

ATTACHMENT 2

Consultation Strategy – Summary of Communication Mechanisms

Communication

- Advertisement in local newspapers, on Council's website including Facebook Page and Your City Your Future
- Information access sessions (Informal) x 6 (spread geographically and by time)
- Mechanisms to assist persons with specialized interpretation and access requirements.

Stakeholder Information Sessions

- Chambers of Commerce
- Individual Sessions
- Developers/Real Estate Agents
- Interest Group/s (e.g. Residents' Groups, Historical Society)
- Others (as appropriate/required)

Media Release

- Newspapers
- Radio (Mayors Message C91.3 and Community Radio 2MCR)

Letters/Mail-outs

- Special edition of Compass
- Letter to all relevant public authorities/agencies

Information provision

- Frequently Asked Questions/Facts Sheets
- Outline of Program/Time Line (Fact Sheet)
- Meeting with Planners by appointment

Venues

- Display of exhibition material at Civic Centre and at each of Council's libraries
- Availability of exhibition material on Council's website, or via a link from this website
- Dispersed locations for information/'drop-in' sessions.

ATTACHMENT 3



Planning &
Infrastructure

MAR25'14 08:36:42 RCVD

Mr Paul Tosi
General Manager
Campbelltown City Council
PO Box 57
Campbelltown NSW 2560

Our ref: 13/19771

Attention: Jeff Lawrence

Dear Mr Tosi

Campbelltown Local Environmental Plan 2013 – Request for Section 65 Certificate to exhibit Draft LEP 2013

I am writing in response to your request for the certification of the **draft Campbelltown Local Environmental Plan 2013** (draft LEP) . I am pleased to advise that I have endorsed the draft LEP for exhibition and have attached the section 65 certificate.

I recognise Council has worked hard to prepare the draft LEP and has sought to incorporate both critical strategic improvements and new development proposals.

You will note that I have conditioned the section 65 certificate to ensure the agreed goals of government are not hindered. These matters relate specifically to the proposed centres zones, residential zones and acquisitions issues.

I appreciate Council is seeking to recognise existing uses and functions within Centres, including large government health and education sites, by zoning these sites to reflect their current function. However I am concerned that the reduction in overall employment/commercial zones may limit the medium and long term opportunity for business related growth and redevelopment in centres which are well served by rail and other public transport.

As highlighted in both the Draft Metropolitan Strategy, 2031 and the Draft South West Sub-Regional Strategy, it is important to achieve employment growth and intensification in accessible centres. However, such intensification should not result in a reduction in business uses in centres. Furthermore, both the Draft Metropolitan Strategy, 2031 and the Draft South West Sub-Regional Strategy identify Campbelltown- Macarthur as an important major centre in the region.

I thank Council for providing supplementary information on its centres and working with Planning and Infrastructure to analyse its proposed zones on a centre by centre basis. In particular, I must thank Council's staff for the ongoing dialogue which has enabled us to work together to analysis each site's potential in terms of integrated land use and transport, adjoining zoning pattern and existing usage.

Department of Planning & Infrastructure

23-33 Bridge Street Sydney NSW 2000 | GPO Box 39 Sydney NSW 2001 | T 02 9228 6111 | F 02 9228 6455 | www.planning.nsw.gov.au

This assessment allowed a compromise position to be negotiated at a joint meeting between Planning and Infrastructure and Council officers on the 3 March 2014. At this meeting, Council agreed to maintain key commercial sites by applying the recommended Standard Instrument Business zone(s) whilst Planning and Infrastructure agreed that Council was justified in applying non- business zones to several small, generally out-of-centre sites which were, for example, heritage listed.

Reaching an agreed position on all commercial zones will minimise post-exhibition changes and thereby limit any challenges to the efficacy of the Draft LEP's exhibition and processing. Accordingly, the section 65 certificate includes a condition that the draft LEP maps be changed to reflect the changes agreed at the joint meeting on 3 March 2014. Such changes will constitute an adequate justification for the Draft LEP's inconsistency with s117 Direction 1.1 - Business and Industrial Zones.

In relation to the residential zones, I note that the draft LEP proposes to down zone the majority of its residential land by prohibiting medium density housing outside of its centres. I understand that Council's strategy is to concentrate medium density housing in centres to maximise existing infrastructure and services. However the proposed down- zoning of residential land to low density is contrary to a government commitment to increase housing provision and maintain and increase the viability of social and affordable housing.

Furthermore, the proposed down zoning is also inconsistent with s117 Direction 3.1 - Residential Zones which requires new plans should not reduce the density of residential land. I note that Council has received an objection from the Land and Housing Corporation whose plans for its 8 000 dwellings will be affected. Other existing land owners will also be affected by the proposed change. To address these concerns, the existing permissibility for medium density development should be maintained. To this end, Council will be required to add "multi-unit dwelling" as a permitted land use in the R2 zone. This will make the Draft LEP consistent with s117 Direction 3.1 - Residential Zones.

I note that the Roads and Maritime Services (RMS) has objected to being listed as the acquisition authority for some future road sites. The RMS's objection constitutes an inconsistency with Direction 6.2 - Reserving Land for a Public Purpose. This Direction requires new plans to only list an authority for acquisition with the authority's agreement and I understand this issue has not been resolved. To enable progress of the plan, Council is required to annotate both the map and the instrument: "RMS or alternate agency – to be confirmed".

I agree to the Draft LEP proceeding with an unresolved inconsistency to s117 Direction 6.2- Reserving Land for a Public Purpose.

Council is also advised that two sites owned by the Corporation sole (the Minister) shall be altered in the manner outlined in Schedule 2 of the section 65 certificate. Schedule 2 of the section 65 certificate includes conditions on the matters discussed above; these amendments should be made to the Draft LEP and maps before exhibition takes place.

I have also agreed to Council's proposed prohibition of "cemeteries," "crematoria" and "mortuaries" from the following proposed zones:

- RU2 Rural Landscape
- E3 Environmental Management
- E4 Environmental Living

I agree to this on the basis that these land uses are not mandated under the Standard Instrument Template and their exclusion from these zones reflects the existing zoning status.

I support Council's intent to conduct further investigations concerning the use of rural lands in the City of Campbelltown. I understand these investigations will enable Council to develop a well-informed and strategic policy position regarding these areas and the need for cemeteries, crematoria and mortuaries. To this end I request that Council lodge a planning proposal dealing with this matter within 12 months.

Please note that references to the particular sections of the *Environmental Planning and Assessment Act 1979* ('EP&A Act') in this letter relate to the previous plan making provisions repealed on 1 July 2009.

As an Opinion has not been issued by Parliamentary Counsel that the plan may be legally made, Planning and Infrastructure has issued this certificate on the understanding that Council, when exhibiting the Draft LEP, makes it clear to the public that the Draft LEP may be changed to satisfy legal drafting requirements. Further minor changes to the format of the LEP maps may be required to be undertaken by Council after exhibition to ensure consistency with the *Standard Technical Requirements for LEP Maps Version 1.2 – March 2009*.

Along with the certified draft LEP Council should also place on exhibition: this letter and the section 65 Certificate; a plain English explanation of what the draft LEP seeks to achieve; relevant State Environmental Planning Policies (including relevant Regional Environmental Plans - deemed SEPPs) and section 117 Directions that apply.

It is important that community consultation on the draft LEP engages key stakeholders. Given the issues discussed above, it is important that the agencies listed below be further consulted:

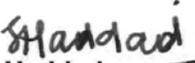
- Land and Housing Corporation
- Office of Strategic Lands
- Urban Growth NSW
- Roads and Maritime Services
- Transport NSW

As Council's Masterplans for its centres have not been publically exhibited or provided to Government agencies for consultation, all relevant Government agencies will need to be consulted and provided with a copy of these Masterplans. However, exhibition of the draft LEP should not be delayed if some masterplans are not complete.

I would like to thank Council for progressing the draft LEP in a professional manner and look forward to your ongoing commitment to finalise this new planning instrument as a priority work item. Planning and Infrastructure is happy to assist Council with any issues.

Should you have any questions regarding this matter, I have arranged for Ms Michelle Dellagiacomma to assist you. Ms Dellagiacomma may be contacted on (02) 9860 1172.

Yours sincerely


Sam Haddad
Director General

24 | 3 | 2014.

Encl: s65 Certificate for Campbelltown LEP 2013; Certified Draft Campbelltown LEP 2013



Planning & Infrastructure

ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979 SECTION 65(2) CERTIFICATE

As the Director General of Planning and Infrastructure, I, Sam Haddad, under section 65(2) of the *Environmental Planning and Assessment Act 1979* ('EP&A Act') certify that the Draft LEP set out in Schedule 1 may be publically exhibited under section 66 of the EP&A Act subject to the conditions to amend the Draft LEP as set out in Schedule 2.

Signed

Sam Haddad
Director General

Dated 24 March 2014

Schedule 1

Draft Campbelltown Local Environmental Plan 2013 submitted to the Director General under former section 64 of the EP&A Act on 22 October 2013. Section 65 Certificate

Schedule 2 conditions

Prior to exhibition Campbelltown City Council is required to:

1. Amend the Draft Campbelltown Local Environmental Plan 2013 as submitted by Council in accordance with the requirements listed below:
 1. Amend the R2 Low Density Residential zone to add " multi-dwelling housing" as a permissible land use;
 2. Amend the zoning [including amending the accompanying maps] of 2 areas owned by the Corporation sole identified in Tag J on:
 - i. OSL Map 1 being firstly, land located in located in Campbelltown Centre, and proposed as "SP2 Car park" will be shown zoned "B4 Mixed Use"; and
 - ii. OSL Map 2, a number of OSL parcels proposed to be zoned Public Recreation RE1 shall match zoning of adjacent blocks to the extent that these blocks are zoned E3 Environmental management along the access roadway

3. For parcels zoned for infrastructure, as identified by the RMS and OSL as parcels for which, they have not agreed to be nominated acquisition authority, Council is required to annotate both the map and the instrument to read: "RMS or alternate agency – to be confirmed".
 4. The Draft LEP's maps be changed to reflect the changes agreed at the joint meeting between Planning and Infrastructure and Campbelltown City Council on 3 March 2014.
 5. Amend the RU2 Rural Landscape, E3 Environmental Management and E4 Environmental Living zones to prohibit "cemeteries," "crematoria" and "mortuaries" on the basis that these zones will be strategically reviewed by Council.
-

The General Manager
Campbelltown City Council
PO Box 57
Campbelltown 2560

Attn: Mr Jeff Lawrence

Dear Mr Tosi,

Re: Draft Campbelltown Local Environmental Plan 2014

I am writing in response to your letter dated 7 April 2014 and subsequent emails received 7 and 8 April 2014 from Council officers, in which you seek our comment on the material Council will exhibit for the Draft Campbelltown Local Environmental Plan 2014 (LEP).

Thank you for the revised information. The written instrument submitted is acceptable and consistent with the conditions of the Section 65 certificate issued by the Director General on 24 March 2014. This includes the revised change of name of the plan from "Draft Campbelltown Local Environmental Plan 2013" to "Draft Campbelltown Local Environmental Plan 2014".

The changes to the floor space ratio table at clause 4.4 are noted. I consider that specification of an FSR of 0:45:1 for Multi-dwelling housing in the R2 zone is acceptable because it arose as a direct result of a condition of the Section 65 Certificate. Further, that it reflects the existing controls in Council's DCP (as advised on 7 April 2014 by Council).

The maps showing the Roads and Maritime Service's (RMS) acquisition (some annotated) is appropriate if it reflects the RMS's detailed advice provided at s62 stage as updated by subsequent requests from the RMS. The change in mapping of the OSL's land on LZN sheet 11 is correct. Planning and Infrastructure acknowledges that Council may make minor corrections to mapping errors for exhibition.

I note that the letter received from Council on the 21 March 2014, concerning commercial zones reflects our discussion held on the 3 March 2014 with the exception of the area annotated "V" where the Agency noted, that all the "V" sites were to be zoned B4 Mixed Use, a requirement which was reported to the Director - General. Therefore the maps should be amended to reflect this outcome.

As you are aware an Opinion has not been issued by Parliamentary Counsel that the plan may be legally made. The Director General has issued this certificate on the understanding that when exhibiting the Draft LEP Council makes the public aware,



**Planning &
Infrastructure**

that the Draft LEP and maps may be changed to reflect legal drafting and technical mapping requirements.

I again thank Council for its efforts to date and look forward to the exhibition of the Draft LEP as soon as possible. Should you have any further enquiries about this matter, please contact Ms Michelle Dellagiacoma on (02) 9860 1172.

Yours sincerely

R Cumming 10/4/2014

Rachel Cumming
Director Metropolitan Delivery (Parramatta)
Growth Planning and Delivery

DRAFT

Campbelltown Local Environmental Plan 2014

under the
Environmental Planning and Assessment Act 1979

I, the Minister for Planning and Infrastructure, pursuant to section 33A of the *Environmental Planning and Assessment Act 1979*, adopt the mandatory provisions of the *Standard Instrument (Local Environmental Plans) Order 2006* and prescribe matters required or permitted by that Order so as to make a local environmental plan as follows:

Minister for Planning and Infrastructure

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Part 1 Preliminary

Direction. In this standard instrument, provisions are identified as “compulsory” (including in certain cases only) or “optional” by those words being placed in brackets in connection with the clause or other discrete provision or provisions concerned. If an optional provision is adopted, it is to be adopted in the form (and in accordance with the directions) set out in this instrument. If an optional provision is not adopted, the number or other identifier of the provision is to be set out in the Plan with the words “Not adopted” or words to the same effect. If a compulsory provision is not applicable (because of the circumstances referred to in the heading to the provision), the number or other identifier of the provision is to be set out in the Plan with the words “Not applicable” or words to the same effect.

Any additional provisions (not inconsistent with the mandatory provisions) included in the Plan are generally to be included at the end of the Part, clause, subclause etc and are to be numbered in accordance with the usual protocol applicable to amendments made to existing Acts and statutory instruments.

1.1 Name of Plan [compulsory]

This Plan is **Campbelltown** Local Environmental Plan 2014.

1.1AA Commencement [compulsory]

This Plan commences 14 days after it is published on the NSW legislation website.

1.2 Aims of Plan [compulsory]

- (1) This Plan aims to make local environmental planning provisions for land in **Campbelltown** in accordance with the relevant standard environmental planning instrument under section 33A of the Act.
- (2) The particular aims of this Plan are as follows:
 - (a) To provide a comprehensive planning framework for the sustainable development of all land in Campbelltown;
 - (b) To facilitate Campbelltown’s development as the compact, vibrant primary business centre for the Macarthur Region, with distinct limits to urban growth and a clearly defined separation between urban and non-urban areas;
 - (c) To protect rural land, its agricultural potential, and prevent its fragmentation;
 - (d) To ensure that diverse housing opportunities are provided, including those that accord with urban consolidation principles, for all existing and future residents of Campbelltown in all stages of their lives;
 - (e) To reinforce a hierarchy of centres and strengthen the role of the Campbelltown-Macarthur Centre as the primary business centre for the Macarthur Region;
 - (f) To optimise the integration of land use and transport and encourage safe, diverse and efficient means of transport throughout Campbelltown and to other places;
 - (g) To encourage high-quality, well-designed development, that is of an appropriate design and scale to complement its setting and that enhances and encourages a safe environment;
 - (h) To ensure the adequate provision of infrastructure and services to support both existing and future development;
 - (i) To ensure high quality development which is sustainable and does not unreasonably increase the demand for public facilities, amenities and

services;

- (j) To identify, conserve and protect the Aboriginal, cultural and natural heritage of Campbelltown and to minimise any adverse impacts of development on heritage items and conservation areas;
- (k) To facilitate diverse economic growth and employment opportunities;
- (l) To conserve and enhance the environmental, scenic and landscape values of land within Campbelltown;
- (m) To maintain, protect and improve the natural environment including biodiversity and water resources;
- (n) To minimise land use conflict and the impact of development on adjoining land and on land subject to environmental hazards, particularly bushfire, flooding and salinity;
- (o) To achieve development outcomes that are commensurate with the capability and suitability of the subject land; and
- (p) To provide for the social, cultural and recreational needs of existing and future communities.

1.3 Land to which Plan applies [compulsory]

- (1) This Plan applies to the land identified on the Land Application Map.

Direction. The Land Application Map may be a separate map or be constituted by the outer boundary of the Land Zoning Map (by an annotation on that Map).

The Plan should wherever practicable apply to the whole of the local government area.

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

1.4 Definitions [compulsory]

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

1.5 Notes [compulsory]

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

1.6 Consent authority [compulsory]

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

Direction. If required another person or body may be specified as the consent authority for all or any particular kind of development.

1.7 Maps [compulsory]

- (1) A reference in this Plan to a named map adopted by this Plan is a reference to a map by that name:
 - (a) approved by the Minister when the map is adopted, and
 - (b) as amended or replaced from time to time by maps declared by environmental planning instruments to amend or replace that map, and approved by the Minister when the instruments are made.

- (2) Any 2 or more named maps may be combined into a single map. In that case, a reference in this Plan to any such named map is a reference to the relevant part or aspect of the single map.
- (3) Any such maps are to be kept and made available for public access in accordance with arrangements approved by the Minister.
- (4) For the purposes of this Plan, a map may be in, and may be kept and made available in, electronic or paper form, or both.

Direction. In order to effect a future rezoning of land subject to the Plan (or other change to a provision having effect by virtue of an adopted map), the amending local environmental plan (or other planning instrument) would not directly amend the Plan but merely declare that the relevant adopted map is amended by a named amending map.

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

1.8 Repeal of planning instruments applying to land [compulsory]

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

Note. [compulsory if any local environmental plan is wholly repealed]

The following local environmental plans are repealed under this provision:

Campbelltown Local Environmental Plan – District 8 (Central Hills Lands)
Campbelltown Local Environmental Plan No. 1
Campbelltown Local Environmental Plan No. 32
Campbelltown Local Environmental Plan No. 112 – Macquarie Field House
Campbelltown Local Environmental Plan No. 197
Campbelltown Local Environmental Plan No. 209 – Exempt Development
Interim Development Order No. 13 – City of Campbelltown
Interim Development Order No. 28 – City of Campbelltown

Exhibition Note:

Campbelltown (Urban Area) Local Environmental Plan 2002 and Interim Development Order No. 15 – City of Campbelltown are not listed in subclause 1.8(1) as they apply to some areas that constitute deferred matters and are therefore only partially repealed by this Plan.

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

Direction. Provision may also be included to repeal or amend specific instruments to reflect the operation of this clause.

1.8A Savings provision relating to development applications [local]

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

Note. However, under Division 4B of Part 3 of the Act, a development application may be made for consent to carry out development that may only be carried out if the environmental planning instrument applying to the relevant development is

appropriately amended or if a new instrument, including an appropriate principal environmental planning instrument, is made, and the consent authority may consider the application. The Division requires public notice of the development application and the draft environmental planning instrument allowing the development at the same time, or as closely together as is practicable.

1.9 Application of SEPPs [compulsory]

- (1) This Plan is subject to the provisions of any State environmental planning policy that prevails over this Plan as provided by section 36 of the Act.
- (2) The following State environmental planning policies (or provisions) do not apply to the land to which this Plan applies:

State Environmental Planning Policy No 1—Development Standards

State Environmental Planning Policy No 4—Development Without Consent and Miscellaneous Exempt and Complying Development (clause 6 and Parts 3 and 4)

State Environmental Planning Policy No 60—Exempt and Complying Development

Direction. Additional instruments (or provisions of instruments) may be added if the relevant instrument or provision is covered by this Plan.

1.9A Suspension of covenants, agreements and instruments

- (1) For the purpose of enabling development on land in any zone to be carried out in accordance with this Plan or with a development consent granted under the Act, any agreement, covenant or other similar instrument that restricts the carrying out of that development does not apply to the extent necessary to serve that purpose.
- (2) This clause does not apply:
 - (a) to a covenant imposed by the Council or that the Council requires to be imposed, or
 - (b) to any prescribed instrument within the meaning of section 183A of the *Crown Lands Act 1989*, or
 - (c) to any conservation agreement within the meaning of the *National Parks and Wildlife Act 1974*, or
 - (d) to any Trust agreement within the meaning of the *Nature Conservation Trust Act 2001*, or
 - (e) to any property vegetation plan within the meaning of the *Native Vegetation Act 2003*, or
 - (f) to any biobanking agreement within the meaning of Part 7A of the *Threatened Species Conservation Act 1995*, or
 - (g) to any planning agreement within the meaning of Division 6 of Part 4 of the Act, or
 - (h) to any conservation agreement under Division 8 of Part 7A of the *Fisheries Management Act 1994*, or
 - (i) to any heritage agreements within the meaning of Part 3B of the *Heritage Act 1977*.
- (3) This clause does not affect the rights or interests of any public authority under any registered instrument.
- (4) Under section 28 of the Act, the Governor, before the making of this clause, approved of subclauses (1)-(3).

Part 2 Permitted or prohibited development

2.1 Land use zones [compulsory]

The land use zones under this Plan are as follows:

Rural Zones

RU2 Rural Landscape

RU5 Village

RU6 Transition

Residential Zones

R2 Low Density Residential

R3 Medium Density Residential

R4 High Density Residential

R5 Large Lot Residential

Business Zones

B1 Neighbourhood Centre

B2 Local Centre

B3 Commercial Core

B4 Mixed Use
B5 Business Development
Industrial Zones
IN1 General Industrial
IN2 Light Industrial
Special Purpose Zones
SP1 Special Activities
SP2 Infrastructure
SP3 Tourist
Recreation Zones
RE1 Public Recreation
RE2 Private Recreation
Environment Protection Zones
E1 National Parks and Nature Reserves
E2 Environmental Conservation
E3 Environmental Management
E4 Environmental Living
Waterway Zones
W1 Natural Waterways

Direction 1. Additional zones or subzones are not to be prescribed.

Direction 2. If the land to which the Plan applies does not include any of the above zones, the reference to the zone in this clause and the provisions relating to it in the Land Use Table in clause 2.3 may, but need not, be included.

2.2 Zoning of land to which Plan applies [compulsory]

For the purposes of this Plan, land is within the zones shown on the Land Zoning Map.

2.3 Zone objectives and Land Use Table [compulsory]

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

the same zone.

- (4) This clause is subject to the other provisions of this Plan.

Notes.

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

2.4 Unzoned land [compulsory]

- (1) Development may be carried out on unzoned land only with development consent.
- (2) Before granting development consent, the consent authority:
 - (a) must consider whether the development will impact on adjoining zoned land and, if so, consider the objectives for development in the zones of the adjoining land, and
 - (b) must be satisfied that the development is appropriate and is compatible with permissible land uses in any such adjoining land.

2.5 Additional permitted uses for particular land [compulsory]

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

Direction 1. While this clause and Schedule 1 are compulsory, it is not compulsory to include any items in the Schedule when the Plan is first made.

Direction 2. A type of development may be included in Schedule 1 only if it is a type of development listed in Direction 5 at the beginning of the Land Use Table.

2.6 Subdivision—consent requirements [compulsory]

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

Notes.

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

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

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

2.7 Demolition requires development consent [compulsory]

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

Note. If the demolition of a building or work is identified in an applicable environmental planning instrument, such as this Plan or *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008*, as exempt development, the Act enables it to be carried out without development consent.

