes of refreshment rooms.
- (3) Before granting consent to development for the purpose of a refreshment room, the Council must take into account the visual impact of the development, its scale, its impact on view corridors to and from the site, parking, light spill, materials and external finishes and any environmental impacts on surrounding land within Zone No 7 (a).

### **36 Location of housing on land within Zone No 7 (d4)**

Consent must not be granted to development on land within Zone No 7 (d4) that is shown hatched on the map marked “*Camden Local Environmental Plan No 138—Harrington Park 2*” unless the Council is satisfied that the development will be carried out, and any housing and associated facilities will be located, in such a manner that minimises the removal of existing native vegetation.

### **37 Bush fire protection**

(1) This clause does not apply to development on bush fire prone land.

**Note—**

Section 79BA of the Act and section 100B of the *Rural Fires Act 1997* deal with development on bush fire prone land.

- (2) Before granting consent to any development on land within Zone No 2 (d) or Zone 7 (d4) that is adjacent to land within Zone 7 (a), the Council must take into account whether:
- (a) the development is likely to have a significant adverse effect on the implementation of any strategies for bush fire control and fuel management adopted by the Council, and
  - (b) a significant threat to the lives of residents, visitors or emergency services personnel may be created or increased as a result of the development or the access arrangements to and from the site of the development, and
  - (c) the increased demand for emergency services during bush fire events created by the development would lead to a significant decrease in the ability of the emergency services personnel to effectively control major bush fires, and
  - (d) the measures to be adopted to avoid or mitigate the threat from bush fire, including siting of the development, design of structures and materials used, clearing of vegetation, fuel free and fuel reduced areas and landscaping and fire control aids, such as roads and water supplies, are inadequate for the locality or would result in unacceptable environmental impacts.
- (3) In taking into account matters as required by subclause (2), the consent authority must take into account:
- (a) any relevant bush fire management plan that has been approved by the Council, and
  - (b) the specifications and requirements of *Planning for Bush Fire Protection*, ISBN 0 9751033 2 6, prepared by the NSW Rural Fire Service in co-operation with the Department of Planning, dated December 2006 (or, if another document is prescribed by the regulations for the purposes of section 79BA (1) (a) of the Act,

that document), that are relevant to the development.

**38 Restriction on certain subdivisions—provision of regional transport infrastructure and services**

- (1) This clause applies to land within Zone No 2 (d) (Residential “d”) or Zone No 7 (d4) (Environmental Protection (Eco-Residential)) but does not apply if any of that land is within a special contributions area (as defined in section 93C of the Act).
- (2) The object of this clause is to require assistance towards the provision of regional transport infrastructure and services to satisfy needs that will arise from development of land to which this clause applies, but only if that land is developed intensively for urban purposes.
- (3) Despite any other provision of this Plan, consent must not be granted for a subdivision of land to which this clause applies that will create a lot with an area of less than 40 hectares unless the Director-General has certified in writing to the Council that satisfactory arrangements have been made to contribute to the provision of regional transport infrastructure and services in relation to the land comprising that lot.
- (4) The reference in subclause (3) to a lot with an area of less than 40 hectares does not include a reference to any such lot:
  - (a) identified in the certificate as a residue lot, or
  - (b) that is proposed in the development application to be reserved or dedicated for public open space, public roads, public utilities, educational facilities, or any other public purpose.
- (5) Subclause (3) does not apply to a subdivision for the purpose only of rectifying an encroachment on any existing allotment.
- (6) *State Environmental Planning Policy No 1—Development Standards* does not apply to this clause.

**Schedule 1 Heritage items and conservation areas**

(Clause 6 (1))

Harrington Park Homestead, Camden Valley Way, Harrington Park.

Orielton—the land shown as being within Zone No 5 (a) on the map marked “*Camden Local Environmental Plan No 138—Harrington Park 2*”.

Wivenhoe—the land shown as being within Zone No 5 (a) on the map marked “*Camden Local Environmental Plan No 139—Mater Dei*”.

**Sharman Close**

No 2, Lot 1, DP 734161 (“Boyd Gallery”)—3300-06830-5

### **Stewart Street**

No 11, Lot 52, DP 977597 (Sharman's Slab Cottage)

### **Struggletown Heritage Conservation Area**

Land shown edged heavy black and hatched on Sheet 2 of the map marked "Camden Local Environmental Plan No 136".

## **Schedule 2 Prohibited commercial uses in Zone No 3 (b1)**

(Clause 9)

Bank

Credit union

Government business shopfront

Hairdressing and beauty salon

Post office

Travel agency

## **Schedule 3 Permitted industrial uses in Zone No 3 (b1)**

(Clause 9)

Automotive accessory fitting and service

Automotive electrician's workshop

Clothing manufacture

Electrical appliance manufacture, repair and general electrical servicing

Furniture manufacture

Signwriter's workshop

## **Schedule 4 Permitted shops in Zone No 3 (b1)**

(Clause 9)

Antiques (second-hand) furniture shop

Automotive parts and accessories shop

Butcher's shop

Chemist's shop

Corner shop trading principally in groceries, small goods and associated small items

Electrical goods shop

Floor coverings shop

Fruit shop

Furniture shop

Hardware shop

Lighting shop

Newsagent shop

Office supplies shop

Outdoor products (such as lawn mowers, clothes hoists, garden sheds, swimming pool equipment and outdoor furniture) shop

Takeaway food shop

Tobacconist

Toys and sporting equipment shop

Video hire shop