2.8 Temporary use of land [optional]

- (1) The objective of this clause is to provide for the temporary use of land if the use does not compromise future development of the land, or have detrimental economic, social, amenity or environmental effects on the land.
- (2) Despite any other provision of this Plan, development consent may be granted for development on land in any zone for a temporary use for a maximum period of 14 days (whether or not consecutive days) in any period of 12 months:
- (a) where land to which this plan applies is owned by the State Government or Council and is not used for the purposes of a school, college or other educational establishment, the land may, with the consent of Council:
 - (i) be used by a non-profit community organisation for a community use
 - (ii) be used for a commercial operation for no more than one day in any calendar year.
 - (b) where land to which this plan applies is used for the purposes of a school, college or other educational establishment, the land may, with the consent of Council:
 - (i) be used for a community use, or
 - (ii) be used for a commercial operation, or
 - (iii) be developed for any community purpose, whether or not the development is ancillary to the purposes of a school, college or other educational establishment.
 - (c) the Council must not grant consent to development under this clause unless the Council is satisfied that:
 - (i) effluent management arrangements are in place that have sufficient capacity to cater for peak loads generated by the development and that those arrangements will operate effectively, and
 - (ii) the stormwater run-off from the site will be appropriately collected and treated, and
 - (iii) the natural environment is not adversely impacted, or the risk of

- natural hazards increased; and
- (iv) appropriate mechanisms are in place to deal with the management of traffic and the requirement for vehicular parking generated by the proposed development.
- (3) Development consent must not be granted unless the consent authority is satisfied that:
- (a) the temporary use will not prejudice the subsequent carrying out of development on the land in accordance with this Plan and any other applicable environmental planning instrument, and
 - (b) the temporary use will not adversely impact on any adjoining land or the amenity of the neighbourhood, and
 - (c) the temporary use and location of any structures related to the use will not adversely impact on environmental attributes or features of the land, or increase the risk of natural hazards that may affect the land, and
 - (d) at the end of the temporary use period the land will, as far as is practicable, be restored to the condition in which it was before the commencement of the use.
- (4) Despite subclause (2), the temporary use of a dwelling as a sales office for a new release area or a new housing estate may exceed the maximum number of days specified in that subclause.
- (5) Subclause (3) (d) does not apply to the temporary use of a dwelling as a sales office mentioned in subclause (4).

Direction. Other specific exceptions to subclause (2) may be added.

Land Use Table

Note. A type of development referred to in the Land Use Table is a reference to that type of development only to the extent it is not regulated by an applicable State environmental planning policy. The following State environmental planning policies in particular may be relevant to development on land to which this Plan applies:

State Environmental Planning Policy (Affordable Rental Housing) 2009 (including provision for secondary dwellings)

State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004

State Environmental Planning Policy (Infrastructure) 2007—relating to infrastructure facilities such as those that comprise, or are for, air transport, correction, education, electricity generating works and solar energy systems, health services, ports, railways, roads, waste management and water supply systems

State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) 2007

State Environmental Planning Policy (Rural Lands) 2008

State Environmental Planning Policy No 33—Hazardous and Offensive Development

State Environmental Planning Policy No 50—Canal Estate Development

State Environmental Planning Policy No 62—Sustainable Aquaculture

State Environmental Planning Policy No 64—Advertising and Signage

Direction 1. Additional objectives may be included in a zone at the end of the listed objectives to reflect particular local objectives of development, but only if they are consistent with the core objectives for development in the zone as set out in the Land Use Table.

Direction 2. Specified uses may be added to (but not removed from) the list of development that is permitted or prohibited in a zone. Additional uses may be added to an item of a zone even if some uses are already specified in that item. Additional permitted uses for particular land (but not all land in a particular zone) may be set out in Schedule 1.

Direction 3. Items 2, 3 and 4 of each zone require a relevant entry to be inserted. The following may be entered:

- (a) particular uses,
 - (b) the word "Nil",
 - (c) the words "Any development not specified in item [*specify item number or numbers*]",
- so long as all residual (ie non-specified) uses are covered.

Direction 4. Respite day care centres must be permitted wherever a child care centre is permitted in the Land Use Table.

Direction 5. Only the following types of development may be included in the Land Use Table:

Advertising structures; Agricultural produce industries; Agriculture; Air transport facilities; Airports; Airstrips; Amusement centres; Animal boarding or training establishments; Aquaculture; Attached dwellings

Backpackers' accommodation; Bed and breakfast accommodation; Bee keeping; Biosolids treatment facilities; Boarding houses; Boat launching ramps; Boat building and repair facilities; Boat sheds; Building identification signs; Bulky goods premises; Business identification signs; Business premises

Camping grounds; Car parks; Caravan parks; Cellar door premises; Cemeteries; Charter and tourism boating facilities; Child care centres; Commercial premises; Community facilities; Correctional centres; Crematoria

Dairies (pasture-based); Dairies (restricted); Depots; Dual occupancies; Dual occupancies (attached); Dual occupancies (detached); Dwelling houses

Eco-tourist facilities; Educational establishments; Electricity generating works; Emergency services facilities; Entertainment facilities; Environmental facilities; Environmental protection works; Exhibition homes; Exhibition villages; Extensive agriculture; Extractive industries

Farm buildings; Farm stay accommodation; Feedlots; Flood mitigation works; Food and drink premises; Forestry; Freight transport facilities; Function centres; Funeral homes

Garden centres; General industries; Group homes; Group homes (permanent) or permanent group homes; Group homes (transitional) or transitional group homes

Hardware and building supplies; Hazardous industries; Hazardous storage establishments; Health consulting rooms; Health services facilities; Heavy industrial storage establishments; Heavy industries; Helipads; Heliports; High technology industries; Highway service centres; Home-based child care; Home businesses; Home industries; Home occupations; Home occupations (sex services); Horticulture; Hospitals; Hostels; Hotel or motel accommodation

Industrial retail outlets; Industrial training facilities; Industries; Information and education facilities; Intensive livestock agriculture; Intensive plant agriculture

Jetties

Kiosks

Landscaping material supplies; Light industries; Liquid fuel depots; Livestock processing industries

Marinas; Markets; Medical centres; Mooring pens; Moorings; Mortuaries; Multi dwelling housing

Neighbourhood shops

Offensive industries; Offensive storage establishments; Office premises; Open cut mining

Passenger transport facilities; Places of public worship; Plant nurseries; Port facilities; Public administration buildings; Pubs

Recreation areas; Recreation facilities (indoor); Recreation facilities (major); Recreation facilities (outdoor); Registered clubs; Research stations; Residential accommodation; Residential care facilities; Residential flat buildings; Resource recovery facilities; Respite day care centres; Restaurants or cafes; Restricted premises; Retail premises; Roads; Roadside stalls; Rural industries; Rural supplies; Rural workers' dwellings

Sawmill or log processing works; Schools; Secondary dwellings; Self-storage units; Semi-detached dwellings; Seniors housing; Service stations; Serviced apartments; Sewage reticulation systems; Sewage treatment plants; Sewerage systems; Sex services premises; Shops; Shop top housing; Signage; Stock and sale yards; Storage premises

Take away food and drink premises; Timber yards; Tourist and visitor accommodation; Transport depots; Truck depots; Turf farming

Vehicle body repair workshops; Vehicle repair stations; Vehicle sales or hire premises; Veterinary hospitals; Viticulture

Warehouse or distribution centres; Waste disposal facilities; Waste or resource

management facilities; Waste or resource transfer stations; Water recreation structures; Water recycling facilities; Water reticulation systems; Water storage facilities; Water supply systems; Water treatment facilities; Wharf or boating facilities; Wholesale supplies

Exhibition Note:

Council has included "Earthworks" and "Drainage" in the Land Use Table as it has asked NSW Planning and Infrastructure to consider allowing the inclusion of these land uses. However, it should be noted that this matter has not been resolved and Council may be required to remove these land uses from the Land Use Table at a later date.

Land uses shown in green text in the Land Use Table are uses that are encompassed in the group definitions and are included in the Exhibition Version of the Draft LEP for clarity only. They will not be included in the final version of the LEP.

Land uses shown in purple text denote some land uses that are permitted under State Environmental Planning Policies and are included in the Exhibition Version of the Draft LEP for clarity only. They will not be included in the final version of the LEP.

Zone RU1 Primary Production

Not used.

Zone RU2 Rural Landscape

Direction. The following must be included as either "Permitted without consent" or "Permitted with consent" for this zone:

Environmental protection works

Farm buildings

Roads

1 Objectives of zone

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

2 Permitted without consent

Extensive agriculture (Bee keeping; Dairy (pasture based)); Home occupations.

3 Permitted with consent

Agricultural produce industries; Animal boarding or training establishments; Bed and breakfast accommodation; Boat launching ramps; Building identification signs; Business identification signs; Camping grounds; Car parks; Cellar door premises; Child care centres; Community facilities; Drainage; Dual occupancies (attached); Dwelling houses; Earthworks; Educational establishments (schools); Environmental facilities; Environmental protection works; Farm buildings; Farm stay accommodation;

Flood mitigation works; Helipad; Home-based childcare; Home businesses; Home industries; Information and education facilities; Intensive plant agriculture (horticulture; turf farming; viticulture); Recreation areas; Recreation facilities (outdoor); Research stations; Respite day care centres; Roads; Roadside stalls; Rural workers dwellings; Veterinary hospitals.

4 Prohibited

Any development not specified in item 2 or 3.

Zone RU3 Forestry

Not used.

Zone RU4 Primary Production Small Lots

Not used.

Zone RU5 Village

Direction. The following must be included as either "Permitted without consent" or "Permitted with consent" for this zone:

Roads

1 Objectives of zone

- To provide for a range of land uses, services and facilities that are associated with a rural village.
- To minimise adverse environmental impacts on adjoining land uses and the natural environment.
- To maintain environmental and visual amenity.

2 Permitted without consent

Home occupations.

3 Permitted with consent

Bed and breakfast accommodation; Building identification signs; Business identification signs; Business premises (funeral homes); Car parks; Child care centres; Community facilities; Drainage; Dwelling houses; Earthworks; Educational establishments (schools); Environmental facilities; Environmental protection works; Flood mitigation works; Food and drink premises (Pubs; Restaurants or cafes; Small bars; Take-away food and drink premises); Garden centres; Hardware and building supplies; Health consulting rooms; Home-based childcare; Home businesses; Home industries; Information and education facilities; Markets; Medical centres; Neighbourhood shops; Office premises; Places of public worship; Plant nurseries; Public administration buildings; Recreation areas; Recreation facilities (indoor); Recreation facilities (outdoor); Respite day care centres; Roads; Roadside stalls; Rural supplies; Schools; Service stations; Shop top housing; Veterinary hospitals.

4 Prohibited

Any development not specified in item 2 or 3.

Zone RU6 Transition

Direction. The following must be included as either "Permitted without consent" or "Permitted with consent" for this zone:

Roads

1 Objectives of zone

- To protect and maintain land that provides a transition between rural and other land uses of varying intensities or environmental sensitivities.
- To minimise conflict between land uses within this zone and land uses within adjoining zones.
- To enable the orderly and productive use of transitional lands.
- To ensure that development does not have a detrimental visual impact when viewed from surrounding land and roads.

2 Permitted without consent

Home occupations.

3 Permitted with consent

Building identification signs; Business identification signs; Drainage; Dwelling houses; Dual occupancies (attached); Earthworks; Educational establishments (schools); Emergency services facilities; Flood mitigation works; Garden centres; Home businesses; Landscaping materials supplies; Plant nurseries; Recreation facilities (outdoor); Roads; Service Stations.

4 Prohibited

Advertising structures; Any development not specified in item 2 or 3.

Zone R1 General Residential

Not used.

Zone R2 Low Density Residential

Direction. The following must be included as either "Permitted without consent" or "Permitted with consent" for this zone:

Roads

1 Objectives of zone

- To provide for the housing needs of the community within a low density residential environment.
- To enable other land uses that provide facilities or services to meet the day to day needs of residents.
- To enable development for purposes other than residential only if that

development is compatible with the character of the living area and is of a domestic scale.

- To minimise overshadowing and ensure a desired level of solar access to all properties.

2 Permitted without consent

Home occupations.

3 Permitted with consent

Boarding houses; Building identification signs; Business identification signs; Childcare centres; Community facilities; Drainage; Dual occupancies (Dual occupancies (attached); Dual occupancies (detached)); Dwelling houses; Earthworks; Emergency services facilities; Environmental facilities; Environmental protection works; Exhibition homes; Exhibition villages; Flood mitigation works; Group homes (Group homes (permanent); Group homes (transitional)); Home-based childcare; Home businesses; Home industries; Multi dwelling housing; Places of public worship; Recreation areas; Recreation facilities (outdoor); Residential care facilities; Respite day care centres; Roads; Schools; Secondary dwellings; Semi-detached dwellings.

4 Prohibited

Any development not specified in item 2 or 3.

Zone R3 Medium Density Residential

Direction. The following must be included as either "Permitted without consent" or "Permitted with consent" for this zone:

Roads

1 Objectives of zone

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

2 Permitted without consent

Nil.

3 Permitted with consent

Attached dwellings; Boarding houses; Building identification signs; Business identification signs; Car parks; Child care centres; Community facilities; Drainage; Dual occupancies (Dual occupancies (attached); Dual occupancies (detached)); Dwelling houses; Earthworks; Educational establishments (schools); Emergency services facilities; Environmental facilities; Environmental protection works; Exhibition homes; Exhibition villages; Flood mitigation works; Group homes (Group homes (permanent); Group homes (transitional)); Health consulting rooms; Home-based child care (in dwelling houses only); Home businesses; Home occupations; Medical centres; Multi dwelling housing; Neighbourhood shops; Places of public worship; Recreation areas; Recreation facilities (outdoor); Respite day care centres; Roads; Semi-detached dwellings; Seniors housing (Residential care facilities); Secondary dwellings; Shop top housing.

4 Prohibited

Any development not specified in item 2 or 3.

Zone R4 High Density Residential

Direction. The following must be included as either "Permitted without consent" or "Permitted with consent" for this zone:

Roads

1 Objectives of zone

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

2 Permitted without consent

Nil.

3 Permitted with consent

Boarding houses; Building identification signs; Business identification signs; Car parks; Child care centres; Community facilities; Drainage; Earthworks; Emergency services facilities; Environmental facilities; Environmental protection works; Exhibition homes; Exhibition villages; Flood mitigation works; Home businesses; Home occupations; Neighbourhood shops; Places of public worship; Recreation areas; Recreation facilities (outdoor); Residential flat buildings; Respite day care centres; Roads; Secondary dwellings; Seniors housing (Residential care facilities); Serviced apartments; Shop top housing.

4 Prohibited

Any development not specified in item 2 or 3.

Zone R5 Large Lot Residential

Direction. The following must be included as either "Permitted without consent" or "Permitted with consent" for this zone:

Roads

1 Objectives of zone

- To provide residential housing in a rural setting while preserving, and minimising impacts on, environmentally sensitive locations and scenic quality.
- To ensure that large residential lots do not hinder the proper and orderly development of urban areas in the future.
- To ensure that development in the area does not unreasonably increase the demand for public services or public facilities.
- To minimise conflict between land uses within this zone and land uses within adjoining zones.
- To enable development for certain purposes other than residential only if that development is compatible with the character and scale of the living area.
- To minimise overshadowing and ensure a desired level of solar access to all properties.

2 Permitted without consent

Home occupations.

3 Permitted with consent

Building identification signs; Business identification signs; Child care centres; Community facilities; Drainage; Dual occupancies (attached); Dwelling houses; Earthworks; Educational establishments (schools); Emergency services facilities; Environmental facilities; Environmental protection works; Exhibition homes; Exhibition villages; Flood mitigation works; Home-based child care; Home businesses; Home industries; Recreation areas; Recreation facilities (outdoor); Respite day care centres; Roads; Secondary dwellings.

4 Prohibited

Any development not specified in item 2 or 3.

Zone B1 Neighbourhood Centre

Direction. The following must be included as either "Permitted without consent" or "Permitted with consent" for this zone:

Roads

1 Objectives of zone

- To provide a range of small-scale retail, business and community uses that serve the needs of people who live or work in the surrounding neighbourhood.
- To support public transport patronage and encourage walking and cycling.
- To achieve an accessible, attractive and safe public domain.
- To allow small-scale residential development in conjunction with retail, business and commercial uses in a manner that increases the vitality of the surrounding neighbourhood.

2 Permitted without consent

Nil.

3 Permitted with consent

Boarding houses; Business premises (funeral homes); Car parks; Child care centres; Community facilities; Drainage; Earthworks; Educational establishments (schools); Environmental facilities; Environmental protection works; Flood mitigation works; Hardware and building supplies; Home businesses; Home occupations; Information and education facilities; Medical centres; Neighbourhood shops; Plant nurseries; Recreation areas; Recreation facilities (indoor); Recreation facilities (outdoor); Respite day care centres; Restaurants or cafes; Roads; Service stations; Shop top housing; Signage (Advertising structures; Building identification signs; Business identification signs); Take-away food and drink premises; Veterinary hospitals.

4 Prohibited

Any development not specified in item 2 or 3.

Zone B2 Local Centre

Direction. The following must be included as either "Permitted without consent" or "Permitted with consent" for this zone:

Roads

1 Objectives of zone

- To provide a range of retail, business, entertainment and community uses that serve the needs of people who live in, work in and visit the local area.
- To encourage employment opportunities in accessible locations.

- To maximise public transport patronage and encourage walking and cycling.
- To achieve an accessible, attractive and safe public domain.
- To provide for appropriate residential development in the form of shop top housing to support the vitality of the local area.

2 Permitted without consent

Nil.

3 Permitted with consent

Amusement centres; Boarding houses; Car parks; Child care centres; Commercial premises (Business premises – (Funeral homes); Office premises; Retail premises – (Bulky goods premises; Cellar door premises; Food and drink premises – Pubs; Restaurants or cafes; Small bars; Take-away food and drink premises); Garden centres; Hardware and building supplies; Kiosks; Landscaping material supplies; Markets; Plant nurseries; Roadside stalls; Rural supplies; Shops – (Neighbourhood shops); Timber yards; Vehicle sales or hire premises;); Community facilities; Drainage; Earthworks; Educational establishments (schools); Entertainment facilities; Environmental facilities; Environmental protection works; Flood mitigation works; Function centres; Health consulting rooms; Home businesses; Home occupations; Information and education facilities; Medical centres; Passenger transport facilities; Places of public worship; Public administration buildings; Recreation areas; Recreation facilities (indoor); Recreation facilities (outdoor); Registered clubs; Respite day care centres; Restricted premises; Roads; Service stations; Shop top housing; Signage (Advertising structures; Building identification signs; Business identification signs); Tourist and visitor accommodation (Backpacker's accommodation; Bed and breakfast accommodation; Farm stay accommodation; Hotel or motel accommodation; Serviced apartments); Veterinary hospitals.

4 Prohibited

Any development not specified in item 2 or 3.

Zone B3 Commercial Core

Direction. The following must be included as either "Permitted without consent" or "Permitted with consent" for this zone:

Roads

1 Objectives of zone

- To provide a wide range of retail, business, office, entertainment, community and other suitable land uses that serve the needs of the local and wider community.
- To encourage appropriate employment opportunities in accessible locations.
- To maximise public transport patronage and encourage walking and cycling.
- To strengthen the role of the Campbelltown-Macarthur Centre as the primary business, retail and cultural centre for the Macarthur Region and provide a focal point for commercial investment and development.

- To achieve an accessible, attractive and safe public domain.
- To provide for residential development via mixed-use development that contributes to the vitality of the Campbelltown-MacArthur City Centre.

2 Permitted without consent

Nil.

3 Permitted with consent

Amusement centres; Car parks; Child care centres; Commercial premises (Business premises – (Funeral homes); Office premises; Retail premises – (Bulky goods premises; Cellar door premises; Food and drink premises – Pubs; Restaurants or cafes; Small bars; Take-away food and drink premises); Garden centres; Hardware and building supplies; Kiosks; Landscaping material supplies; Markets; Plant nurseries; Roadside stalls; Rural supplies; Shops – (Neighbourhood shops); Timber yards; Vehicle sales or hire premises;); Community facilities; Drainage; Earthworks; Educational establishments (schools); Entertainment facilities; Environmental facilities; Environmental protection works; Flood mitigation works; Function centres; Helipads; Home businesses; Home occupations; Hotel or motel accommodation; Information and education facilities; Medical centres; Mortuaries; Passenger transport facilities; Places of public worship; Public administration buildings; Recreation areas; Recreation facilities (indoor); Recreation facilities (outdoor); Registered clubs; Respite day care centres; Restricted premises; Roads; Service stations; Shop top housing; Signage (Advertising structures; Building identification signs; Business identification signs); Veterinary hospitals.

4 Prohibited

Any development not specified in item 2 or 3.

Zone B4 Mixed Use

Direction. The following must be included as either "Permitted without consent" or "Permitted with consent" for this zone:

Roads

1 Objectives of zone

- To provide a mixture of compatible land uses.
- To integrate suitable business, office, residential, retail and other development in accessible locations so as to maximise public transport patronage and encourage walking and cycling.
- To encourage the timely renewal and revitalisation of centres that are undergoing growth or change.
- To create vibrant, active and safe communities and economically sustainable employment centres.
- To provide a focal point for commercial investment, employment opportunities and centre-based living.
- To encourage the development of mixed-use buildings that

accommodate a range of uses, including residential, and that have high residential amenity and active street frontages.

- To facilitate diverse and vibrant centres and neighbourhoods.
- To achieve an accessible, attractive and safe public domain.

2 Permitted without consent

Nil.

3 Permitted with consent

Amusement centres; Boarding houses; Car parks; Child care centres; Commercial premises (Business premises – (Funeral homes); Office premises; Retail premises – (Bulky goods premises; Cellar door premises; Food and drink premises – Pubs; Restaurants or cafes; Small bars; Take-away food and drink premises); Garden centres; Hardware and building supplies; Kiosks; Landscaping material supplies; Markets; Plant nurseries; Roadside stalls; Rural supplies; Shops – (Neighbourhood shops); Timber yards; Vehicle sales or hire premises;); Community facilities; Drainage; Earthworks; Educational establishments (schools); Entertainment facilities; Environmental facilities; Environmental protection works; Flood mitigation works; Function centres; Helipad; Home businesses; Home occupations; Hotel or motel accommodation; Information and education facilities; Medical centres; Mortuaries; Passenger transport facilities; Places of public worship; Public administration buildings; Recreation areas; Recreation facilities (indoor); Recreation facilities (outdoor); Registered clubs; Residential Flat Buildings; Respite day care centres; Restricted premises; Roads; Seniors housing (Residential care facilities); Service stations; Serviced apartments; Shop top housing; Signage (Advertising structures; Building identification signs; Business identification signs); Veterinary hospitals.

4 Prohibited

Any development not specified in item 2 or 3.

Zone B5 Business Development

Direction. The following must be included as either “Permitted without consent” or “Permitted with consent” for this zone:

Roads

1 Objectives of zone

- To enable a mix of business and warehouse uses, and bulky goods premises that require a large floor area, in locations that are close to, and that support the viability of, centres.
- To build and maintain the economic strength of existing centres by limiting retailing activity and discouraging office development.
- To encourage the development and continuation of light industries, and to enable their successful integration and coexistence with other uses permissible within the zone.
- To provide for a range of facilities and services to meet the day-to-day needs of workers in the area.

2 Permitted without consent

Nil.

3 Permitted with consent

Amusement centres; Backpackers' accommodation; Bulky goods premises; Car parks; Child care centres; Community facilities; Depots; Drainage; Earthworks; Environmental protection works; Flood mitigation works; Funeral homes; Garden centres; Hardware and building supplies; Highway service centres; Hotel or motel accommodation; Industrial retail outlets; Industrial training facilities; Landscaping material supplies; Light industries (High technology industries; Home industries;); Mortuaries; Passenger transport facilities; Places of public worship; Public administration buildings; Plant nurseries; Recreation facilities (indoor); Registered clubs; Respite day care centres; Restaurants or cafes; Restricted premises; Roads; Rural supplies; Self storage units; Service stations; Serviced apartments; Sex services premises; Signage (Advertising structures; Building identification signs; Business identification signs); Small bars; Take-away food and drink premises; Vehicle sales or hire premises; Veterinary hospitals; Warehouse or distribution centres; Wholesale supplies.

4 Prohibited

Any development not specified in item 2 or 3.

Zone B6 Enterprise Corridor

Not used.

Zone B7 Business Park

Not used.

Zone B8 Metropolitan Centre

Not applicable.

Zone IN1 General Industrial

Direction. The following must be included as either "Permitted without consent" or "Permitted with consent" for this zone:

Roads

1 Objectives of zone

- To provide a wide range of industrial and warehouse land uses.
- To encourage employment opportunities.

- To minimise any adverse effect of industry on other land uses.
- To support and protect industrial land for industrial uses.
- To provide for a range of facilities and services to meet the day-to-day needs of workers in the area.
- To enable non-industrial land uses that are compatible with and do not detract from industrial and warehouse uses or impact on the viability of existing centres.
- To ensure that any commercial, retail or other non-industrial development is not likely to adversely affect employment generating activities or opportunities.

2 Permitted without consent

Nil.

3 Permitted with consent

Animal boarding or training establishments; Boat building and repair facilities; Car parks; Depots; Drainage; Earthworks; Environmental facilities; Environmental protection works; Flood mitigation works; Freight transport facilities; General industries; Helipads; Highway service centres; Industrial retail outlets; Industrial training facilities; Kiosks; Landscaping materials supplies; Light industries (High technology industries; home industries); Mortuaries; Neighbourhood shops; Passenger transport facilities; Places of public worship; Roads; Rural Industries (Agricultural produce industries; Livestock processing industries; Sawmill or log processing industries; Stock and sale yards); Rural Supplies; Service stations; Sex services premises; Signage (Advertising structures; Building identification signs; Business identification signs); Storage premises (self-storage units); Take-away food and drink premises; Transport depots; Truck depots; Vehicle body repair workshops; Vehicle repair stations; Veterinary hospitals; Warehouse or distribution centres.

4 Prohibited

Any development not specified in item 2 or 3.

Zone IN2 Light Industrial

Direction. The following must be included as either "Permitted without consent" or "Permitted with consent" for this zone:

Roads

1 Objectives of zone

- To provide a wide range of light industrial, warehouse and related land uses.
- To encourage employment opportunities and to support the viability of centres.
- To minimise any adverse effect of industry on other land uses.
- To enable other land uses that provide facilities or services to meet the day to day needs of workers in the area.
- To support and protect industrial land for industrial uses.
- To enable non-industrial land uses that are compatible with and do not

detract from industrial and warehouse uses or impact on the viability of existing centres.

- To ensure that any commercial, retail or other non-industrial development is not likely to adversely affect employment generating activities or opportunities.

2 Permitted without consent

Nil.

3 Permitted with consent

Agricultural produce industries; Bulky goods premises; Car parks; Depots; Drainage; Earthworks; Environmental facilities; Environmental protection works; Flood mitigation works; Garden centres; Industrial retail outlets; Industrial training facilities; Kiosks; Landscaping material supplies; Light industries (High technology industries; home industries); Mortuaries; Neighbourhood shops; Places of public worship; Recreation facilities (indoor); Research stations; Roads; Rural Supplies; Service stations; Sex services premises; Signage (Advertising structures; building identification signs; business identification signs); Self-storage units; Take-away food and drink premises; Timber yards; Vehicle repair stations; Vehicle sales or hire premises; Veterinary hospitals; Warehouse or distribution centres; Wholesale supplies.

4 Prohibited

Any development not specified in item 2 or 3.

Zone IN3 Heavy Industrial

Not used.

Zone IN4 Working Waterfront

Not used.

Zone SP1 Special Activities

1 Objectives of zone

- To provide for special land uses that are not provided for in other zones.
- To provide for sites with special natural characteristics that are not provided for in other zones.
- To facilitate development that is in keeping with the special characteristics of the site or its existing or intended special use, and that minimises any adverse impacts on surrounding land.
- To facilitate development that is ancillary or incidental to the special land uses provided for in this zone.
- To provide for the retention and creation of view corridors.

- To preserve bushland, wildlife corridors and natural habitat.
- To protect and enhance areas of scenic value, including the visual amenity of prominent ridgelines, and to provide visual contrast to nearby urban development.

2 Permitted without consent

Nil.

3 Permitted with consent

The purpose shown on the Land Zoning Map, including any development that is ordinarily incidental or ancillary to development for that purpose; **Drainage; Earthworks; Flood mitigation works; Roads.**

4 Prohibited

Any development not specified in item 2 or 3.

Zone SP2 Infrastructure

Direction. The following must be included as either "Permitted without consent" or "Permitted with consent" for this zone:

Roads

1 Objectives of zone

- To provide for infrastructure and related uses.
- To prevent development that is not compatible with or that may detract from the provision of infrastructure.
- To encourage activities involving research and development.
- To optimise value-adding development opportunities, particularly those associated with research.
- To provide for the retention and creation of view corridors.
- To preserve bushland, wildlife corridors and natural habitat.
- To maintain the visual amenity of prominent ridgelines.

2 Permitted without consent

Nil.

3 Permitted with consent

The purpose shown on the Land Zoning Map, including any development that is ordinarily incidental or ancillary to development for that purpose; **Drainage; Earthworks; Flood mitigation works; Roads.**

4 Prohibited

Any development not specified in item 2 or 3.

Zone SP3 Tourist

Direction. The following must be included as either "Permitted without consent" or "Permitted with consent" for this zone:

Roads

1 Objectives of zone

- To provide for a variety of tourist-oriented development and related uses.
- To facilitate the development of a tourist precinct within the Campbelltown-MacArthur Centre focused on its cultural facilities and historic character.
- To encourage development of a type that will facilitate the sympathetic adaptive reuse of heritage items located within the zone.

2 Permitted without consent

Nil.

3 Permitted with consent

Amusement centres; Building identification sign; Business identification sign; Business premises (Funeral homes); Car parks; Community facilities; Drainage; Earthworks; Emergency services facilities; Entertainment facilities; Environmental protection works; Flood mitigation works; Food and drink premises (Pubs; Restaurants or cafes; Take-away food and drink premises); Function centres; Helipads; Information and education facilities; Kiosks; Markets; Medical centres; Passenger transport facilities; Public administration buildings; Recreation areas; Recreation facilities (indoor); Recreation facilities (outdoor); Registered clubs; Roads; Shops (Neighbourhood shops); Small bars; Tourist and visitor accommodation (Backpackers' accommodation; Bed and breakfast accommodation; Farm stay accommodation; Hotel or motel accommodation; Serviced apartments).

4 Prohibited

Any development not specified in item 2 or 3.

Zone RE1 Public Recreation

Direction. The following must be included as either "Permitted without consent" or "Permitted with consent" for this zone:

Environmental facilities

Environmental protection works

Roads

1 Objectives of zone

- To enable land to be used for public open space or recreational purposes.
- To provide a range of recreational settings and activities and compatible land uses.
- To protect and enhance the natural environment for recreational purposes.
- To facilitate the multiple use of certain open space areas.
- To facilitate development that is ancillary or incidental to the special land uses provided for in this zone.
- To provide for the sufficient and equitable distribution of public open

space to meet the needs of the local community.

- To preserve and rehabilitate bushland, wildlife corridors and natural habitat, including waterways and riparian lands, and facilitate public enjoyment of these areas.
- To provide for the retention and creation of view corridors.
- To protect and enhance areas of scenic value and the visual amenity of prominent ridgelines.
- To preserve land that is required for public open space or recreational purposes.

2 Permitted without consent

Nil.

3 Permitted with consent

Boat launching ramps; Camping grounds; Car parks; Community facilities; Drainage; Earthworks; Emergency services facilities; Environmental facilities; Environmental protection works; Flood mitigation works; Helipad; Information and education facilities; Jetties; Kiosks; Markets; Recreation areas; Recreation facilities (indoor); Recreation facilities (major); Recreation facilities (outdoor); Registered clubs; Restaurants or cafes; Roads; Signage (Advertising structures; building identification signs; business identification signs); Small bars; Water recreation structures; Water supply systems (Water reticulation systems; Water storage facilities; Water treatment facilities).

4 Prohibited

Any development not specified in item 2 or 3.

Zone RE2 Private Recreation

Direction. The following must be included as either "Permitted without consent" or "Permitted with consent" for this zone:

Environmental facilities

Environmental protection works

Roads

1 Objectives of zone

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

2 Permitted without consent

Nil.

3 Permitted with consent

Boat launching ramps; Car parks; Community facilities; Drainage; Earthworks; Eco tourist facilities; Emergency services facilities; Environmental facilities; Environmental protection works; Flood mitigation works; Information and education facilities; Jetties; Kiosks; Markets; Recreation areas; Recreation facilities (indoor); Recreation facilities (major); Recreation facilities (outdoor); Registered clubs; Restaurants or cafes; Roads; Signage (Advertising structures; building identification signs; business identification signs); Small bars; Water recreation structures; Water supply systems (Water reticulation systems; Water storage facilities; Water treatment facilities).

4 Prohibited

Any development not specified in item 2 or 3.

Zone E1 National Parks and Nature Reserves

1 Objectives of zone

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

2 Permitted without consent

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

3 Permitted with consent

Nil.

4 Prohibited

Any development not specified in item 2 or 3.

Zone E2 Environmental Conservation

Direction. The following must be included as either "Permitted without consent" or "Permitted with consent" for this zone:

Environmental protection works

1 Objectives of zone

- To protect, manage and restore areas of high ecological, scientific, cultural or aesthetic values.

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

2 Permitted without consent

Nil.

3 Permitted with consent

Building identification signs; Business identification signs; Drainage; Earthworks; Eco tourist facilities; Environmental facilities; Environmental protection works; Flood mitigation works; Information and education facilities; Roads.

4 Prohibited

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

Zone E3 Environmental Management

Direction. The following must be included as either "Permitted without consent" or "Permitted with consent" for this zone:

Environmental protection works

Roads

Home industries, kiosks, cellar door premises, neighbourhood shops and roadside stalls may (but need not) be included as permitted with consent.

Note: State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) 2007 may apply to land within this zone.

1 Objectives of zone

- To protect, manage and restore areas with special ecological, scientific, cultural or aesthetic values.
- To provide for a limited range of development that does not have an adverse effect on those values.
- To enable development for purposes other than rural-residential only if that development is compatible and complementary, in terms of design, size and scale, with the character of the surrounding area.
- To allow cellar door premises, restaurants and cafes only where they are directly associated with the agricultural use of the land.
- To protect, and maintain the environmental and visual amenity of, the Scenic Hills, the Wedderburn Plateau and environmentally sensitive lands in the vicinity of the Georges River from inappropriate development.
- To protect and enhance areas of scenic value and the visual amenity of

prominent ridgelines.

- To protect bushland, wildlife corridors and natural habitat, including waterways and riparian lands.
- To ensure the preservation and maintenance of environmentally significant and environmentally sensitive land.

2 Permitted without consent

Home occupations.

3 Permitted with consent

Animal boarding or training establishments; Bed and breakfast accommodation; Building identification signs; Business identification signs; Cellar door premises; Drainage; Dual occupancies (attached); Dwelling houses; Earthworks; Educational establishments (Schools); Emergency services facilities; Environmental protection works; Environmental facilities; Extensive agriculture (Bee keeping; Dairies (pasture-based)); Farm buildings; Farm stay accommodation; Flood mitigation works; Home-based child care; Home businesses; Home industries; Horticulture; Places of public worship; Recreation areas; Restaurants or cafes; Roads; Rural workers dwellings; Viticulture; Water supply systems (Water reticulation systems; Water storage facilities; Water treatment facilities).

4 Prohibited

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

Note. A local clause outlines the special conditions that apply to cellar door premises and restaurants within zone E3.

Zone E4 Environmental Living

Direction. The following must be included as either "Permitted without consent" or "Permitted with consent" for this zone:

Environmental protection works

Roads

Home industries may (but need not) be included as permitted with consent.

1 Objectives of zone

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

- To maintain significant stands of native vegetation, and wildlife and riparian corridors.
- To ensure the preservation and maintenance of environmentally significant and environmentally sensitive land.

2 Permitted without consent

Home occupations.

3 Permitted with consent

Building identification signs; Business identification signs; Child care centres; Community facilities; Drainage; Dual occupancies (attached); Dwelling houses; Earthworks; Educational establishments (Schools); Eco-tourist facilities; Environmental protection works; Emergency services facilities; Environmental facilities; Extensive agriculture (Bee keeping; dairy (pasture-based)); Farm buildings; Flood mitigation works; Horticulture; Home-based child care centres; Home businesses; Home industries; Recreations areas; Recreation facilities (outdoor); Respite day care centres; Roads; Water supply systems (Water reticulation systems; Water storage facilities; Water treatment facilities); Viticulture.

4 Prohibited

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

Zone W1 Natural Waterways

Direction. The following must be included as either "Permitted without consent" or "Permitted with consent" for this zone:

Environmental facilities

Environmental protection works

1 Objectives of zone

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

2 Permitted without consent

Nil.

3 Permitted with consent

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

4 Prohibited

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

Zone W2 Recreational Waterways

Not used.

Zone W2 Working Waterways

Not used.

Part 3 Exempt and complying development

3.1 Exempt development [compulsory]

Note. Under section 76 of the Act, exempt development may be carried out without the need for development consent under Part 4 of the Act or for assessment under Part 5 of the Act.

The section states that exempt development:

- (a) must be of minimal environmental impact, and
 - (b) cannot be carried out in critical habitat of an endangered species, population or ecological community (identified under the *Threatened Species Conservation Act 1995* or the *Fisheries Management Act 1994*), and
 - (c) cannot be carried out in a wilderness area (identified under the *Wilderness Act 1987*).
- (1) The objective of this clause is to identify development of minimal environmental impact as exempt development.
 - (2) Development specified in Schedule 2 that meets the standards for the development contained in that Schedule and that complies with the requirements of this Part is exempt development.
 - (3) To be exempt development, the development:
 - (a) must meet the relevant deemed-to-satisfy provisions of the *Building Code of Australia* or, if there are no such relevant provisions, must be structurally adequate, and
 - (b) must not, if it relates to an existing building, cause the building to contravene the *Building Code of Australia*, and

- (c) must not be designated development, and
 - (d) must not be carried out on land that comprises, or on which there is, an item that is listed on the State Heritage Register under the *Heritage Act 1977* or that is subject to an interim heritage order under the *Heritage Act 1977*.
 - (e) (Repealed)
- (4) Development that relates to an existing building that is classified under the *Building Code of Australia* as class 1b or class 2–9 is exempt development only if:
- (a) the building has a current fire safety certificate or fire safety statement, or
 - (b) no fire safety measures are currently implemented, required or proposed for the building.
- (5) To be exempt development, the development must:
- (a) be installed in accordance with the manufacturer’s specifications, if applicable, and
 - (b) not involve the removal or pruning of a tree or other vegetation that requires a permit or development consent for removal or pruning, unless that removal or pruning is undertaken in accordance with a permit or development consent.
- Note.** A permit for the removal or pruning of a tree or other vegetation may be granted under this Plan. A development consent for the removal of native vegetation may be granted where relevant under the *Native Vegetation Act 2003*.
- (6) A heading to an item in Schedule 2 is part of that Schedule.

3.2 Complying development [compulsory]

Note. Under section 76A of the Act, development consent for the carrying out of complying development may be obtained by the issue of a complying development certificate.

The section states that development cannot be complying development if:

- (a) it is on land that is critical habitat of an endangered species, population or ecological community (identified under the *Threatened Species Conservation Act 1995* or the *Fisheries Management Act 1994*), or
 - (b) it is on land within a wilderness area (identified under the *Wilderness Act 1987*), or
 - (c) the development is designated development, or
 - (d) the development is on land that comprises, or on which there is, an item of environmental heritage (that is listed on the State Heritage Register or in Schedule 5 to this Plan or that is subject to an interim heritage order under the *Heritage Act 1977*), or
 - (e) the development requires concurrence (except a concurrence of the Director-General of the Department of Environment, Climate Change and Water in respect of development that is likely to significantly affect a threatened species, population, or ecological community, or its habitat (identified under the *Threatened Species Conservation Act 1995*)), or
 - (f) the development is on land identified as an environmentally sensitive area.
- (1) The objective of this clause is to identify development as complying development.
- (2) Development specified in Part 1 of Schedule 3 that is carried out in compliance with:
- (a) the development standards specified in relation to that development, and

(b) the requirements of this Part,
is complying development.

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

- (3) To be complying development, the development must:
- (a) be permissible, with development consent, in the zone in which it is carried out, and
 - (b) meet the relevant deemed-to-satisfy provisions of the *Building Code of Australia*, and
 - (c) have an approval, if required by the *Local Government Act 1993*, from the Council for an on-site effluent disposal system if the development is undertaken on unsewered land.
- (4) A complying development certificate for development specified in Part 1 of Schedule 3 is subject to the conditions (if any) set out or referred to in Part 2 of that Schedule.
- (5) A heading to an item in Schedule 3 is part of that Schedule.

3.3 Environmentally sensitive areas excluded [compulsory]

- (1) Exempt or complying development must not be carried out on any environmentally sensitive area for exempt or complying development.
- (2) For the purposes of this clause:
environmentally sensitive area for exempt or complying development means any of the following:
- (a) the coastal waters of the State,
 - (b) a coastal lake,
 - (c) land to which *State Environmental Planning Policy No 14—Coastal Wetlands* or *State Environmental Planning Policy No 26—Littoral Rainforests* applies,
 - (d) land reserved as an aquatic reserve under the *Fisheries Management Act 1994* or as a marine park under the *Marine Parks Act 1997*,
 - (e) land within a wetland of international significance declared under the Ramsar Convention on Wetlands or within a World heritage area declared under the World Heritage Convention,
 - (f) land within 100 metres of land to which paragraph (c), (d) or (e) applies,
 - (g) land identified in this or any other environmental planning instrument as being of high Aboriginal cultural significance or high biodiversity significance,
 - (h) land reserved under the *National Parks and Wildlife Act 1974* or land acquired under Part 11 of that Act,
 - (i) land reserved or dedicated under the *Crown Lands Act 1989* for the preservation of flora, fauna, geological formations or for other environmental protection purposes,
 - (j) land identified as being critical habitat under the *Threatened Species Conservation Act 1995* or Part 7A of the *Fisheries Management Act 1994*,
 - (k) land within 40 metres of the top bank of a waterway or artificial waterbody,

- (l) land that has a gradient exceeding 16%, and
- (m) land that is zoned E2 Environmental Conservation.

Direction. Additional areas may be added to this list.

Part 4 Principal development standards

4.1 Minimum subdivision lot size [optional]

- (1) The objectives of this clause are as follows:
 - (a) To ensure that the density of development is compatible with the capacity of existing and proposed infrastructure;
 - (b) To ensure that the density of settlement will be compatible with the objectives of the zone;
 - (c) To limit the density of settlement in environmentally, scenically or historically sensitive areas;
 - (d) To ensure lot sizes are compatible with the conservation of natural systems;
 - (e) To facilitate viable agricultural undertakings;
 - (f) To protect the curtilage of heritage items and heritage conservation areas;
 - (g) To facilitate a diversity of housing forms.
- (2) This clause applies to a subdivision of any land shown on the Lot Size Map that requires development consent and that is carried out after the commencement of this Plan.
- (3) The size of any lot resulting from a subdivision of land to which this clause applies is not to be less than the minimum size shown on the Lot Size Map in relation to that land.

Direction. An exception to the minimum size shown on the Lot Size Map may be provided in certain circumstances, for example, in the case of land that is to be used for attached dwellings.
- (4) This clause does not apply in relation to the subdivision of individual lots in a strata plan or community title scheme.
- (5) In calculating the area of any lot resulting from a subdivision of land, if the lot is a battle-axe lot or other lot with an access handle, the area of the access handle is not to be included.
- (6) Despite subclause (3), consent may be granted to lots that do not meet the minimum size shown on the Lot Size Map only if:
 - (a) the lots are residue lots resulting from the creation of a public road, public open space or other public purpose; or
 - (b) the lots are approved and created in accordance with the provisions of a site specific Development Control Plan or Master Plan that has been formally adopted by the Council; or
 - (c) development consent has been granted to the creation of the lots.

4.1A Exceptions to minimum lot sizes for certain residential development

- (1) The objective of this clause is to encourage housing diversity without adversely impacting on residential amenity and character.
- (2) This clause applies to land in:
 - Area 1 at Glenfield Road
 - Area 2 at Ingleburn Gardens
 - Area 3 at Macquarie Links
 - Area 4 at Claymore
 - Area 5 at Minto
 - Area 6 at Airds-Bradbury
 - Area 7 at the University of Western Sydney
 - Area 8 at Park Central
 - Area 9 Macarthur Gardens
 - Area 10 Ingleburn Narrow Lots (1)
 - Area 11 Ingleburn Narrow Lots (2)
 - Area 12 Macquarie Fields Narrow Lots.
- (3) Despite clause 4.1, development consent may be granted to the subdivision of a lot on land to which this clause applies for the purposes of dwelling houses and semi-detached dwellings if the lot:
 - (a) is created in accordance with the provisions of a Council adopted site specific Development Control Plan, Master Plan or Structure Plan or a Concept Plan Approval issued by the Minister for Planning and Infrastructure, in respect of:
 - Area 1 at Glenfield Road
 - Area 2 at Ingleburn Gardens
 - Area 3 at Macquarie Links
 - Area 4 at Claymore
 - Area 5 at Minto
 - Area 6 at Airds-Bradbury
 - Area 7 at the University of Western Sydney
 - Area 8 at Park Central
 - Area 9 Macarthur Gardens, or
 - (b) is within an established narrow lot precinct and identified as area:
 - Area 10 Ingleburn Narrow Lots (1)
 - Area 11 Ingleburn Narrow Lots (2)
 - Area 12 Macquarie Fields Narrow Lots, and
 - (c) has a minimum lot size of at least 180m².

4.1AA Minimum subdivision lot size for community title schemes [optional if clause 4.1 is adopted]

- (1) The objectives of this clause are as follows:
 - (a) To provide for the proper and orderly development of land;
 - (b) To ensure that land developed under Community Title will achieve

- densities consistent with the objectives of the zone;
- (c) To protect the curtilage of heritage items and heritage conservation areas.
- (2) This clause applies to a subdivision (being a subdivision that requires development consent) under the *Community Land Development Act 1989* of land in any of the following zones:
- (a) RU2, R2, R3, R5, E3 and E4.
- (3) The size of any lot resulting from a subdivision of land to which this clause applies (other than any lot comprising association property within the meaning of the *Community Land Development Act 1989*) is not to be less than the minimum size shown on the Lot Size Map in relation to that land.
- Direction.** An exception to the minimum size shown on the Lot Size Map may be provided in certain circumstances, for example, in the case of land that is to be used for attached dwellings.

4.1B Minimum lot size for dual occupancies

- (1) The objective of this clause is to establish a minimum lot size for dual occupancies.
- (2) Despite clause 4.1, development consent may be granted for development for the purpose of a dual occupancy if the development is located on a lot that is at least the minimum size shown on the Lot Size for Dual Occupancy Development Map in relation to that land.

4.1C Minimum subdivision lot size for dual occupancies

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

4.2 Rural subdivision [compulsory if clause 4.1 adopted and land to which Plan applies includes land zoned RU1, RU2, RU4 or RU6, and E3]

- (1) The objective of this clause is to provide flexibility in the application of

standards for subdivision in rural zones to allow land owners a greater chance to achieve the objectives for development in the relevant zone.

- (2) This clause applies to the following rural and environmental protection zones:
 - (a) Zone RU1 Primary Production,
 - (b) Zone RU2 Rural Landscape,
 - (c) Zone RU4 Primary Production Small Lots,
 - (d) Zone RU6 Transition, and
 - (e) Zone E3 Environmental Management.
- (3) Land in a zone to which this clause applies may, with development consent, be subdivided for the purpose of primary production to create a lot of a size that is less than the minimum size shown on the Lot Size Map in relation to that land.
- (4) However, such a lot cannot be created if an existing dwelling would, as the result of the subdivision, be situated on the lot.
- (5) A dwelling cannot be erected on such a lot.
Note. A dwelling includes a rural worker's dwelling (see definition of that term in the Dictionary).

4.2A Erection of dwelling houses or dual occupancies (attached) on land in certain rural and environmental protection zones [modified local model clause]

- (1) The objectives of this clause are as follows:
 - (a) to recognise the contribution that development density in these zones makes to the landscape and environmental character of those places, and
 - (b) to restrict the extent of residential development in rural and environmental zones to maintain that existing character, and
 - (c) to enable the replacement of lawfully erected dwelling houses and dual occupancies (attached), and the realisation of dwelling entitlements in rural and environmental protection zones.
- (2) This clause applies to land in the following zones:
 - (a) Zone RU2 Rural Landscape,
 - (b) Zone RU6 Transition,
 - (c) Zone E3 Environmental Management,
 - (d) Zone E4 Environmental Living.
- (3) Development consent must not be granted for the erection of a dwelling house or a dual occupancy (attached) on land to which this clause applies, and on which no dwelling house or dual occupancy (attached) currently exists, unless the land is:
 - (a) a lot that is at least the minimum lot size shown on the Lot Size Map in relation to that land, or
 - (b) a lot created under this Plan (other than clause 4.2(3)), or
 - (c) a lot created (under an environmental planning instrument) before this plan commenced and on which the erection of a dwelling house or a dual occupancy (attached) was permissible immediately before that commencement, or

- (d) a lot resulting from a subdivision for which development consent (or its equivalent) was granted before this Plan commenced, and on which the erection of a dwelling house or a dual occupancy (attached) would have been permissible if the plan of subdivision had been registered before that commencement, or
- (e) is an existing holding, or
- (f) would have been a lot or holding referred to in paragraph (a) to (e) had it not been affected by:
 - (i) a minor realignment of its boundaries that did not create an additional lot; or
 - (ii) a subdivision creating or widening a public road or public reserve or for another public purpose, or
 - (iii) a consolidation with an adjoining public road or public reserve or for another public purpose.

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

- (4) Development consent must not be granted under subclause (3) unless:
 - (a) in the case of a development application to erect a dwelling house or a dual occupancy (attached), no dwelling house or dual occupancy (attached) has been erected/currently exists on the land, or
 - (b) in the case of a development application to convert a dwelling house into, or to replace a dwelling house with, a dual occupancy (attached), no dual occupancy currently exists on the land, and
 - (c) if a dual occupancy, it is designed and constructed to have the appearance of a single dwelling house, and
 - (d) the land is suitable for the proposed development, and
 - (e) the land is capable of accommodating effluent disposal areas for the dwelling house or dual occupancy (attached).
- (5) Development consent may be granted for the erection of a dwelling house or a dual occupancy (attached) on land to which this clause applies if there is a lawfully erected dwelling house or dual occupancy (attached) on the land and the dwelling house or dual occupancy (attached) proposed to be erected is intended only to replace the existing dwelling house or dual occupancy (attached).
- (6) Subdivision of a dual occupancy (attached) is prohibited in the zones to which this clause applies.

(7) In this clause:

existing holding means all adjoining land, even if separated by a road or railway, held by the same person or persons as at the relevant dates referred to in the former environmental planning instruments identified below and on the [Former LEP and IDO Boundaries Map](#):

- (a) Campbelltown (Urban Area) Local Environmental Plan 2002;
- (b) Campbelltown Local Environmental Plan District 8 - Central Hills Lands;
- (c) Campbelltown Local Environmental Plan No. 1;
- (d) Interim Development Order No. 13;

- (e) Interim Development Order No. 15; and
- (f) Interim Development Order No. 28.

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

4.2B Rural worker's dwellings in certain rural and environmental protection zones

- (1) The objectives of this clause are as follows:
 - (a) to facilitate, on the same land, the provision of adequate accommodation for employees involved in existing agricultural activities, including agricultural produce industries; and
 - (b) to maintain the non-urban landscape and development character of certain rural and environmental zones; and
 - (c) to allow for the erection of not more than one rural worker's dwelling on land within the following zones:
 - (i) Zone RU2 Rural Landscape
 - (ii) Zone E3 Environmental Management, and
 - (d) to ensure that rural worker's dwellings remain subordinate development to dwelling houses and dual occupancy development within rural and environmental zones.
- (2) Development consent must not be granted for the erection of a rural worker's dwelling on land to which this clause applies unless the consent authority is satisfied that:
 - (a) a lot that is at least the minimum lot size shown on the Lot Size Map in relation to that land, or
 - (b) a lot created under this Plan (other than clause 4.2(3)), or
 - (c) a lot created (under an environmental planning instrument) before this plan commenced and on which the erection of a dwelling house or a dual occupancy (attached) was permissible immediately before that commencement, or
 - (d) a lot resulting from a subdivision for which development consent (or its equivalent) was granted before this Plan commenced, and on which the erection of a dwelling house or a dual occupancy (attached) would have been permissible if the plan of subdivision had been registered before that commencement, or
 - (e) a lot is part of an existing holding, or
 - (f) would have been a lot or holding referred to in paragraph (a) to (e) had it not been affected by:
 - (i) a minor realignment of its boundaries that did not create an additional lot; or
 - (ii) a subdivision creating or widening a public road or public reserve or for another public purpose, or
 - (iii) a consolidation with an adjoining public road or public reserve or for another public purpose; and
 - (g) the development will be on the same lot as an existing lawfully erected dwelling house or dual occupancy (attached), and
 - (h) the development will not impair the use of the land for agricultural

- activities, including agricultural produce industries, and
- (i) the agricultural activity or agricultural produce industry has an economic capacity to support the employment of rural workers; and
 - (j) the development is necessary considering the nature of the existing or proposed agricultural activity or agricultural produce industry or the remote or isolated location of the land, and
 - (k) the dwelling is limited to single storey and a maximum size of 120m² in floor area or not more than 20% of the floor area of any dwelling house situated on this land, whichever is the greater.
- (3) Subdivision of a rural worker's dwelling is prohibited in the zones to which this clause applies.

4.2C Exceptions to minimum subdivision standards on certain land zoned RU2 Rural Landscape and E3 Environmental Management [adapted with changes from LEP 1 and IDO 15]

- (1) The objectives of this clause are:
 - (a) to allow the owners of certain land to which Campbelltown Local Environmental Plan No. 1 applied, to excise a home-site area from an existing lot (or existing holding) by the means of a subdivision.
 - (b) to allow the owners of certain land to which Interim Development Order No. 15 applied to excise a home-site area from an existing lot (or existing holding) by the means of a subdivision.
- (2) This subclause applies to lots formerly covered by LEP 1 that:
 - (a) were in existence on 26 June 1981, and
 - (b) are zoned E3 Environmental Management, and
 - (c) have an area of not less than 10 hectares.
- (3) Development consent must not be granted to subdivision of land in accordance with subclauses (1) and (2) unless the proposed subdivision will result in the creation of not more than two lots, each of which must have an area of not less than two hectares.
- (4) This subclause applies to lots which, under Interim Development Order No. 15:
 - (a) were in existence on 18 July 1973; and
 - (b) are zoned RU2 Rural Landscape.
- (5) Development consent must not be granted to subdivision of land to which Interim Development Order No. 15 applied, in accordance with subclauses (4) and (6) unless the lot to be created is not less than 2 hectares and is required for the erection of a dwelling house for occupation by:
 - (a) the owner of the land as at 18 July 1973, or
 - (b) a relative of such owner, or
 - (c) a person employed or engaged by such owner in the use of land of the owner adjoining or adjacent to such allotment, for the purpose of agriculture, and
- (6) The total number of allotments of the types referred to in subclause (5) that may be created by subdivision (whether by one or successive subdivisions), in accordance with that subclause, shall not exceed:

- (a) nil where the land has an area of less than 10 hectares;
- (b) one where the land of which that allotment, immediately prior to its creation, forms part has an area of not less than 10 hectares but less than 40 hectares;
- (c) two where the land of which those allotments, immediately prior to their creation, form part has an area of not less than 40 hectares but less than 80 hectares; and
- (d) three where the land of which those allotments, immediately prior to their creation, form part has an area of not less than 80 hectares.

4.2D Exceptions to minimum subdivision standard for E4 Environmental Living Zone in the East Edge Scenic Protection Lands

- (1) The objective of this clause is to permit the subdivision of certain land located in the East Edge Scenic Protection Lands Area (as identified on the Campbelltown Local Environmental Plan 2013 – Lot Averaging Map), to create lots of a size which are less than that provided for by clause 4.1 of this plan.
- (2) This clause applies to land that is zoned E4 Environmental Management that is identified by “Y” on the Campbelltown Local Environmental Plan 2013 - Lot Averaging Map.
- (3) Despite clause 4.1, the consent authority may grant consent to a development application for the subdivision of land to which this clause applies that will not create a number of lots that is more than the number resulting from multiplying the total area of land being subdivided by the maximum density control number specified on the Lot Averaging Map in relation to that land.
- (4) The consent authority must not grant consent to a development application for subdivision pursuant to this clause unless it is satisfied that a master plan solution ensures that:
 - (a) The pattern of lots created by the subdivision, the provision of access and services, and the location of any future buildings on the land will not have a significant impact on native vegetation;
 - (b) Each lot to be created by the subdivision contains a suitable land area for:
 - (i) a dwelling house, and
 - (ii) an appropriate asset protection zone relating to bushfire hazard, and
 - (iii) on-site sewage treatment, management and disposal if reticulated sewerage is not available, and
 - (iv) other services related to the use of the land for residential occupation.
 - (c) A geotechnical assessment demonstrates to the consent authority’s satisfaction that each lot to be created can suitably accommodate the on-site treatment, management and disposal of effluent in the case where reticulated sewerage is not available.
 - (d) Adequate arrangements are in place for the provision of infrastructure to service the needs of development in the locality.

4.3 Height of buildings [optional]

- (1) The objectives of this clause are as follows:
 - (a) To nominate a range of building heights that will provide a transition in built form and land use intensity across the Campbelltown Local Government Area;
 - (b) To ensure that the heights of buildings reflect the intended scale of development appropriate to the locality and the proximity within and to business centres and transport facilities;
 - (c) To provide for built form that is compatible with the hierarchy and role of centres;
 - (d) To assist in the minimisation of opportunities for undesirable visual impact, disruption to views, loss of privacy and loss of solar access to existing and future development and to the public domain.

- (2) The height of a building on any land is not to exceed the maximum height shown for the land on the Height of Buildings Map.

Direction. Different heights may be shown on the map for different zones or for different land in the same zone. This Plan may also provide for specified height restrictions to be varied or modified in certain circumstances, for example, to prevent overshadowing of public open space, for air safety reasons or for the purposes of promoting design excellence.

4.3A Restrictions relating to certain residential accommodation

- (1) The objective of this clause is to limit the number of storeys within certain types of residential development.
- (2) A rural worker's dwelling must not contain more than one storey, in accordance with the provisions of clause 4.2B of this Plan.
- (3) A dwelling that comprises, or forms part of, any of the following forms of residential accommodation, must not contain more than two storeys:
 - (a) an attached dwelling;
 - (b) a dual occupancy;
 - (c) a dwelling house;
 - (d) a dwelling within a multi-dwelling housing development;
 - (e) a semi-detached dwelling;
 - (f) a dwelling within a residential flat building;
 - (g) a dwelling within a shop-top housing development.

4.4 Floor space ratio [optional]

- (1) The objectives of this clause are as follows:
 - (a) To provide effective control over the bulk and scale of future development;
 - (b) To nominate a range of floor space ratio controls that will provide a transition in built form and land use intensity across the Campbelltown Local Government Area;
 - (c) To ensure that buildings are compatible with the bulk and scale of the existing and desired future character of the locality;

- (d) To ensure that the bulk and scale of buildings contribute to the intended architectural outcomes for development appropriate to the locality and reflect their proximity within and to the business centres and transport facilities;
 - (e) To provide for built form that is compatible with the hierarchy and role of centres;
 - (f) To assist in the minimisation of opportunities for undesirable visual impact, disruption to views, loss of privacy and loss of solar access to existing and future development and the public domain is addressed;
 - (g) To minimise the adverse impacts of development on heritage conservation areas, heritage items and the public domain.
- (2) The maximum floor space ratio for a building on any land is not to exceed the floor space ratio shown for the land on the Floor Space Ratio Map.
- (3) The following floor space ratio requirements for specific land uses apply in addition to the requirements shown on the Floor Space Ratio Map:

Column 1 – Land Use	Column 2 – Floor Space Ratio
Dwelling houses in zones R2, R3 and R5	0.55:1 Includes the area of any secondary dwellings and outbuildings
Dual occupancy (attached) in zones R2, R3 and R5	0.55:1 Includes the area of any outbuildings
Dual occupancy (detached) in zones R2, R3 and R5	0.55:1 Includes the area of any outbuildings
Multi dwelling housing in zone R2	0.45:1
Multi dwelling housing in zone R3	0.75:1
Child care centres in residential zones	0.55:1

- (4) For the purposes of this clause, *outbuilding* means a building or structure used for purposes ancillary to the main dwelling(s) on an allotment and includes awnings, pergolas, gazebos, garden sheds, garages, carports and the like, but does not include a swimming pool.

Direction. Different floor space ratios may be shown on the FSR map for different zones, for different land in the same zone or for different land uses within a building. This Plan may provide that, despite subclause (2), the maximum floor space ratio for a building is to be determined partly by the FSR map and partly by other means, or wholly by other means.

4.4A Exceptions to maximum floor space ratio for certain residential development

- (1) The objective of this clause is to encourage housing diversity without adversely impacting on residential amenity and character.
- (2) This clause applies to land in:
 - Area 1 at Glenfield Road
 - Area 2 at Ingleburn Gardens
 - Area 3 at Macquarie Links
 - Area 4 at Claymore
 - Area 5 at Minto
 - Area 6 at Airds-Bradbury

Area 7 at the University of Western Sydney

Area 8 at Park Central

Area 9 at Macarthur Gardens.

- (3) Despite clause 4.4, development consent may be granted for building on land to which this clause applies for the purpose of dwelling houses and semi-detached dwellings if the development is in accordance with a Council adopted site specific Development Control Plan, Master Plan or Structure Plan, or a Concept Plan Approval issued by the Minister for Planning and Infrastructure, and if the floor space ratio does not exceed 0.75:1 on land within:

Area 1 at Glenfield Road

Area 2 at Ingleburn Gardens

Area 3 at Macquarie Links

Area 4 at Claymore

Area 5 at Minto

Area 6 at Airds-Bradbury

Area 7 at the University of Western Sydney

Area 8 at Park Central, and

Area 9 at Macarthur Gardens.

4.5 Calculation of floor space ratio and site area [optional]

(1) **Objectives**

The objectives of this clause are as follows:

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

(2) **Definition of “floor space ratio”**

The *floor space ratio* of buildings on a site is the ratio of the gross floor area of all buildings within the site to the site area.

(3) **Site area**

In determining the site area of proposed development for the purpose of applying a floor space ratio, the *site area* is taken to be:

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

development is being carried out.

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

(4) **Exclusions from site area**

The following land must be excluded from the site area:

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

(5) **Strata subdivisions**

The area of a lot that is wholly or partly on top of another or others in a strata subdivision is to be included in the calculation of the site area only to the extent that it does not overlap with another lot already included in the site area calculation.

(6) **Only significant development to be included**

The site area for proposed development must not include a lot additional to a lot or lots on which the development is being carried out unless the proposed development includes significant development on that additional lot.

(7) **Certain public land to be separately considered**

For the purpose of applying a floor space ratio to any proposed development on, above or below community land or a public place, the site area must only include an area that is on, above or below that community land or public place, and is occupied or physically affected by the proposed development, and may not include any other area on which the proposed development is to be carried out.

(8) **Existing buildings**

The gross floor area of any existing or proposed buildings within the vertical projection (above or below ground) of the boundaries of a site is to be included in the calculation of the total floor space for the purposes of applying a floor space ratio, whether or not the proposed development relates to all of the buildings.

(9) **Covenants to prevent “double dipping”**

When development consent is granted to development on a site comprised of 2 or more lots, a condition of the consent may require a covenant to be registered that prevents the creation of floor area on a lot (the restricted lot) if the consent authority is satisfied that an equivalent quantity of floor area will be created on another lot only because the site included the restricted lot.

(10) **Covenants affect consolidated sites**

If:

- (a) a covenant of the kind referred to in subclause (9) applies to any land (*affected land*), and
- (b) proposed development relates to the affected land and other land that together comprise the site of the proposed development,

the maximum amount of floor area allowed on the other land by the floor space ratio fixed for the site by this Plan is reduced by the quantity of floor space area the covenant prevents being created on the affected land.

(11) **Definition**

In this clause, *public place* has the same meaning as it has in the *Local Government Act 1993*.

4.6 Exceptions to development standards [compulsory]

- (1) The objectives of this clause are as follows:
 - (a) to provide an appropriate degree of flexibility in applying certain development standards to particular development,
 - (b) to achieve better outcomes for and from development by allowing flexibility in particular circumstances.
- (2) Development consent may, subject to this clause, be granted for development even though the development would contravene a development standard imposed by this or any other environmental planning instrument. However, this clause does not apply to a development standard that is expressly excluded from the operation of this clause.
- (3) Development consent must not be granted for development that contravenes a development standard unless the consent authority has considered a written request from the applicant that seeks to justify the contravention of the development standard by demonstrating:
 - (a) that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and
 - (b) that there are sufficient environmental planning grounds to justify contravening the development standard.
- (4) Development consent must not be granted for development that contravenes a development standard unless:
 - (a) the consent authority is satisfied that:
 - (i) the applicant's written request has adequately addressed the matters required to be demonstrated by subclause (3), and
 - (ii) the proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out, and
 - (b) the concurrence of the Director-General has been obtained.
- (5) In deciding whether to grant concurrence, the Director-General must consider:
 - (a) whether contravention of the development standard raises any matter of significance for State or regional environmental planning, and
 - (b) the public benefit of maintaining the development standard, and
 - (c) any other matters required to be taken into consideration by the Director-General before granting concurrence.
- (6) Development consent must not be granted under this clause for a subdivision of land in Zone RU1 Primary Production, Zone RU2 Rural Landscape, Zone RU3 Forestry, Zone RU4 Primary Production Small Lots, Zone RU6 Transition, Zone R5 Large Lot Residential, Zone E2 Environmental Conservation, Zone E3 Environmental Management or Zone E4 Environmental Living if:
 - (a) the subdivision will result in 2 or more lots of less than the minimum area specified for such lots by a development standard, or

- (b) the subdivision will result in at least one lot that is less than 90% of the minimum area specified for such a lot by a development standard.
- (7) After determining a development application made pursuant to this clause, the consent authority must keep a record of its assessment of the factors required to be addressed in the applicant's written request referred to in subclause (3).
- (8) This clause does not allow development consent to be granted for development that would contravene any of the following:
 - (a) a development standard for complying development,
 - (b) a development standard that arises, under the regulations under the Act, in connection with a commitment set out in a BASIX certificate for a building to which *State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004* applies or for the land on which such a building is situated,
 - (c) clause 5.4,
 - (d) **clauses 4.2A, 4.2B, 4.2C, 5.4, 6.2 or 6.3 of this Plan.**

Direction. Additional exclusions may be added.

Part 5 Miscellaneous provisions

5.1 Relevant acquisition authority [compulsory]

- (1) The objective of this clause is to identify, for the purposes of section 27 of the Act, the authority of the State that will be the relevant authority to acquire land reserved for certain public purposes if the land is required to be acquired under Division 3 of Part 2 of the *Land Acquisition (Just Terms Compensation) Act 1991* (**the owner-initiated acquisition provisions**).
- Note.** If the landholder will suffer hardship if there is any delay in the land being acquired by the relevant authority, section 23 of the *Land Acquisition (Just Terms Compensation) Act 1991* requires the authority to acquire the land.
- (2) The authority of the State that will be the relevant authority to acquire land, if the land is required to be acquired under the owner-initiated acquisition provisions, is the authority of the State specified below in relation to the land shown on the Land Reservation Acquisition Map (or, if an authority of the State is not specified in relation to land required to be so acquired, the authority designated or determined under those provisions).

Type of land shown on Map	Authority of the State
Zone RE1 Public Recreation and marked "Local open space"	Council
Zone RE1 Public Recreation and marked "Regional open space"	The corporation constituted under section 8 of the Act
Zone SP2 Infrastructure and marked "Classified road"	Roads and Maritime Services

Zone SP2 Infrastructure and marked "Road"	Roads and Maritime Services
Zone SP3 Tourist and marked "Road"	Roads and Maritime Services
Zone B4 Mixed Use and marked "Road"	Roads and Maritime Services
Zone E1 National Parks and Nature Reserves and marked "National Park"	Minister administering the <i>National Parks and Wildlife Act 1974</i>
Zone SP2 Infrastructure and marked "Local Road"	Council
Zone R4 High Density Residential and marked "Local Road"	Council
Zone SP2 Infrastructure and marked "Public Purposes Corridor"	Department of Planning and Infrastructure
Zone SP2 Infrastructure and marked "Future Transport Corridor"	Roads and Maritime Services or alternate agency – to be confirmed
Zone SP2 Infrastructure and marked "Railway"	Railway Corporation of New South Wales
Zone SP2 Infrastructure and marked "Drainage"	Council
Zone B3 Commercial Core and marked "Car park"	Council

Direction. Land is required to be shown on the Land Reservation Acquisition Map if it is expressly set apart by the Plan exclusively for a public purpose referred to in section 26 (1) (c) of the Act. However, any such land that is held by an authority of the State, or by a public company or a subsidiary of a public company (within the meaning of the *Corporations Act 2001* of the Commonwealth) is not required to be shown on that Map. An authority of the State is to be listed for all land shown on the Land Reservation Acquisition Map, but the land is not to be so reserved and the authority listed unless the authority consents to its being listed.

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

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

- (1) The objective of this clause is to limit development on certain land intended to be acquired for a public purpose.
- (2) This clause applies to land shown on the Land Reservation Acquisition Map and specified in Column 1 of the Table to this clause and that has not been acquired by the relevant authority of the State specified for land in clause 5.1.

- (3) Development consent must not be granted to any development on land to which this clause applies other than development for a purpose specified opposite that land in Column 2 of that Table.

Column 1	Column 2
Land	Development
Zone RE1 Public Recreation and marked "Regional open space"	Recreation areas
Zone SP2 Infrastructure and marked "Classified road"	Roads
Zone E1 National Parks and Nature Reserves and marked "National Park"	Roads; Drainage; Flood mitigation works;
Zone SP2 Infrastructure and marked "Local Road"	Roads; Drainage; Flood mitigation works;
Zone SP2 Infrastructure and marked "Public Purposes Corridor"	Public purposes
Zone SP2 Infrastructure and marked "Railway Corridor"	Railways
Zone SP2 Infrastructure and marked "Drainage"	Drainage; Recreation areas;
Zone B3 Commercial Core and marked "Car park"	Car parks

5.2 Classification and reclassification of public land [compulsory]

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

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

- (2) The public land described in Part 1 or Part 2 of Schedule 4 is classified, or reclassified, as operational land for the purposes of the *Local Government Act 1993*.
- (3) The public land described in Part 3 of Schedule 4 is classified, or reclassified, as community land for the purposes of the *Local Government Act 1993*.
- (4) The public land described in Part 1 of Schedule 4:
- (a) does not cease to be a public reserve to the extent (if any) that it is a

- public reserve, and
- (b) continues to be affected by any trusts, estates, interests, dedications, conditions, restrictions or covenants that affected the land before its classification, or reclassification, as operational land.
- (5) The public land described in Part 2 of Schedule 4, to the extent (if any) that it is a public reserve, ceases to be a public reserve when the description of the land is inserted into that Part and is discharged from all trusts, estates, interests, dedications, conditions, restrictions and covenants affecting the land or any part of the land, except:
- (a) those (if any) specified for the land in Column 3 of Part 2 of Schedule 4, and
 - (b) any reservations that except land out of the Crown grant relating to the land, and
 - (c) reservations of minerals (within the meaning of the *Crown Lands Act 1989*).

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

5.3 Development near zone boundaries [optional]

- (1) The objective of this clause is to provide flexibility where the investigation of a site and its surroundings reveals that a use allowed on the other side of a zone boundary would enable a more logical and appropriate development of the site and be compatible with the planning objectives and land uses for the adjoining zone.
- (2) This clause applies to so much of any land that is within the relevant distance of a boundary between any 2 zones. The relevant distance is **50 metres**.
- (3) This clause does not apply to:
 - (a) land in Zone RE1 Public Recreation, Zone E1 National Parks and Nature Reserves, Zone E2 Environmental Conservation, Zone E3 Environmental Management or Zone W1 Natural Waterways, or
 - (a1) land within Zone RU2 Rural Landscape, Zone RU5 Village, Zone RU6 Transition, or Zone E4 Environmental Living, or**
 - (b) land within the coastal zone, or
 - (c) land within 40 metres of the top bank of a watercourse or artificial water body, or**
 - (d) land proposed to be developed for the purpose of sex services or restricted premises.**

Direction. Additional zones may be included by adding them in a separate paragraph numbered (a1).
- (4) Despite the provisions of this Plan relating to the purposes for which development may be carried out, development consent may be granted to development of land to which this clause applies for any purpose that may be carried out in the adjoining zone, but only if the consent authority is satisfied that:
 - (a) the development is not inconsistent with the objectives for development in both zones, and
 - (b) the carrying out of the development is desirable due to compatible land use planning, infrastructure capacity and other planning principles relating to the efficient and timely development of land.

- (5) This clause does not prescribe a development standard that may be varied under this Plan.

5.4 Controls relating to miscellaneous permissible uses [compulsory]

(1) **Bed and breakfast accommodation**

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

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

(2) **Home businesses**

If development for the purposes of a home business is permitted under this Plan, the carrying on of the business must not involve the use of more than 30 square metres of floor area.

(3) **Home industries**

If development for the purposes of a home industry is permitted under this Plan, the carrying on of the home industry must not involve the use of more than 30 square metres of floor area.

(4) **Industrial retail outlets**

If development for the purposes of an industrial retail outlet is permitted under this Plan, the retail floor area must not exceed:

- (a) 10% of the gross floor area of the industry or rural industry located on the same land as the retail outlet, or
 - (b) 200 square metres,
- whichever is the lesser.

(5) **Farm stay accommodation**

If development for the purposes of farm stay accommodation is permitted under this Plan, the accommodation that is provided to guests must consist of no more than 3 bedrooms.

(6) **Kiosks**

If development for the purposes of a kiosk is permitted under this Plan, the gross floor area must not exceed 12 square metres.

(7) **Neighbourhood shops**

If development for the purposes of a neighbourhood shop is permitted under this Plan, the retail floor area must not exceed 100 square metres.

(8) **Roadside stalls**

If development for the purposes of a roadside stall is permitted under this Plan, the gross floor area must not exceed 12 square metres.

(9) **Secondary dwellings**

If development for the purposes of a secondary dwelling is permitted under this Plan, the total floor area of the dwelling (excluding any area used for parking) must not exceed whichever of the following is the greater:

- (a) 60 square metres,
- (b) 25 % of the total floor area of the principal dwelling.

5.5 Development within the coastal zone [compulsory if land to which Plan applies includes land in the coastal zone]

Not applicable.

5.6 Architectural Roof Features

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

5.7 Development below mean high water mark [compulsory if land to which Plan applies includes land in the coastal zone]

Not applicable.

5.8 Conversion of fire alarms [compulsory]

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

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

5.9 Preservation of trees or vegetation [compulsory, except subclause (9) optional]

- (1) The objective of this clause is to preserve the amenity of the area, including biodiversity values, through the preservation of trees and other vegetation.
- (2) This clause applies to species or kinds of trees or other vegetation that are prescribed for the purposes of this clause by a development control plan made by the Council.

Note. A development control plan may prescribe the trees or other vegetation to which this clause applies by reference to species, size, location or other manner.
- (3) A person must not ringbark, cut down, top, lop, remove, injure or wilfully destroy any tree or other vegetation to which any such development control plan applies without the authority conferred by:
 - (a) development consent, or
 - (b) a permit granted by the Council.
- (4) The refusal by the Council to grant a permit to a person who has duly applied for the grant of the permit is taken for the purposes of the Act to be a refusal by the Council to grant consent for the carrying out of the activity for which a permit was sought.
- (5) This clause does not apply to a tree or other vegetation that the Council is satisfied is dying or dead and is not required as the habitat of native fauna.
- (6) This clause does not apply to a tree or other vegetation that the Council is satisfied is a risk to human life or property.
- (7) A permit under this clause cannot allow any ringbarking, cutting down, topping, lopping, removal, injuring or destruction of a tree or other vegetation:

- (a) that is or forms part of a heritage item or that is within a heritage conservation area, or
 - (b) that is or forms part of an Aboriginal object or that is within an Aboriginal place of heritage significance,
- unless the Council is satisfied that the proposed activity:
- (c) is of a minor nature or is for the maintenance of the heritage item, Aboriginal object, Aboriginal place of heritage significance or heritage conservation area, and
 - (d) would not adversely affect the heritage significance of the heritage item, Aboriginal object, Aboriginal place of heritage significance or heritage conservation area.

Note. As a consequence of this subclause, the activities concerned will require development consent. The heritage provisions of clause 5.10 will be applicable to any such consent.

- (8) This clause does not apply to or in respect of:
 - (a) the clearing of native vegetation:
 - (i) that is authorised by a development consent or property vegetation plan under the *Native Vegetation Act 2003*, or
 - (ii) that is otherwise permitted under Division 2 or 3 of Part 3 of that Act, or
 - (b) the clearing of vegetation on State protected land (within the meaning of clause 4 of Schedule 3 to the *Native Vegetation Act 2003*) that is authorised by a development consent under the provisions of the *Native Vegetation Conservation Act 1997* as continued in force by that clause, or
 - (c) trees or other vegetation within a State forest, or land reserved from sale as a timber or forest reserve under the *Forestry Act 1916*, or
 - (d) action required or authorised to be done by or under the *Electricity Supply Act 1995*, the *Roads Act 1993* or the *Surveying and Spatial Information Act 2002*, or
 - (e) plants declared to be noxious weeds under the *Noxious Weeds Act 1993*.
- Note.** Permissibility may be a matter that is determined by or under any of these Acts.
- (9) Subclause (8) (a) (ii) does not apply in relation to land in Zone R5 Large Lot Residential, E2 Environmental Conservation, E3 Environmental Management or E4 Environmental Living.

Direction. This subclause is an optional provision.

5.9AA Trees or vegetation not prescribed by development control plan [compulsory]

- (1) This clause applies to any tree or other vegetation that is not of a species or kind prescribed for the purposes of clause 5.9 by a development control plan made by the Council.
- (2) The ringbarking, cutting down, topping, lopping, removal, injuring or destruction of any tree or other vegetation to which this clause applies is permitted without development consent.

5.10 Heritage conservation [compulsory]

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

Direction. Heritage items as identified in Schedule 5 must be shown on the Heritage Map.

The location and nature of Aboriginal objects and Aboriginal places of heritage significance may be described in Schedule 5 and shown on the Heritage Map (see the direction to Schedule 5).

(1) Objectives

The objectives of this clause are as follows:

- (a) to conserve the environmental heritage of the **Campbelltown Local Government Area**,
- (b) to conserve the heritage significance of heritage items and heritage conservation areas, including associated fabric, settings and views,
- (c) to conserve archaeological sites,
- (d) to conserve Aboriginal objects and Aboriginal places of heritage significance.

(2) Requirement for consent

Development consent is required for any of the following:

- (a) demolishing or moving any of the following or altering the exterior of any of the following (including, in the case of a building, making changes to its detail, fabric, finish or appearance):
 - (i) a heritage item,
 - (ii) an Aboriginal object,
 - (iii) a building, work, relic or tree within a heritage conservation area,
- (b) altering a heritage item that is a building by making structural changes to its interior or by making changes to anything inside the item that is specified in Schedule 5 in relation to the item,
- (c) disturbing or excavating an archaeological site while knowing, or having reasonable cause to suspect, that the disturbance or excavation will or is likely to result in a relic being discovered, exposed, moved, damaged or destroyed,
- (d) disturbing or excavating an Aboriginal place of heritage significance,
- (e) erecting a building on land:
 - (i) on which a heritage item is located or that is within a heritage conservation area, or
 - (ii) on which an Aboriginal object is located or that is within an Aboriginal place of heritage significance,
- (f) subdividing land:
 - (i) on which a heritage item is located or that is within a heritage conservation area, or
 - (ii) on which an Aboriginal object is located or that is within an Aboriginal place of heritage significance.

(3) When consent not required

However, development consent under this clause is not required if:

- (a) the applicant has notified the consent authority of the proposed

development and the consent authority has advised the applicant in writing before any work is carried out that it is satisfied that the proposed development:

- (i) is of a minor nature or is for the maintenance of the heritage item, Aboriginal object, Aboriginal place of heritage significance or archaeological site or a building, work, relic, tree or place within the heritage conservation area, and
 - (ii) would not adversely affect the heritage significance of the heritage item, Aboriginal object, Aboriginal place, archaeological site or heritage conservation area, or
- (b) the development is in a cemetery or burial ground and the proposed development:
- (i) is the creation of a new grave or monument, or excavation or disturbance of land for the purpose of conserving or repairing monuments or grave markers, and
 - (ii) would not cause disturbance to human remains, relics, Aboriginal objects in the form of grave goods, or to an Aboriginal place of heritage significance, or
- (c) the development is limited to the removal of a tree or other vegetation that the Council is satisfied is a risk to human life or property, or
- (d) the development is exempt development.

(4) Effect of proposed development on heritage significance

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

(5) Heritage assessment

The consent authority may, before granting consent to any development:

- (a) on land on which a heritage item is located, or
- (b) on land that is within a heritage conservation area, or
- (c) on land that is within the vicinity of land referred to in paragraph (a) or (b),

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

(6) Heritage conservation management plans

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

(7) Archaeological sites

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

- (a) notify the Heritage Council of its intention to grant consent, and
- (b) take into consideration any response received from the Heritage Council within 28 days after the notice is sent.

(8) Aboriginal places of heritage significance

The consent authority must, before granting consent under this clause to the carrying out of development in an Aboriginal place of heritage significance:

- (a) consider the effect of the proposed development on the heritage significance of the place and any Aboriginal object known or reasonably likely to be located at the place by means of an adequate investigation and assessment (which may involve consideration of a heritage impact statement), and
- (b) notify the local Aboriginal communities, in writing or in such other manner as may be appropriate, about the application and take into consideration any response received within 28 days after the notice is sent.

(9) Demolition of nominated State heritage items

The consent authority must, before granting consent under this clause for the demolition of a nominated State heritage item:

- (a) notify the Heritage Council about the application, and
- (b) take into consideration any response received from the Heritage Council within 28 days after the notice is sent.

(10) Conservation incentives

The consent authority may grant consent to development for any purpose of a building that is a heritage item or of the land on which such a building is erected, or for any purpose on an Aboriginal place of heritage significance, even though development for that purpose would otherwise not be allowed by this Plan, if the consent authority is satisfied that:

- (a) the conservation of the heritage item or Aboriginal place of heritage significance is facilitated by the granting of consent, and
- (b) the proposed development is in accordance with a heritage management document that has been approved by the consent authority, and
- (c) the consent to the proposed development would require that all necessary conservation work identified in the heritage management document is carried out, and
- (d) the proposed development would not adversely affect the heritage significance of the heritage item, including its setting, or the heritage significance of the Aboriginal place of heritage significance, and
- (e) the proposed development would not have any significant adverse effect on the amenity of the surrounding area.

Note. Development impacting upon Aboriginal objects or Aboriginal Places will require separate approval under the *National Parks and Wildlife Act 1974*.

5.10A Development in the vicinity of a heritage item

- (1) The objective of this clause is to ensure that the impact of development in the vicinity of heritage items and heritage conservation areas is given due consideration as part of the development assessment process.
- (2) Before granting consent to development in the vicinity of a heritage item, the consent authority must assess the impact of the proposed development on the heritage significance of the heritage item and of any heritage conservation area within which it is situated.
- (3) This clause extends to development:
 - (a) that may have an impact on the setting of a heritage item, for example, by affecting a significant view to or from the item or by overshadowing, or by the removal of significant vegetation, or
 - (b) that may undermine or otherwise cause physical damage to a heritage item or its context, or
 - (c) that will otherwise have any adverse impact on the heritage significance of a heritage item or on any heritage conservation area or cultural landscape within which it is situated.
- (4) The consent authority may refuse to grant any such consent unless it has considered a heritage impact statement that will help it assess the impact of the proposed development on the heritage significance, visual curtilage and setting of the heritage item.
- (4) The heritage impact statement should include details of the size, shape and scale of, setbacks for, and the materials to be used in, any proposed building or works and the details of any modification, including landscape treatment, that would reduce the impact of the proposed development on the heritage significance of the heritage item.

5.10B Development in heritage conservation areas

- (1) The objective of this clause is to ensure that the impact of development within heritage conservation areas is given due consideration as part of the development assessment process.
- (2) Before granting consent to development within a heritage conservation area, the consent authority must be satisfied that the features of the proposed development and any landscape treatment are compatible with the significance of the heritage conservation area, having regard to the development's siting, landscape context, treatment and form.
- (3) In satisfying itself about those features, the consent authority must have regard to at least the following (but is not to be limited to having regard to those features):
 - (a) the pitch and form of the roof, if any;
 - (b) the style, size, proportion and position of the openings for windows or doors (if any);
 - (c) the colour, texture, style, size and type of finish of the materials to be used on the exterior of the building;
 - (d) the siting and relationship to other buildings or features;
 - (e) the proposed landscape treatment.
- (4) Consent must not be granted to development on a site within the Queen Street Historic Precinct – Heritage Conservation Area unless the consent

authority has considered the provisions of Development Control Plan No 27 – Queen Street Historic Precinct.

5.11 Bush fire hazard reduction [compulsory]

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

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

5.12 Infrastructure development and use of existing buildings of the Crown [compulsory]

- (1) This Plan does not restrict or prohibit, or enable the restriction or prohibition of, the carrying out of any development, by or on behalf of a public authority, that is permitted to be carried out with or without development consent, or that is exempt development, under *State Environmental Planning Policy (Infrastructure) 2007*.
- (2) This Plan does not restrict or prohibit, or enable the restriction or prohibition of, the use of existing buildings of the Crown by the Crown.

5.13 Eco-tourist facilities [compulsory if eco-tourist facilities permitted with consent]

- (1) The objectives of this clause are as follows:
 - (a) to maintain the environmental and cultural values of land on which development for the purposes of eco-tourist facilities is carried out,
 - (b) to provide for sensitively designed and managed eco-tourist facilities that have minimal impact on the environment both on and off-site.
- (2) This clause applies if development for the purposes of an eco-tourist facility is permitted with development consent under this Plan.
- (3) The consent authority must not grant consent under this Plan to carry out development for the purposes of an eco-tourist facility unless the consent authority is satisfied that:
 - (a) there is a demonstrated connection between the development and the ecological, environmental and cultural values of the site or area, and
 - (b) the development will be located, constructed, managed and maintained so as to minimise any impact on, and to conserve, the natural environment, and
 - (c) the development will enhance an appreciation of the environmental and cultural values of the site or area, and
 - (d) the development will promote positive environmental outcomes and any impact on watercourses, soil quality, heritage and indigenous flora and fauna will be minimal, and
 - (e) the site will be maintained (or regenerated where necessary) to ensure the continued protection of natural resources and enhancement of the natural environment, and
 - (f) waste generation during construction and operation will be avoided and that any waste will be appropriately removed, and
 - (g) the development will be located to avoid visibility above ridgelines and against escarpments and from watercourses and that any visual intrusion will be minimised through the choice of design, colours

- materials and landscaping with local indigenous flora, and
- (h) any infrastructure services to the site will be provided without significant modification to the environment, and
 - (i) any power and water to the site will, where possible, be provided through the use of passive heating and cooling, renewable energy sources and water efficient design, and
 - (j) the development will not adversely affect the agricultural productivity of adjoining land, and
 - (k) the following matters are addressed or provided for in a management strategy for minimising any impact on the natural environment:
 - (i) measures to remove any threat of serious or irreversible environmental damage,
 - (ii) the maintenance (or regeneration where necessary) of habitats,
 - (iii) efficient and minimal energy and water use and waste output,
 - (iv) mechanisms for monitoring and reviewing the effect of the development on the natural environment,
 - (v) maintaining improvements on an on-going basis in accordance with relevant ISO 14000 standards relating to management and quality control.

Part 6 Urban Release Areas

6.1 Arrangements for designated State public infrastructure [local]

- (1) The objective of this clause is to require satisfactory arrangements to be made for the provision of designated State public infrastructure before the subdivision of land in an urban release area to satisfy the needs that arise from development on the land, but only if the land is developed intensively for urban purposes.
- (2B) Development consent must not be granted for the subdivision of land in an urban release area unless the Director-General has certified in writing to the consent authority that satisfactory arrangements have been made to contribute to the provision of designated State public infrastructure in relation to the land.
- (3) Subclause (2) does not apply to:
 - (a) any lot identified in the certificate as a residue lot, or
 - (b) any lot created by a subdivision previously consented to in accordance with this clause, or
 - (c) any lot that is proposed in the development application to be reserved or dedicated for public open space, public roads, public utility undertakings, educational facilities or any other public purpose, or
 - (d) a subdivision for the purpose only of rectifying an encroachment on any existing lot.
- (4) This clause does not apply to land in an urban release area if all or any part of the land is in a special contributions area (as defined by section 93C of the Act).

6.2 Public utility infrastructure [local]

- (1) Development consent must not be granted for development on land in an urban release area unless the Council is satisfied that any public utility infrastructure that is essential for the proposed development is available or that adequate arrangements have been made to make that infrastructure available when required.
- (2) This clause does not apply to development for the purpose of providing, extending, augmenting, maintaining or repairing any public utility infrastructure.

6.3 Development control plan [local]

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

reserved or dedicated for public open space, public roads or any other public or environmental protection purpose,

- (c) a subdivision of land in a zone in which the erection of structures is prohibited,
- (d) proposed development on land that is of a minor nature only, if the consent authority is of the opinion that the carrying out of the proposed development would be consistent with the objectives of the zone in which the land is situated.

6.4 Relationship between part and remainder of plan [local]

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

Part 7 Additional Local Provisions

7.1 Essential Services [local]

- (1) Development consent must not be granted to development unless the consent authority is satisfied that any of the following services that are essential for the proposed development are available or that adequate arrangements have been made to make them available when required:
 - (a) the supply of water,
 - (b) the supply of electricity,
 - (c) the disposal and management of sewage,
 - (d) stormwater drainage or on-site conservation,
 - (e) suitable road and vehicular access,
 - (f) telecommunication services,
 - (g) the supply of natural gas.

7.2 Serviced apartments [local]

- (1) The objectives of this clause are:
 - (a) to ensure the compatibility of serviced apartments with other development, and
 - (b) to prevent serviced apartments being converted to residential dwellings.
- (2) The conversion of serviced apartments into residential dwellings is prohibited.

7.3 Development in the B4 Mixed Use Zone [local]

- (1) The objective of this clause is to promote employment opportunities and mixed use development within the B4 Mixed Use Zone.
- (2) This clause applies to all land within the B4 Mixed Use Zone.
- (3) Development consent must not be granted for the erection of a building that contains a residential component, or the change of use of such a building, on land to which this clause applies unless the consent authority is satisfied that the ground floor of the building will be used as business premises, office premises or retail premises.

7.4 Restriction on consent for particular sex services premises [local]

- (1) The objective of this clause is to minimise land use conflicts and adverse amenity impacts by providing a reasonable level of separation between sex services premises, specified land uses and places regularly frequented by children.

- (2) In deciding whether to grant development consent to development for the purpose of sex services premises, the consent authority must consider the following:
 - (a) whether the premises will be located on land that adjoins, is directly opposite or is separated only by a local road from land:
 - (i) in Zone R2 Low Density Residential, Zone R3 Medium Density Residential or Zone RE1 Public Recreation, or
 - (ii) used for the purposes of a child care centre, a community facility, a school or a place of public worship,
 - (b) the impact of the proposed development and its hours of operation on any place likely to be regularly frequented by children:
 - (i) that adjoins the proposed development, or
 - (ii) that can be viewed from the proposed development, or
 - (iii) from which a person can view the proposed development.
 - (c) compliance with the provisions of the Campbelltown (Sustainable City) Development Control Plan.

7.5 Earthworks [local]

- (1) The objective of this clause is to ensure that earthworks for which development consent is required will not have a detrimental impact on environmental functions and processes, neighbouring uses, cultural or heritage items or features of the surrounding land.
- (2) Development consent is required for earthworks unless:
 - (a) the earthworks are exempt development under this Plan or another applicable environmental planning instrument, or
 - (b) the earthworks are ancillary to development that is permitted without development consent under this Plan or to development for which development consent has been given.
- (3) Before granting development consent for earthworks (or for development involving ancillary earthworks), the consent authority must consider the following matters:
 - (a) the likely disruption of, or any detrimental effect on, drainage patterns and soil stability in the locality of the development,
 - (b) the effect of the proposed development on the likely future use or redevelopment of the land,
 - (c) the composition of the fill or the soil to be excavated, or both,
 - (d) the effect of the development on the existing and likely amenity of adjoining properties,
 - (e) the source of any fill material and the destination of any excavated material,
 - (f) the likelihood of disturbing relics,
 - (g) the proximity to, and potential for adverse impacts on, any environmentally sensitive area including heritage items, archaeological sites, heritage conservation areas, waterways or drinking water catchments.
 - (h) any appropriate measures proposed to avoid, minimise or mitigate the impacts of the development.

Note. The *National Parks and Wildlife Act 1974*, particularly section 86, deals with harming Aboriginal objects.

7.6 Flood Planning [local]

- (1) The objectives of this clause are as follows:
 - (a) to minimise the flood risk to life and property associated with the use of land,
 - (b) to allow development on land that is compatible with the land's flood hazard,
 - (c) to avoid significant adverse impacts on flood behaviour and the environment.
- (2) This clause applies to land at or below the flood planning level.
- (3) Development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that the development:
 - (a) is compatible with the flood hazard of the land, and
 - (b) will not significantly adversely affect flood behaviour resulting in detrimental increases in the potential flood affectation of other development or properties, and
 - (c) incorporates appropriate measures to manage risk to life from flood, and
 - (d) will not significantly adversely affect the environment and its underpinning natural systems or cause avoidable erosion, siltation, destruction of riparian vegetation or a reduction in the stability of river banks or watercourses, and
 - (e) is not likely to result in unsustainable social and economic costs to the community as a consequence of flooding.
- (4) A word or expression used in this clause has the same meaning as it has in the NSW Government's Floodplain Development Manual published in 2005, unless it is otherwise defined in this clause.
- (5) In this clause:
flood planning level means the level of a 1:100 ARI (average recurrent interval) flood event plus the amount of freeboard specified in *Campbelltown Sustainable City Development Control Plan Volume 2 – Engineering Design for Development*.

7.7 Riparian land, waterways and groundwater systems

- (1) The objective of this clause is to protect and maintain the following:
 - (a) water quality within waterways,
 - (b) the stability of the bed and banks of waterways,
 - (c) aquatic and riparian habitats,
 - (d) ecological processes within waterways and riparian areas, and
 - (e) groundwater systems.
- (2) Before determining a development application for development on land to within 40 metres of the Georges River, the Hawkesbury-Nepean River, the Woronora River, or any wetland and within 30m of any other waterway to

which this clause applies, the consent authority must consider:

- (a) whether or not the development is likely to have any adverse impact on the following:
 - (i) the water quality within the waterway or entering the waterway,
 - (ii) the aquatic and riparian habitats and ecosystems of the waterway,
 - (iii) the stability of the bed and banks of the waterway,
 - (iv) the free passage of fish and other aquatic organisms within or along the waterway,
 - (v) any future rehabilitation of the waterway and its riparian areas,
 - (vi) the natural flow regime of the waterway, and
 - (vii) underlying and surrounding groundwater resources and groundwater dependent ecosystems.
- (b) the likelihood that the development will increase water extraction from the waterway, and
- (c) any appropriate measures proposed to avoid, minimise or mitigate the impacts of the development.
- (3) Development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that:
 - (a) the development is designed, sited and will be managed to avoid potential adverse environmental impact, or
 - (b) if that impact cannot be avoided, and having taken into consideration feasible alternatives; the proposed design, construction and operational management of the development will satisfactorily mitigate and minimise those impacts.
- (4) In this clause:

bank means the slope immediately bordering the course of a river or waterway along which the water normally runs/flows.

Note. Measurements referenced in this clause are from the top of the bank.

7.8 Agriculture and animal boarding and training establishments [carried over from all existing instruments in revised form]

When considering whether or not to grant consent to the use of land for an agricultural purpose or an animal boarding or training establishment, the consent authority must take into account the following matters:

- (a) the need to protect groundwater resources and the quality of downstream waterways;
- (b) the need to conserve native vegetation;
- (c) the need to protect environmentally sensitive land, such as riparian land, groundwater dependent ecosystems, land containing an endangered species, population or ecological community or a vulnerable species within the meaning of the *Threatened Species Conservation Act 1995*,
- (d) the need to protect the amenity of the area from noise, spray drift, odour or any other potentially offensive consequences,
- (e) the need to limit inappropriate development on flood liable land and the impact of development on flood behaviour,
- (f) the cumulative impact of the proposed use and the use of the land for the

keeping of livestock or the growing of produce intended solely for personal consumption or enjoyment by an owner or occupier of a dwelling on the land.

7.9 Preservation of the natural environment [Clause 13 from LEP 1 with amendments]

- (1) The objective of this clause is to preserve the natural environment.
- (2) This clause applies to all land in the following zones:
 - (a) RU2 Rural Landscape,
 - (b) E2 Environmental Conservation,
 - (c) E3 Environmental Management,
 - (d) E4 Environmental Living, and
 - (e) RE1 Public Recreation.
- (3) Despite any other provision of this Plan, consent must not be granted to the removal of soil or bush rock from any land within the zones referred to in subclause (2).

7.10 Agricultural related business development in zones E3 and RU2 [Clause 12A from LEP D8 as amended]

- (1) The objective of this clause is to enhance economic and tourism opportunities in rural and environmental protection areas by allowing certain commercial uses to operate in association with agricultural uses.
- (2) This clause applies to land within the E3 Environmental Management and RU2 Rural Landscape zones on which local agricultural and rural industry exists.
- (3) In this clause, *local agricultural and rural industry* means:
 - (a) in the case of viticulture or a winery, the processing of wine from grapes grown substantially in the vineyard where the winery operates, and from other grapes that are predominantly locally grown, and may include the sale of any such wine via cellar door premises, and
 - (b) in any other case, the growing, handling, treating, processing or packaging of predominantly locally grown or produced agricultural or horticultural products, and may include the sale of any such products from premises located on the land where the products are substantially grown or produced, or from a roadside stall located on that land,but does not include any other rural industry undertaking.
- (4) Despite any other provision of this Plan, development consent may be granted for carrying out development on land to which this clause applies for the purposes of a cellar door premises, a restaurant or café or a roadside stall, only if the development is:
 - (a) to be operated in conjunction with a local agricultural and rural industry on the same land, and
 - (b) compatible with the prevailing environmental amenity of the area.
- (5) Development consent must not be granted under subclause (3) unless the consent authority is satisfied that the development will operate at all times in conjunction with, and ancillary to, the local agricultural and rural industry.

7.11 Scenic protection and escarpment preservation [Clauses 13 from LEP D8 with amendments]

- (1) The objectives of this clause are as follows:
 - (a) to recognise and protect the scenic, environmental, cultural and historic qualities of the Scenic Hills and the landscape setting of the City of Campbelltown,
 - (b) to protect visual aesthetic amenity and views to and from the Scenic Hills,
 - (c) to reinforce the visual dominance of landscape over built form, and
 - (d) to ensure development on land to which this clause applies is appropriate for the location and is located and designed to minimise its visual prominence in the landscape.
- (2) This clause applies to land identified as 'Escarpment Preservation Area' and shown cross hatched on the Campbelltown Local Environmental Plan 2013 - Environmental Constraints Map.
- (3) Development consent must not be granted to any development on land to which this clause applies unless the consent authority is satisfied that:
 - (a) measures will be taken, including in relation to the location and design of the proposed development, to minimise the visual impact of the development on the natural and visual environment of the land,
 - (b) the *external surfaces* of any building consist of *prescribed materials*,
 - (c) the development will incorporate measures to preserve the scenic qualities of, and views to and from, the land,
 - (d) measures will be taken to reduce any potential land use conflict, and
 - (e) the development will maintain the existing natural landscape and landform and will not affect the stability of the land.

For the purposes of this subclause:

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

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

7.12 Development on steep land within the Scenic Hills [Clause 14 from LEP D8 with amendments]

- (1) This clause applies to land zoned E3 Environmental Management, E4 Environmental Living and RE1 Public Recreation within the Scenic Hills identified in orange on the Campbelltown Local Environmental Plan 2013 - Environmental Constraints Map.
- (2) A person shall not carry out any development on land having a gradient of more than 16% except with development consent.
- (3) Subclause (2) does not require a person to obtain development consent for the excavation or filling of land if the level of the land to be excavated or filled

will not, when the excavation or filling has been completed, vary by more than 0.5 metre from the natural level of the land.

Note: Any tree or vegetation removal may still be subject to the provisions of clause 5.9 Preservation of trees or vegetation.

- (4) In deciding whether or not to grant consent as referred to in subclause (2), the consent authority shall have regard to:
- (a) the proposed excavation or filling;
 - (b) the means whereby the stability of the land will be maintained, and
 - (c) the existing vegetation and any proposed plantings in and around the land to be excavated or filled.

7.13 Restrictions on access to or from roads [Clause 42 from LEP 2002 with amendments]

- (1) The objective of this clause is to ensure that appropriate and safe access is provided to existing public roads.
- (2) A road or other means of access to an existing public road must not be opened without development consent.
- (3) Subject to subclause (4), development must not be carried out on land adjoining a road within Zone SP2 Infrastructure unless all vehicular access to the land from that road is by way of another road that is not within that zone.
- (4) Where, except for this clause, development may be carried out in land adjoining a road within Zone SP2 Infrastructure, the consent authority may allow permanent vehicular access to and from the development by that road if, in the opinion of the consent authority, alternative access to the development is neither practicable nor provided by another existing road or a proposed road identified in a development control plan.
- (5) Before granting development consent which makes provision for vehicular access to or from a road within Zone SP2 Infrastructure, the consent authority must take into consideration:
 - (a) the treatment of the access and its location, and
 - (b) the effect of opening the access on traffic flow and traffic safety on the road.

7.14 Development within zone RE1 [Clause 54 from LEP 2002 with amendments]

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

7.15 Development on land that may be affected by salinity [Clause 62 from LEP 2002 with amendments]

- (1) The objectives of this clause are to:
 - (a) protect natural hydrological systems by:
 - (i) minimising disturbance to natural landforms and water flow patterns, and
 - (ii) ensuring appropriate land use management during and after construction; and
 - (b) avoid the adverse effects of rising salinity on land, water resources and aquatic ecosystems, including damage to infrastructure and buildings, loss of agricultural production, impacts on natural vegetation, waterways and groundwater, and other adverse impacts.
- (2) The consent authority must not grant consent to development on land if, in the opinion of the consent authority;
 - (a) it is likely that the land has saline soil, or
 - (b) the development may cause the soil on the land to become, or become more, saline,unless it has considered a salinity management report in relation to the development.
- (3) A **salinity management report** is a report that recommends measures to be adopted, as part of proposed development, to reduce:
 - (a) any existing soil salinity, or any impact of that salinity, on the land and water sources concerned, and
 - (b) the likelihood and impact of the soil becoming, or becoming more, saline as a result of the development.
- (4) The salinity management report is to include measures that are based on the following principles (to the extent relevant):
 - (a) the removal of any native vegetation should be minimised;
 - (b) deep-rooted species of vegetation that are salt tolerant and able to reduce ground water levels should be planted;
 - (c) footings of buildings should be constructed so as not to impede groundwater movement;
 - (d) building materials that are resistant to salt effects should be used in building works;
 - (e) surface water infiltration should be reduced by constraining irrigation systems;
 - (f) roadways, utility service and other infrastructure should be located so as to reduce:
 - (i) any existing soil salinity or any impact of that salinity, and
 - (ii) the likelihood and impact of the soil becoming, or becoming more, saline as a result of the development.

7.16 Advertising on bus shelters

- (1) The objectives of this clause are:
 - (a) to permit advertising on bus shelters that are purpose built to accommodate advertising signage, as a means of assisting the provision of essential public infrastructure, and
 - (b) to facilitate better access and amenity for users of public transport.
- (2) Despite any other provision of this Plan, the consent authority may grant consent to advertising signage, in any zone, on a bus shelter that is purpose built as an advertising structure.
- (3) The consent authority must not grant consent in accordance with subclause (2) unless it is satisfied that the advertising signage:
 - (a) is compatible with the desired amenity and visual character of the area, and
 - (b) provides effective communication in suitable locations, and
 - (c) is of a high quality design and finish.

7.17 Environmentally constrained land

- (1) The objectives of this clause are to:
 - (a) prevent inappropriate development on land that is subject to environmental constraints, and
 - (b) ensure that the consent authority considers specific matters before consent is granted to development on environmentally constrained land.
- (2) This clause applies to land identified on the Environmental Constraints Map.
- (3) When determining whether or not to grant consent to development, the consent authority must take into account the following matters:
 - (a) for land identified as Nurra Reserve, Ambarvale, being Lots 12, DP 700701 and part of Lot 13, DP 700702 shown in green on the Environmental Constraints Map, the impact of the development on the preservation of trees and other vegetation on the land;
 - (b) for land identified as detention basins shown in blue on the Environmental Constraints Map, the impact of the development on the continued use of the land for stormwater detention;
 - (c) for land in Wedderburn, shown in yellow on the Environmental Constraints Map, the fact that the land is not capable of accommodating development other than fencing.

7.18 Design excellence

- (1) The objective of this clause is to deliver the highest standard of architectural and urban design, as part of the built environment.
- (2) This clause applies to development involving the construction of a new building or external alterations to an existing building in the following

zones:

- (a) R4 High Density Residential;
 - (b) B1 Neighbourhood Centre;
 - (c) B2 Local Centre;
 - (d) B3 Commercial Core;
 - (e) B4 Mixed Use;
 - (f) B5 Business Development;
 - (g) IN1 General Industrial;
 - (h) IN2 Light Industrial;
 - (i) E3 Environmental Management, and
 - (j) E4 Environmental Living.
- (3) Development consent must not be granted to development to which this clause applies unless, in the opinion of the consent authority, the proposed development exhibits design excellence.
- (4) In considering whether development to which this clause applies exhibits design excellence, the consent authority must have regard to the following matters:
- (a) whether a high standard of architectural design, materials and detailing appropriate to the building type and location will be achieved,
 - (b) whether the form and external appearance of the proposed development will improve the quality and amenity of the public domain,
 - (c) whether the proposed development detrimentally impacts on view corridors,
 - (d) how the proposed development addresses the following matters:
 - (i) the suitability of the land for development,
 - (ii) existing and proposed uses,
 - (iii) heritage issues and streetscape constraints,
 - (iv) bulk, massing and modulation of buildings,
 - (v) street frontage heights,
 - (vi) environmental impacts such as sustainable design, overshadowing, wind and reflectivity,
 - (vii) the achievement of the principles of ecologically sustainable development,
 - (viii) pedestrian, cycle, vehicular and service access, circulation and requirements,
 - (ix) impact on, and any proposed improvements to, the public domain,
 - (x) the interface with the public domain,
 - (xi) the quality and integration of landscape design.

7.19 Roadside stalls

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

Schedule 1 Additional permitted uses

(Clause 2.5)

1 Development for the purpose of a religious establishment (Place of public worship):

Lot 101 DP 613169, 43 Acacia Avenue, Ruse,
Part Lot 49 DP 192304, 78 Amundsen Street, Leumeah,
Lot 1 DP 788381, 201 Eagleview Road, Minto,
Lot 7, DP 601056, Johnson Road, Campbelltown.

2 Development for the purpose of a service station/convenience store (Service station with neighbourhood shop):

Lot 112 DP 1025751, Appin Road, corner of Appin Road with northern end of Kellerman Drive, St Helens Park,
Lot 1 DP 826740, 6 Rudd Road, Leumeah,
Lot 1021 DP 734331, 37 Woodhouse Drive, Ambarvale,
Lot 1 DP 122424, Campbelltown Road, Glenfield.

3 Development for the purpose of a service station (Service station):

Lot 4 DP 21481, 2 Atchison Road, Macquarie Fields,
Lot 4001 DP 593698, 95 Ballantrae Drive, St Andrews,
Lots 10-14 DP 1172082, 74 Campbellfield Avenue, Bradbury,
Lots A and B DP 390839, 68 Cumberland Road, Ingleburn,
Lot 1 DP 552083, 72 Cumberland Road, Ingleburn,
Lots 73 and 74, DP 22711, 104 Lindesay Street, Campbelltown,
Lot 1 DP 810648, 73 Pembroke Road, Minto,
Lot 100 DP 575001, 310 St Johns Road, Bradbury,
Lot 63 DP 262162, 72 Stranraer Drive, St Andrews.

4 Development for the purpose of local markets (Markets):

Lot 31 and part of Lot 32, DP 557150, Fields Road, Macquarie Fields (as shown edged heavy black on the map marked "Campbelltown Local Environmental Plan No 113"),
Lot 201 DP 785774, Hurley Street, Campbelltown,
Lot 1 DP 827700, Lot 2 DP 827688 and Lot 3 DP 827691, Moore-Oxley Bypass, Campbelltown,
Part of Lot 2, DP 537620, Riverside Drive, Airs (as shown edged heavy black on the map marked "Campbelltown Local Environmental Plan No 109").

5 Development for the purpose of a hotel (Pub):

SP 82664, 2 Hurricane Drive, Raby,
Lots 21 and 22 DP 612073, Junction Road, Ruse,
Lot 1 DP 582823, 6 Minto Road, Minto,
Lot 201 DP 1052199, 543 Pembroke Road, Leumeah.

Lot 745 DP 255810, 48 Riverside Drive, Airds,
Lot 612 DP 542535, 96 The Parkway, Bradbury,
Lot 1023 DP 777831, Woodhouse Drive, Ambarvale.

6 Development for the purpose of a periodic detention centre (Correctional Centre):

Lot 46 DP 32311, Kialba Road, Campbelltown.

7 Development for the purpose of a commercial building (Commercial Premises):

Lot 1 DP 218620, Sturt Street, Campbelltown.

8 Development for the purpose of a motor vehicle repair station (Vehicle repair stations):

Lots 75 and 76 DP 32086, Hoddle Avenue (corner Bradbury Avenue), Campbelltown,
Lots 1 and 2 DP 523727, Waminda Avenue (corner of Valley Road), Campbelltown.

9 Development for the purpose of a service station, motor vehicle repair station and the ancillary sale of motor vehicles (Service station, Vehicle repair station and Vehicle sales or hire premises):

Lot D DP 399714, 21 Cumberland Road, Ingleburn.

10 Development for the purpose of a physiotherapist centre (Medical Centre):

Lot 1 DP 218620, 150 Lindsay Street, Campbelltown.

11 The establishment of temporary portable stalls for the purposes of buying or selling goods (Markets):

Lot 10 DP 1022204, having access to Racecourse Avenue, Menangle Park, as shown edged heavy black on the map marked "Campbelltown Local Environmental Plan No. 36" deposited in the office of the Council.

12 Development for the purposes of a resource recovery facility (Waste or Resource Management Facility):

Lot 1102, DP 883495, Glenlee Road, Menangle Park, as shown edged heavy black on the map marked "Campbelltown Local Environmental Plan No. 223" deposited in the office of the council, subject to the following conditions:

- a. the facility meets all environmental standards that are imposed by or under an Act, and
- b. the facility does not impinge on the amenity of any land in its immediate vicinity:
 - (i) that is zoned for residential, recreation or community purposes, or
 - (ii) that is used for residential, recreation or community purposes, and
- c. the facility's buildings and landscaping are so designed and located as to minimise any adverse effects of the facility on the environment.

**13 Development for the purposes of a General Store and Associated Petrol Pumps
(Neighbourhood shop and service station):**

Lot 21 DP 1034471, 126 Georges River Road, Kentlyn.

Schedule 2 Exempt development

(Clause 3.1)

Note 1. *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008* specifies exempt development under that Policy. The Policy has State-wide application. This Schedule contains additional exempt development not specified in that Policy.

Note 2. Exempt development may be carried out without the need for development consent under the Act. Such development is not exempt from any approval, licence, permit or authority that is required under any other Act and adjoining owners' property rights and the common law still apply.

Advertising signs – General requirements

- (1) In order to constitute exempt development, an advertising sign must:
 - (a) Be non-moving, non-flashing, non-illuminating and non-inflatable;
 - (b) Be at least 600mm from any public road;
 - (c) Relate to the lawful use of the building, except in the case of temporary signs and public notices;
 - (d) Be located within the boundary of the property to which the sign applies or relates;
 - (e) Reflect the character and style of any building to which it is attached;
 - (f) Not be detrimental to the character and functioning of the building;
 - (g) Not be on walls facing or adjoining residential premises, unless the sign is a business identification sign in a residential, environmental or rural zone;
 - (h) Have the consent of the owner of the property on which the sign is located;
 - (i) Not be located on land on which there is a heritage item or on land in a heritage conservation area;
 - (j) Not obstruct the sight line(s) of vehicular or pedestrian traffic;
 - (k) Not endanger the public or adversely affect the amenity of the area.
- (2) Not more than one of each category/type of sign is permitted as exempt development on a single property or premises unless specified elsewhere in this Schedule.

Advertising signs – Business identification signs for businesses (other than sex services premises and restricted premises) in business zones and industrial zones

Underawning signs

- (1) The sign must be attached to the underside of an awning other than a fascia or return end, and:
 - (a) Must meet the general requirements for advertising signs, and
 - (b) Is limited to one sign per ground floor premises with street frontage, and
 - (c) Must have a maximum length not exceeding 2.5m, and
 - (d) Must have a maximum height not exceeding 0.5m, and
 - (e) Must be a minimum of 2.6m above the footpath pavement level.

Projecting wall signs (other than underawning signs)

- (1) The sign must be attached to the wall of a building (other than the transom of a doorway or display window) and if it projects more than 300mm:
 - (a) Must meet the general requirements for advertising signs, and
 - (b) Is limited to one sign per premises or street frontage, whichever is the greater, and
 - (c) Must have a maximum projection not exceeding 1.5m, and
 - (d) Must have a maximum area not exceeding 1.5m².

Flush wall signs

- (1) The sign must be attached to the wall of a building (other than the transom of a doorway or display window), must not project more than 300mm, and:
 - (a) Must meet the general requirements for advertising signs, and
 - (b) Is limited to one sign per premises or street frontage, whichever is the greater, and
 - (c) Must have a maximum area not exceeding 2.5m².

Top hamper signs

- (1) The sign must be attached to the transom of a doorway or display window, and:
 - (a) Must meet the general requirements for advertising signs, and
 - (b) Is limited to one sign per premises or street frontage, whichever is the greater, and
 - (c) Must have a maximum area not exceeding 1.5m².

Fascia signs

- (1) The sign must be attached to the fascia or return of the awning, and:
 - (a) Must meet the general requirements for advertising signs, and
 - (b) Is limited to one sign per premises or street frontage, whichever is the greater, and
 - (c) Must be fitted flush with the fascia to which the sign is attached, and
 - (d) Must have a maximum area not exceeding 1.5m², and
 - (e) Must not protrude beyond the edges of the fascia or awning.

Business identification signs in residential, environmental protection and rural zones

- (1) Any business identification sign in a residential, environmental protection or rural zone:
 - (a) Must meet the general requirements for advertising signs, and
 - (b) Is limited to one sign per property/premises, and
 - (c) Must have a maximum area not exceeding 0.75m².

Public notices displayed by a public authority (giving information or direction about services provided)

- (1) Any sign used by a public authority to provide public notice, information or direction:
 - (a) Must meet the general requirements for advertising signs, and
 - (b) Must have a maximum area not exceeding 5m².

Real estate signs in business or industrial zones

- (1) Real estate signs advertising premises or land for sale or rent in business and industrial zones:
 - (a) Must meet the general requirements for advertising signs, and
 - (b) Are limited to one sign per premises or street frontage, whichever is the greater, and
 - (c) Must be within the boundary of the advertised property, and
 - (d) Must have a maximum area not exceeding 3.5m², and
 - (e) Must be removed within 14 days after the premises or land is sold or let.

Real estate signs in residential, environmental and rural zones

- (1) Real estate signs advertising premises or land for sale or rent in residential, environmental and rural zones:
 - (a) Must meet the general requirements for advertising signs, and
 - (b) Are limited to one sign per property, and
 - (c) Must be within the boundary of the advertised property, and
 - (d) Must have a maximum area not exceeding 2.5m², and
 - (e) Must be removed within 14 days after the premises or land is sold or let.

Signs behind glass line of shop/premises window in business and industrial zones (other than for sex services premises and restricted premises)

- (1) Real estate signs advertising premises or land for sale or rent in business and industrial zones:
 - (a) Must meet the general requirements for advertising signs, and
 - (b) Must not occupy more than 50% of the area of the window in which the sign is displayed.

Signs within a premises or site but not visible from outside the site or premises (other than for sex services premises and restricted premises)

- (1) Any sign within a site or premises that is not visible from external viewing points must meet the general requirements for advertising signs.

Temporary signs for religious, cultural, social or recreational events

- (1) To be exempt development, temporary signs for religious, cultural, social or recreational events:
 - (a) Must meet the general requirements for advertising signs, and
 - (b) Are limited to two signs per premises or street frontage, whichever is the greater, and
 - (c) If located in a residential, environmental protection or rural zone must not have a maximum area exceeding 1.5m² and a maximum height exceeding 1.5m, or

- (d) If located in a business or industrial zone, must not have a maximum area exceeding 3.5m² and a maximum height of 2m, and
- (e) Must not include commercial advertising apart from the name of the event sponsor(s), and
- (f) Must not be displayed earlier than 28 days before, or later than 14 days after, the event, and
- (g) Must not be left in place and used for advertising in relation to recurring events.

Schedule 3 Complying development

(Clause 3.2)

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

Part 1 Types of development

Part 2 Complying development certificate conditions

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

General conditions

Any development specified in Part 1 is subject to the same conditions set out in Division 3 of Part 3 of *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008*.

Direction. Other conditions may be included in this Part.

Schedule 4 Classification and reclassification of public land

(Clause 5.2)

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

Column 1	Column 2
Locality	Description

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

Column 1	Column 2	Column 3
Locality	Description	Any trusts etc not discharged

Part 3 Land classified, or reclassified, as community land

Column 1	Column 2
Locality	Description

Schedule 5 Environmental heritage

(Clause 5.10)

Direction. This Schedule should generally be divided into 3 parts (one for heritage items, one for heritage conservation areas and one for archaeological sites). If agreement is reached with the Aboriginal community to list Aboriginal objects or Aboriginal places of heritage significance, the Schedule should also include separate parts listing any such object or place. In all cases, the relevant matter should be listed in alphabetical order in each respective Part according to suburb or locality name (and by street name within each such suburb or locality).

The description of a heritage item should be included in a column headed "Item" and should include a brief description of those things that are part of the heritage significance of the item—for example, "House, front garden and front fence", or "Lindsey (including homestead, outbuildings, stables, Bunya Pine tree and driveway)" or "Dunmore Park (including bandstand, fountain and avenue of fig trees)". If any interior features are part of the heritage significance of a heritage item, these should also be described—for example "Lindsey (including original bathroom, dining room fireplace with mantelpiece and original detailing throughout)" or "Lindsey (including all interior features)". Any thing that is part of the heritage significance of a heritage item should also be included in the inventory of heritage items.

Heritage items cannot be identified in the Schedule as having "State significance" unless they are listed on the State Heritage Register. However, a heritage item may be listed in the Schedule as a "nominated item of State significance" (or as "State nominated") if the item has been identified as an item of potential State significance in a publicly exhibited heritage study and the Council has nominated the item in writing to the Heritage Council.

Part 1 - Heritage Items

Suburb	Item Name	Address	Property Description	Significance	Item number
Airds	"Briar Cottage"	14 Waterhouse Place	Lot 43, DP 261258	Local	1
Blair Athol	Blair Athol Residential Group comprising "The Kia", "Blair Athol", and "The Kraal"	21, 23 and 29 Blair Athol Drive	Lots 357 and 359 DP 870579; Lot 401 DP 1008485	Local	2
Blairmount	"Blairmount"	85 Badgally Road	Lot 102, DP 708401	Local	3
Blairmount	"Campbelltown Reservoir"	427 Narellan Road	Part Lot 1 DP 745144; Part Lot A DP 156084	Local	4
Bradbury	Silos	Appin Road	Appin Road Reserve	Local	5
Bradbury	"Raith"	74 Fern Avenue	Part Lot 101 and Part Lot 102, DP 1168971; Lot 1 DP 871149	Local	6
Campbelltown	Water Supply Reservoir, Cattle Tank and Silt Traps	Hurley Park, Allman Street	Part Lot 7019 and Lot 7021, DP 1028116	Local	7
Campbelltown	Presbyterian Cemetery	Broughton Street	Lot 1, DP 596379	Local	8
Campbelltown	"St Elmo"	96 Broughton Street	Part Lot 3, DP 221454	Local	9
Campbelltown	Milestone XXXIII	Queen Street, Mawson Park	Streetscape elements	Local	10
Campbelltown	House	2 Condamine Street	Lot 1 DP 917059	Local	11
Campbelltown	St John the Evangelist Church (new)	35 Cordeaux Street	Part Lot 1, DP 1083980	Local	12
Campbelltown	St Peters Anglican Church group comprising Anglican Church, Rectory, Former Stables and Anglican Cemetery	Cordeaux Street and Broughton Street	Lots 50 and 52, DP 811930	Local	13
Campbelltown	St Johns Church group	George Street	Lot 1, DP 246268; Lot 2, DP 758217; Lot 1, DP 1037742	State	00193
Campbelltown	Campbelltown Railway Station	Hurley Street	Part Lot 1, DP 1022940	Local	15
Campbelltown	"Glenalvon" (including house, stables, grounds and water trough)	8 Lithgow Street	Lot 1, DP 34658	State	00004
Campbelltown	House	64 Lithgow Street	Lot 101, DP 1152000	Local	17
Campbelltown	"Richmond Villa "	12 Lithgow Street	Part Lot 3, DP 827691	Local	18
Campbelltown	St Davids Presbyterian Church and former Manse	32 and 40 Lithgow Street	Lots 11 and 12, DP 806710	Local	19
Campbelltown	"Maryfields" - Stations of the Cross statues	192 Narellan Road	Part Lot 1, DP 247902	Local	20
Campbelltown	"Emily" Cottage	1 Old Menangle Road	Lot 61, DP 997095	Local	21

Campbelltown	"Quondong"	15 Old Menangle Road	Part lot 10, DP 1134526	Local	22
Campbelltown	"Caversham"	26 Oxley Street	Lot 1, DP 1043456	Local	23
Campbelltown	"Braefield"	24 Oxley Street	Lot 1, DP 555265; Lot 26, DP 220014	Local	24
Campbelltown	Wesleyan Chapel	Oxley Street	Part Lot 1, DP 770123	Local	25
Campbelltown	Former Farrier's Arms Inn and Water Trough	318 Queen Street	Part Lot 67 and Part Lot 68, DP 1127402	Local	26
Campbelltown	Former Fieldhouse's Produce Store	317 Queen Street	Lot 221, DP 1177784	Local	27
Campbelltown	Campbelltown Court House	95 Queen Street	Lots 1 and 2, DP 772068; Lot 7022 DP 93213	Local	28
Campbelltown	Former Commercial Bank of Sydney	263 Queen Street	Lot 1 DP 123556 (SP 41598)	State	00499
Campbelltown	"Dredges" Cottage	303 Queen Street	Lot 111, DP 705804	State	00640
Campbelltown	Former "Kendall's" Mill House	316 Queen Street	Lot 33, DP 131201	Local	31
Campbelltown	Former Congregational Manse	38 Queen Street	Part Lot 501, DP 1015993	Local	32
Campbelltown	Former Campbelltown Post Office	261 Queen Street	Lot 2 DP 628679	State	00265
Campbelltown	Water Trough	Civic Centre, 91 Queen Street	Part Lot 301, DP 715353	Local	34
Campbelltown	Queen Street Buildings Group, comprising:	286 – 298 Queen Street	Lots 1 – 5, DP 827641	State	00007
	"McGuanne House"	286 Queen Street	Lot 4, DP 827641		
	Former Railway Hotel	288 Queen Street	Lot 3, DP 827641		
	"Bursill's Shop"	292–294 Queen Street	Lot 2, DP 827641		
	Former Coach House	298 Queen Street	Lot 1, DP 827641		
Campbelltown	Former Town Hall	297 Queen Street	Lot 103, DP 621563	Local	36
Campbelltown	"Warby's Stables and Barn"	12–14, and 18–20 Queen Street	Part Lot 1, DP 216516; Part Lot B, DP 449236	State	00497
Campbelltown	Methodist/Congregational Cemetery	Pioneer Park, St Johns Road	Lot 13, DP 631041	Local	38
Campbelltown	House	8 Sturt Street	Lot 3 DP 218620	Local	39
Campbelltown	House	10 Sturt Street	Lot 1 DP 743626	Local	40
Campbelltown	House	14 Sturt Street	Lot 3 DP 103059	Local	41
Campbelltown	"Cransley"	104 Waminda Avenue	Lot 21 DP 573760	Local	42
Campbelltown	House	60 Warby Street	Lot 32 DP 7496	Local	43
Claymore	"Glenroy Cottage"	2 Dobell Road	Part Lot 2 DP 703539	Local	44
Claymore	"Hillerest"	50 Badgally Road	Part Lot 2 DP 1017017	Local	45
Denham Court, Gilead,	"Sydney Water Supply Upper Canal"	In Canal Reserve	Upper Canal, Sydney water supply system	State	01373
Denham Court	Denham Court group	238 Campbelltown Road	Lot 392 DP 564854	State	00212
Denham Court	Milestone XXVII	Campbelltown Road	Streetscape elements	Local	48

Eagle Vale	"Mount St Joseph"	13A Moonstone Place	Lot 4372 DP 261630	Local	49
Englorie Park	Englorie Park House	2 Parkholme Circuit	Lot 48 and Part Lot 50, DP 845826	Local	50
Eschol Park	Eschol Park House (including six street trees)	14 Eschol Park Drive and the avenue of trees in Eschol Park Drive between Eschol Park House and Raby Road	Lot 22 DP 545718 and street trees in Eschol Park Drive	Local	51
Gilead	"Beulah"	767 Appin Road	Lot 23, DP 1132464	State	00368
Gilead	"Humewood Forest"	767 Appin Road	Lot 21 DP 1132464	Local	53
Gilead	"Brookdale" site	612 Appin Road	Lot 7001 DP 1055415	Local	54
Gilead	"Glen Lorne"	982 Appin Road	Part Lot 1 and Part Lot 2, D.P. 603674	Local	55
Gilead	"Hume Monument"	Appin Road	Road Reserve Appin Road, adjacent to Lot 2 DP 547457	Local	56
Gilead	"Meadowvale"	717 Appin Road	Part Lot 1, DP 602888	Local	57
Gilead	"Mount Gilead"	901 Appin Road	Part Lot 1, DP 807555	Local	58
Gilead	"Kilbride"	70 Glendower Street	Lot 3 DP 1065919	Local	59
Gilead	<i>Sugarloaf Farm</i> homestead group and rural landscape setting.	Menangle Road	Lot 2, DP 842735; Lot 3, DP 1007066; Part Lot 200, DP 1046336	State	01389
Glen Alpine	<i>Glen Alpine</i> —Site of original house	Abington Crescent, Heritage Park, Glen Alpine	Lot 756 DP 787316	Local	61
Glen Alpine	<i>Glen Alpine</i> —second house of that name	12 Belltrees Close	Lot 443 DP 746821	Local	62
Glenfield	Milestone XXIV	Campbelltown Road	Streetscape elements	Local	63
Glenfield	Macquarie Field House, homestead group, ruins and rural landscape setting.	Off Campbelltown Road, Glenfield	As per SHR: Lot 1 DP 612265; Part Lot 1 DP 828871; Part Lot 6 DP 270152; Part Lot 2 DP 270152	State	00424
Glenfield	<i>Hurlstone Agricultural High School</i> —Original School Building	Roy Watts Road	Lot 21 DP 1035516	Local	65
Ingleburn	<i>Robin Hood Farm</i> homestead group and surviving undeveloped setting.	196 Campbelltown Road	Lot 201 DP 255306	State	01387
Ingleburn	<i>Boronia</i>	6 Dove Place	Lot 18 DP 247802	Local	67
Ingleburn	<i>The Pines</i>	13 Macquarie Road	Lot 1 DP 449394	Local	68
Ingleburn	Stone Cottage and bushland setting	28 Mercedes Road	Lots 55–68 Section 2 DP 2189	Local	69
Ingleburn	<i>Ingleburn Community Hall</i>	72 Oxford Road	Lot 8 Section 8 DP 2913	Local	70
Ingleburn	Ingleburn Horse Trough	Oxford Road, Ingleburn	situated in centre of Oxford Road, adjacent to Lot 4 Sec A DP 10494	Local	71

Ingleburn	<i>Ingleburn Public School</i>	51 Oxford Road	Lot 1 DP 122332	Local	72
Ingleburn	<i>Wooderest</i>	111 Oxford Road	Lots 81 – 84 DP 1172405	Local	73
Kearns	<i>Epping Forest</i> homestead complex	Mississippi Crescent	Lot 34 DP 262269	State	01298
Kentlyn	“Osbaldeston”, Stone Cottage	226 Georges River Road	Lot 1 DP 226860	Local	75
Kentlyn	Old Ford Road	Northern end of Georges River Road	Georges River Nature Reserve	Local	76
Leumeah	<i>Hollylea</i> and former <i>Plough Inn</i>	185 Airds Road	Part Lot 232 DP 713035 (SP 58562)	State	00343
Leumeah	Milestone XXXII	Campbelltown Road	Streetscape elements	Local	78
Leumeah	<i>Warby's Dams</i> 1 and 2 on Leumeah Creek	Fitzroy Crescent	Part Lot 35 DP 31214, Part Lot 12 DP 228179, Lot 7 DP 232798, Lot 3 DP 549482 and Part Lot 5 DP 241539	Local	79
Leumeah	<i>Warby's Dams</i> 3 and 4 on Leumeah Creek	Lindesay Street	Lot 48 DP 213178 and Lot 72 DP 863222	Local	80
Menangle Park	“Glenlee”, outbuildings, garden and gatelodge	Glenlee Road	Lots 1, 2 and 3, DP 713646	State	00009
Menangle Park	“Riverview”	121 Menangle Road	Lots 1 and 2 DP 589899	Local	82
Menangle Park	“Menangle House”, house and outbuildings	170 Menangle Road	Lot 102 DP 776612	Local	83
Menangle Park	“The Pines”	190 Menangle Road	Lot 12 DP 786117	Local	84
Menangle Park	“Menangle Railway Viaduct”	Nepean River	Menangle Rail Bridge over Nepean River	State	01047
Menangle Park	“Menangle Weir”	below Menangle Railway Viaduct	Lot 1 DP 775452	Local	86
Menangle Park	“Menangle Park Paceway” Entry Gate Structure	Racecourse Avenue	Lot 10 DP 1022204	Local	87
Minto	Milestone XXX	Campbelltown Road (south of Ben Lomond Road)	Streetscape elements	Local	88
Minto	Milestone XXXI	Campbelltown Road (west of Airds Road)	Streetscape elements	Local	89
Minto	<i>Eagleview House</i>	107 Eagleview Road	Lot 105 DP 260047	Local	90
Minto	<i>Campbellfield or Redfern's Cottage</i>	Lind Street	Lot 50 DP 1028174	Local	91
Minto Heights	Stone Cottage	Lot 315 Ben Lomond Road	Lot 315 DP 253229	State	01388
Minto Heights	“Etchell's Cottage”	60 Hansens Road	Lot 322 DP 710690	Local	93

Minto Heights	"Hansen's Cottage" site	23 Hansens Road	Lot 7 DP 548554	Local	94
Minto Heights	"Kiera-ville"	20 Hansens Road	Lot E DP 162716	Local	95
St Andrews	St Andrews Farmhouse	11 Shiel Place	Lot 1200 DP 749489	Local	96
St Helens Park	Denfield homestead	Appin Road	Lot 101 DP 1128548 Lot 122 DP 813654	State	00540
St Helens Park	St Helens Park House and Dam	St Helens Park Drive	Lot 60 DP 739072 Part Lot 252 DP 703991; Part of Lot 4 DP 865319	State	00406
Varroville	"Varro Ville" homestead group	196 St Andrews Road	Part Lot 21 DP 564065	State	00737
Varroville	Ingleburn Dam	St Andrews Road	Part Lot 1 DP 1086624	Local	100
Wedderburn	"Charcoal Pits"	located to the south of Wedderburn Road	Part Lot 1 DP 1081707	Local	101
Wedderburn	"Union Church Site"	15 Aberfoyle Road	Part Lot A DP 449151	Local	102
Wedderburn	"Morning Glory" House	208 Minerva Road	Part Lot 1 DP 119350	Local	103
Wedderburn	Former Wedderburn Post Office	419 Wedderburn Road	Part Lot 1 DP 1081235	Local	104
Woronora	Woronora Dam	Woronora Dam	Part Lot 1 DP 830604	State	01378

Part 2. Heritage Conservation Areas

Description	Identification on heritage map	Significance	Item number
Queen Street Heritage Conservation Area	Shown by red hatching and marked "Queen Street Heritage Conservation Area"	State SHR 007	C1

Dictionary

(Clause 1.4)

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

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

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

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

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

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

advertisement has the same meaning as in the Act.

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

advertising structure has the same meaning as in the Act.

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

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

affordable housing has the same meaning as in the Act.

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

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

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

agriculture means any of the following:

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

Note. Part 6 of the *Plantations and Reafforestation Act 1999* provides that exempt farm forestry

within the meaning of that Act is not subject to the *Environmental Planning and Assessment Act 1979*.

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

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

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

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

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

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

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

aquaculture has the same meaning as in the *Fisheries Management Act 1994*.

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

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

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

- (a) each dwelling is attached to another dwelling by a common wall, and
- (b) each of the dwellings is on its own lot of land, and
- (c) none of the dwellings is located above any part of another dwelling.

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

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

backpackers' accommodation means a building or place that:

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

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

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

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

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

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

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

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

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

biodiversity means biological diversity.

biological diversity has the same meaning as in the *Threatened Species Conservation Act 1995*.

Note. The term is defined as follows:

biological diversity means the diversity of life and is made up of the following 3 components:

- (a) genetic diversity—the variety of genes (or units of heredity) in any population,
- (b) species diversity—the variety of species,
- (c) ecosystem diversity—the variety of communities or ecosystems.

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

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

boarding house means a building that:

- (a) is wholly or partly let in lodgings, and
- (b) provides lodgers with a principal place of residence for 3 months or more, and
- (c) may have shared facilities, such as a communal living room, bathroom, kitchen or laundry, and
- (d) has rooms, some or all of which may have private kitchen and bathroom facilities, that accommodate one or more lodgers,

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

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

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

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

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

brothel has the same meaning as in the Act.

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

building has the same meaning as in the Act.

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

building height (or **height of building**) means the vertical distance between ground level (existing) and the highest point of the building, including plant and lift overruns, but excluding communication devices, antennae, satellite dishes, masts, flagpoles, chimneys, flues and the like.

building identification sign means a sign that identifies or names a building and that may include the name of a building, the street name and number of a building, and a logo or

other symbol but does not include general advertising of products, goods or services.

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

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

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

whichever distance is the shortest.

bulky goods premises means a building or place the principal purpose of which is the sale, hire or display of bulky goods, being goods that are of such size or weight as to require:

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

and including goods such as floor and window supplies, furniture, household electrical goods, equestrian supplies and swimming pools, but does not include a building or place used for the sale of foodstuffs or clothing unless their sale is ancillary to the sale or hire or display of bulky goods.

Note. Bulky goods premises are a type of *retail premises*—see the definition of that term in this Dictionary.

bush fire hazard reduction work has the same meaning as in the *Rural Fires Act 1997*.

Note. The term is defined as follows:

bush fire hazard reduction work means:

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

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

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

Note. The term is defined, in relation to an area, as land recorded for the time being as bush fire prone land on a map for the area certified as referred to in section 146 (2) of the Act.

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

business identification sign means a sign:

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

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

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

business premises means a building or place at or on which:

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

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

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

camping ground means an area of land that has access to communal amenities and on which campervans or tents, annexes or other similar portable and lightweight temporary shelters are, or are to be, installed, erected or placed for short term use, but does not include a caravan park.

canal estate development means development that incorporates wholly or in part a constructed canal, or other waterway or waterbody, that is inundated by or drains to a natural waterway or natural waterbody by surface water or groundwater movement (not being works of drainage, or for the supply or treatment of water, that are constructed by or with the authority of a person or body responsible for those functions and that are limited to the minimal reasonable size and capacity to meet a demonstrated need for the works), and that either:

- (a) includes the construction of dwellings (which may include tourist and visitor accommodation) of a kind other than, or in addition to:
 - (i) dwellings that are permitted on rural land, and
 - (ii) dwellings that are used for caretaker or staff purposes, or
- (b) requires the use of a sufficient depth of fill material to raise the level of all or part of that land on which the dwellings are (or are proposed to be) located in order to comply with requirements relating to residential development on flood prone land.

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

caravan park means land (including a camping ground) on which caravans (or caravans and other moveable dwellings) are, or are to be, installed or placed.

catchment action plan has the same meaning as in the *Catchment Management Authorities Act 2003*.

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

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

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

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

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

child care centre means a building or place used for the supervision and care of children that:

- (a) provides long day care, pre-school care, occasional child care or out-of-school-hours care, and

(b) does not provide overnight accommodation for children other than those related to the owner or operator of the centre,

but does not include:

- (c) a building or place used for home-based child care, or
- (d) an out-of-home care service provided by an agency or organisation accredited by the Children's Guardian, or
- (e) a baby-sitting, playgroup or child-minding service that is organised informally by the parents of the children concerned, or
- (f) a service provided for fewer than 5 children (disregarding any children who are related to the person providing the service) at the premises at which at least one of the children resides, being a service that is not advertised, or
- (g) a regular child-minding service that is provided in connection with a recreational or commercial facility (such as a gymnasium), by or on behalf of the person conducting the facility, to care for children while the children's parents are using the facility, or
- (h) a service that is concerned primarily with the provision of:
 - (i) lessons or coaching in, or providing for participation in, a cultural, recreational, religious or sporting activity, or
 - (ii) private tutoring, or
- (i) a school, or
- (j) a service provided at exempt premises (within the meaning of Chapter 12 of the *Children and Young Persons (Care and Protection) Act 1998*), such as hospitals, but only if the service is established, registered or licensed as part of the institution operating on those premises.

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

Note. The term is defined as follows:

classified road means any of the following:

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

(See *Roads Act 1993* for meanings of these terms.)

clearing native vegetation has the same meaning as in the *Native Vegetation Act 2003*.

Note. The term is defined as follows:

clearing native vegetation means any one or more of the following:

- (a) cutting down, felling, thinning, logging or removing native vegetation,
- (b) killing, destroying, poisoning, ringbarking, uprooting or burning native vegetation.

(See Division 3 of Part 3 of the *Native Vegetation Act 2003* for the exclusion of routine agricultural management and other farming activities from constituting the clearing of native vegetation if the landholder can establish that any clearing was carried out for the purpose of those activities.)

coastal foreshore means land with frontage to a beach, estuary, coastal lake, headland, cliff or rock platform.

coastal hazard has the same meaning as in the *Coastal Protection Act 1979*.

coastal lake means a body of water specified in Schedule 1 to *State Environmental Planning Policy No 71—Coastal Protection*.

coastal protection works has the same meaning as in the *Coastal Protection Act 1979*.

coastal waters of the State—see section 58 of the *Interpretation Act 1987*.

coastal zone has the same meaning as in the *Coastal Protection Act 1979*.

Note. The term is defined as follows:

coastal zone means:

- (a) the area within the coastal waters of the State as defined in Part 10 of the *Interpretation Act 1987* (including any land within those waters), and
- (b) the area of land and the waters that lie between the western boundary of the coastal zone (as shown on the maps outlining the coastal zone) and the landward boundary of the coastal waters of the State, and
- (c) the seabed (if any) and the subsoil beneath, and the airspace above, the areas referred to in paragraphs (a) and (b).

The coastal zone consists of the area between the western boundary of the coastal zone shown on the maps outlining the coastal zone and the outermost boundary of the coastal waters of the State. The coastal waters of the State extend, generally, to 3 nautical miles from the coastline of the State.

commercial premises means any of the following:

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

community facility means a building or place:

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

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

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

correctional centre means:

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

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

Council means the **Campbelltown City Council**.

crematorium means a building in which deceased persons or pets are cremated, whether or not it contains an associated building for conducting memorial services.

Crown reserve means:

- (a) a reserve within the meaning of Part 5 of the *Crown Lands Act 1989*, or
- (b) a common within the meaning of the *Commons Management Act 1989*, or
- (c) lands within the meaning of the *Trustees of Schools of Arts Enabling Act 1902*,

but does not include land that forms any part of a reserve under Part 5 of the *Crown Lands Act 1989* provided for accommodation.

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

heritage significance.

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

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

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

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

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

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

designated State public infrastructure means public facilities or services that are provided or financed by the State (or if provided or financed by the public sector, to the extent of any financial or in-kind contribution by the State) of the following kinds:

- (a) State and regional roads,
- (b) bus interchanges and bus lands,
- (c) land required for regional open space,
- (d) land required for social infrastructure and facilities (such as land for schools, hospitals, emergency services and justice purposes).

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

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

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

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

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

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

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

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

dwelling house means a building containing only one dwelling.

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

earthworks means excavation or filling.

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

eco-tourist facility means a building or place that:

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

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

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

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

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

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

electricity generating works means a building or place used for the purpose of making or generating electricity.

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

emergency services organisation means any of the following:

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

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

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

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

estuary has the same meaning as in the *Water Management Act 2000*.

Note. The term is defined as follows:

estuary means:

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

estuary,

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

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

exhibition home means a dwelling built for the purposes of the public exhibition and marketing of new dwellings, whether or not it is intended to be sold as a private dwelling after its use for those purposes is completed, and includes any associated sales or home finance office or place used for displays.

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

extensive agriculture means any of the following:

- (a) the production of crops or fodder (including irrigated pasture and fodder crops) for commercial purposes,
- (b) the grazing of livestock for commercial purposes,
- (c) bee keeping,
- (d) a dairy (pasture-based).

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

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

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

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

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

farm stay accommodation means a building or place that provides temporary or short-term accommodation to paying guests on a working farm as a secondary business to primary production.

Note. See clause 5.4 for controls relating to the number of bedrooms.

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

feedlot means a confined or restricted area that is operated on a commercial basis to rear and fatten cattle, sheep or other animals, fed (wholly or substantially) on prepared and manufactured feed, for the purpose of meat production or fibre products, but does not include a poultry farm, dairy or piggery.

Note. Feedlots are a type of **intensive livestock agriculture**—see the definition of that term in this Dictionary.

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

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

(b) the use of land as a waste disposal facility.

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

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

fish has the same meaning as in the *Fisheries Management Act 1994*.

Note. The term is defined as follows:

Definition of “fish”

- (1) **Fish** means marine, estuarine or freshwater fish or other aquatic animal life at any stage of their life history (whether alive or dead).
- (2) **Fish** includes:
 - (a) oysters and other aquatic molluscs, and
 - (b) crustaceans, and
 - (c) echinoderms, and
 - (d) beachworms and other aquatic polychaetes.
- (3) **Fish** also includes any part of a fish.
- (4) However, **fish** does not include whales, mammals, reptiles, birds, amphibians or other things excluded from the definition by the regulations under the *Fisheries Management Act 1994*.

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

floor space ratio—see clause 4.5.

Floor Space Ratio Map means the **Campbelltown** Local Environmental Plan 2014 Floor Space Ratio Map.

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

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

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

forestry has the same meaning as **forestry operations** has for the purposes of Part 5A of the *Forestry Act 2012*.

Note. The term is defined as follows:

forestry operations means:

- (a) logging operations, namely, the cutting and removal of timber from land for the purpose of timber production, or
- (b) the harvesting of forest products, or

- (c) on-going forest management operations, namely, activities relating to the management of land for timber production such as thinning and other silviculture activities such as bee-keeping, grazing and bush fire hazard reduction, or
- (d) ancillary road construction, namely, the provision of roads and fire trails, and the maintenance of existing railways, to enable or assist in the above operations.

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

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

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

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

garden centre means a building or place the principal purpose of which is the retail sale of plants and landscaping and gardening supplies and equipment. It may, if ancillary to the principal purpose for which the building or place is used, include a restaurant or cafe and the sale of any the following:

- (a) outdoor furniture and furnishings, barbecues, shading and awnings, pools, spas and associated supplies, and items associated with the construction and maintenance of outdoor areas,
- (b) pets and pet supplies,
- (c) fresh produce.

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

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

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

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

- (a) the area of a mezzanine, and
- (b) habitable rooms in a basement or an attic, and
- (c) any shop, auditorium, cinema, and the like, in a basement or attic,

but excludes:

- (d) any area for common vertical circulation, such as lifts and stairs, and
- (e) any basement:
 - (i) storage, and
 - (ii) vehicular access, loading areas, garbage and services, and
- (f) plant rooms, lift towers and other areas used exclusively for mechanical services or ducting, and
- (g) car parking to meet any requirements of the consent authority (including access to that car parking), and
- (h) any space used for the loading or unloading of goods (including access to it), and
- (i) terraces and balconies with outer walls less than 1.4 metres high, and

(j) voids above a floor at the level of a storey or storey above.

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

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

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

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

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

group home (permanent) or permanent group home means a dwelling:

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

but does not include development to which *State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004* applies.

Note. Permanent group homes are a type of **group home**—see the definition of that term in this Dictionary.

group home (transitional) or transitional group home means a dwelling:

- (a) that is occupied by persons as a single household with or without paid supervision or care and whether or not those persons are related or payment for board and lodging is required, and
- (b) that is used to provide temporary accommodation for the relief or rehabilitation of people with a disability or for drug or alcohol rehabilitation purposes, or that is used to provide half-way accommodation for persons formerly living in institutions or temporary accommodation comprising refuges for men, women or young people,

but does not include development to which *State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004* applies.

Note. Transitional group homes are a type of **group home**—see the definition of that term in this Dictionary.

hardware and building supplies means a building or place the principal purpose of which is the sale or hire of goods or materials, such as household fixtures, timber, tools, paint, wallpaper, plumbing supplies and the like, that are used in the construction and maintenance of buildings and adjacent outdoor areas.

Note. Hardware and building supplies are a type of **retail premises**—see the definition of that term in this Dictionary.

hazardous industry means a building or place used to carry out an industrial activity that would, when carried out and when all measures proposed to reduce or minimise its impact on the locality have been employed (including, for example, measures to isolate the activity from existing or likely future development on other land in the locality), pose a significant risk in the locality:

- (a) to human health, life or property, or
- (b) to the biophysical environment.

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

hazardous storage establishment means a building or place that is used for the storage of goods, materials or products and that would, when in operation and when all measures

proposed to reduce or minimise its impact on the locality have been employed (including, for example, measures to isolate the building or place from existing or likely future development on other land in the locality), pose a significant risk in the locality:

- (a) to human health, life or property, or
- (b) to the biophysical environment.

Note. Hazardous storage establishments are a type of **heavy industrial storage establishment**—see the definition of that term in this Dictionary.

headland includes a promontory extending from the general line of the coastline into a large body of water, such as a sea, coastal lake or bay.

health care professional means any person registered under an Act for the purpose of providing health care.

health consulting rooms means premises comprising one or more rooms within (or within the curtilage of) a dwelling house used by not more than 3 health care professionals at any one time.

Note. Health consulting rooms are a type of **health services facility**—see the definition of that term in this Dictionary.

health services facility means a building or place used to provide medical or other services relating to the maintenance or improvement of the health, or the restoration to health, of persons or the prevention of disease in or treatment of injury to persons, and includes any of the following:

- (a) a medical centre,
- (b) community health service facilities,
- (c) health consulting rooms,
- (d) patient transport facilities, including helipads and ambulance facilities,
- (e) hospital.

heavy industrial storage establishment means a building or place used for the storage of goods, materials, plant or machinery for commercial purposes and that requires separation from other development because of the nature of the processes involved, or the goods, materials, plant or machinery stored, and includes any of the following:

- (a) a hazardous storage establishment,
- (b) a liquid fuel depot,
- (c) an offensive storage establishment.

heavy industry means a building or place used to carry out an industrial activity that requires separation from other development because of the nature of the processes involved, or the materials used, stored or produced, and includes:

- (a) hazardous industry, or
- (b) offensive industry.

It may also involve the use of a hazardous storage establishment or offensive storage establishment.

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

Height of Buildings Map means the **Campbelltown Local Environmental Plan 2014** Height of Buildings Map.

helipad means a place not open to the public used for the taking off and landing of helicopters.

heliport means a place open to the public that is used for the taking off and landing of helicopters, whether or not it includes:

- (a) a terminal building, or
- (b) facilities for the parking, storage or repair of helicopters.

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

heritage conservation area means an area of land of heritage significance:

- (a) shown on the Heritage Map as a heritage conservation area, and
- (b) the location and nature of which is described in Schedule 5,

and includes any heritage items situated on or within that area.

heritage conservation management plan means a document prepared in accordance with guidelines prepared by the Division of the Government Service responsible to the Minister administering the *Heritage Act 1977* that documents the heritage significance of an item, place or heritage conservation area and identifies conservation policies and management mechanisms that are appropriate to enable that significance to be retained.

heritage impact statement means a document consisting of:

- (a) a statement demonstrating the heritage significance of a heritage item or heritage conservation area, and
- (b) an assessment of the impact that proposed development will have on that significance, and
- (c) proposals for measures to minimise that impact.

heritage item means a building, work, place, relic, tree, object or archaeological site the location and nature of which is described in Schedule 5.

Note. An inventory of heritage items is also available at the office of the Council.

Direction. [Heritage items must be shown on the Heritage Map.](#)

heritage management document means:

- (a) a heritage conservation management plan, or
- (b) a heritage impact statement, or
- (c) any other document that provides guidelines for the ongoing management and conservation of a heritage item, Aboriginal object, Aboriginal place of heritage significance or heritage conservation area.

Heritage Map means the **Campbelltown** Local Environmental Plan **2014** Heritage Map.

heritage significance means historical, scientific, cultural, social, archaeological, architectural, natural or aesthetic value.

high technology industry means a building or place predominantly used to carry out an industrial activity that involves any of the following:

- (a) electronic or micro-electronic systems, goods or components,
- (b) information technology (such as computer software or hardware),
- (c) instrumentation or instruments of a scientific, industrial, technological, medical or similar nature,
- (d) biological, pharmaceutical, medical or paramedical systems, goods or components,
- (e) film, television or multi-media technologies, including any post production systems, goods or components,
- (f) telecommunications systems, goods or components,
- (g) sustainable energy technologies,
- (h) any other goods, systems or components intended for use in a science or technology related field,

but does not include a building or place used to carry out an industrial activity that presents a hazard or potential hazard to the neighbourhood or that, because of the scale and nature of the processes involved, interferes with the amenity of the neighbourhood.

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

highway service centre means a building or place used to provide refreshments and vehicle services to highway users. It may include any one or more of the following:

- (a) a restaurant or cafe,
- (b) take away food and drink premises,
- (c) service stations and facilities for emergency vehicle towing and repairs,
- (d) parking for vehicles,
- (e) rest areas and public amenities.

home-based child care means a dwelling used by a resident of the dwelling for the supervision and care of one or more children and that satisfies the following conditions:

- (a) the service is licensed within the meaning of the *Children and Young Persons (Care and Protection) Act 1998*,
- (b) the number of children (including children related to the carer or licensee) does not at any one time exceed 7 children under the age of 12 years, including no more than 5 who do not ordinarily attend school.

home business means a business that is carried on in a dwelling, or in a building ancillary to a dwelling, by one or more permanent residents of the dwelling and that does not involve:

- (a) the employment of more than 2 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 exposure to view, from any adjacent premises or from any public place, of any unsightly matter, or
- (d) the exhibition of any signage (other than a business identification sign), or
- (e) the sale of items (whether goods or materials), or the exposure or offer for sale of items, by retail, except for goods produced at the dwelling or building,

but does not include bed and breakfast accommodation, home occupation (sex services) or sex services premises.

Note. See clause 5.4 for controls relating to the floor area used for a home business.

home industry means a dwelling (or a building ancillary to a dwelling) used by one or more permanent residents of the dwelling to carry out an industrial activity that does not involve any of the following:

- (a) the employment of more than 2 persons other than those residents,
- (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,
- (c) the exposure to view, from any adjacent premises or from any public place, of any unsightly matter,
- (d) the exhibition of any signage (other than a business identification sign),
- (e) the sale of items (whether goods or materials), or the exposure or offer for sale of items, by retail, except for goods produced at the dwelling or building,

but does not include bed and breakfast accommodation or sex services premises.

Note. See clause 5.4 for controls relating to the floor area used for a home industry.

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

home occupation means an occupation that is carried on in a dwelling, or in a building ancillary to a dwelling, by one or more permanent residents of the dwelling and that does

not involve:

- (a) the employment of persons other than those residents, or
- (b) interference with the amenity of the neighbourhood by reason of the emission of noise, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil, traffic generation or otherwise, or
- (c) the display of goods, whether in a window or otherwise, or
- (d) the exhibition of any signage (other than a business identification sign), or
- (e) the sale of items (whether goods or materials), or the exposure or offer for sale of items, by retail,

but does not include bed and breakfast accommodation, home occupation (sex services) or sex services premises.

home occupation (sex services) means the provision of sex services in a dwelling that is a brothel, or in a building that is a brothel and is ancillary to such a dwelling, by no more than 2 permanent residents of the dwelling and that does not involve:

- (a) the employment of persons other than those residents, or
- (b) interference with the amenity of the neighbourhood by reason of the emission of noise, traffic generation or otherwise, or
- (c) the exhibition of any signage, or
- (d) the sale of items (whether goods or materials), or the exposure or offer for sale of items, by retail,

but does not include a home business or sex services premises.

horticulture means the cultivation of fruits, vegetables, mushrooms, nuts, cut flowers and foliage and nursery products for commercial purposes, but does not include a plant nursery, turf farming or viticulture.

Note. Horticulture is a type of **intensive plant agriculture**—see the definition of that term in this Dictionary.

hospital means a building or place used for the purpose of providing professional health care services (such as preventative or convalescent care, diagnosis, medical or surgical treatment, psychiatric care or care for people with disabilities, or counselling services provided by health care professionals) to people admitted as in-patients (whether or not out-patients are also cared for or treated there), and includes ancillary facilities for (or that consist of) any of the following:

- (a) day surgery, day procedures or health consulting rooms,
- (b) accommodation for nurses or other health care workers,
- (c) accommodation for persons receiving health care or for their visitors,
- (d) shops, kiosks, restaurants or cafes or take-away food and drink premises,
- (e) patient transport facilities, including helipads, ambulance facilities and car parking,
- (f) educational purposes or any other health-related use,
- (g) research purposes (whether or not carried out by hospital staff or health care workers or for commercial purposes),
- (h) chapels,
- (i) hospices,
- (j) mortuaries.

Note. Hospitals are a type of **health services facility**—see the definition of that term in this Dictionary.

hostel means premises that are generally staffed by social workers or support providers and at which:

- (a) residential accommodation is provided in dormitories, or on a single or shared basis, or by a combination of them, and
- (b) cooking, dining, laundering, cleaning and other facilities are provided on a shared basis.

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

hotel or motel accommodation means a building or place (whether or not licensed premises under the *Liquor Act 2007*) that provides temporary or short-term accommodation on a commercial basis and that:

- (a) comprises rooms or self-contained suites, and
- (b) may provide meals to guests or the general public and facilities for the parking of guests' vehicles,

but does not include backpackers' accommodation, a boarding house, bed and breakfast accommodation or farm stay accommodation.

Note. Hotel or motel accommodation is a type of **tourist and visitor accommodation**—see the definition of that term in this Dictionary.

industrial activity means the manufacturing, production, assembling, altering, formulating, repairing, renovating, ornamenting, finishing, cleaning, washing, dismantling, transforming, processing, recycling, adapting or servicing of, or the research and development of, any goods, substances, food, products or articles for commercial purposes, and includes any storage or transportation associated with any such activity.

industrial retail outlet means a building or place that:

- (a) is used in conjunction with an industry or rural industry, and
- (b) is situated on the land on which the industry or rural industry is located, and
- (c) is used for the display or sale (whether by retail or wholesale) of only those goods that have been manufactured on the land on which the industry or rural industry is located,

but does not include a warehouse or distribution centre.

Note. See clause 5.4 for controls relating to the retail floor area of an industrial retail outlet.

industrial training facility means a building or place used in connection with vocational training in an activity (such as forklift or truck driving, welding or carpentry) that is associated with an industry, rural industry, extractive industry or mining, but does not include an educational establishment, business premises or retail premises.

industry means any of the following:

- (a) general industry,
- (b) heavy industry,
- (c) light industry,

but does not include:

- (d) rural industry, or
- (e) extractive industry, or
- (f) mining.

information and education facility means a building or place used for providing information or education to visitors, and the exhibition or display of items, and includes an art gallery, museum, library, visitor information centre and the like.

intensive livestock agriculture means the keeping or breeding, for commercial purposes, of cattle, poultry, pigs, goats, horses or other livestock that are fed wholly or substantially on externally-sourced feed, and includes any of the following:

- (a) dairies (restricted),

- (b) feedlots,
- (c) piggeries,
- (d) poultry farms,

but does not include extensive agriculture, aquaculture or the operation of facilities for drought or similar emergency relief.

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

intensive plant agriculture means any of the following:

- (a) the cultivation of irrigated crops for commercial purposes (other than irrigated pasture or fodder crops),
- (b) horticulture,
- (c) turf farming,
- (d) viticulture.

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

jetty means a horizontal decked walkway providing access from the shore to the waterway and is generally constructed on a piered or piled foundation.

kiosk means premises that are used for the purposes of selling food, light refreshments and other small convenience items such as newspapers, films and the like.

Note. See clause 5.4 for controls relating to the gross floor area of a kiosk.

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

Land Application Map means the **Campbelltown Local Environmental Plan 2014** Land Application Map.

Land Reservation Acquisition Map means the **Campbelltown Local Environmental Plan 2014** Land Reservation Acquisition Map.

Land Zoning Map means the **Campbelltown Local Environmental Plan 2014** Land Zoning Map.

landscaped area means a part of a site used for growing plants, grasses and trees, but does not include any building, structure or hard paved area.

landscaping material supplies means a building or place used for the storage and sale of landscaping supplies such as soil, gravel, potting mix, mulch, sand, railway sleepers, screenings, rock and the like.

Note. Landscaping material supplies are a type of **retail premises**—see the definition of that term in this Dictionary.

light industry means a building or place used to carry out an industrial activity that does not interfere with the amenity of the neighbourhood by reason of noise, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil, or otherwise, and includes any of the following:

- (a) high technology industry,
- (b) home industry.

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

liquid fuel depot means premises used for the bulk storage of petrol, oil, petroleum or other inflammable liquid for wholesale distribution and at which no retail trade is conducted.

Note. Liquid fuel depots are a type of **heavy industrial storage establishment**—see the definition of that term in this Dictionary.

livestock processing industry means a building or place used for the commercial production of products derived from the slaughter of animals (including poultry) or the processing of skins or wool of animals, derived principally from surrounding districts, and includes abattoirs, knackerries, tanneries, woolscours and rendering plants.

Note. Livestock processing industries are a type of **rural industry**—see the definition of that term in this Dictionary.

Lot Size Map means the **Campbelltown Local Environmental Plan 2014** Lot Size Map.

maintenance, in relation to a heritage item, Aboriginal object or Aboriginal place of heritage significance, or a building, work, archaeological site, tree or place within a heritage conservation area, means ongoing protective care, but does not include the removal or disturbance of existing fabric, alterations (such as carrying out extensions or additions) or the introduction of new materials or technology.

marina means a permanent boat storage facility (whether located wholly on land, wholly on a waterway or partly on land and partly on a waterway), and includes any of the following associated facilities:

- (a) any facility for the construction, repair, maintenance, storage, sale or hire of boats,
- (b) any facility for providing fuelling, sewage pump-out or other services for boats,
- (c) any facility for launching or landing boats, such as slipways or hoists,
- (d) any car parking or commercial, tourist or recreational or club facility that is ancillary to the boat storage facility,
- (e) any berthing or mooring facilities.

market means an open-air area, or an existing building, that is used for the purpose of selling, exposing or offering goods, merchandise or materials for sale by independent stall holders, and includes temporary structures and existing permanent structures used for that purpose on an intermittent or occasional basis.

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

mean high water mark means the position where the plane of the mean high water level of all ordinary local high tides intersects the foreshore, being 1.44m above the zero of Fort Denison Tide Gauge and 0.515m Australian Height Datum.

medical centre means premises that are used for the purpose of providing health services (including preventative care, diagnosis, medical or surgical treatment, counselling or alternative therapies) to out-patients only, where such services are principally provided by health care professionals. It may include the ancillary provision of other health services.

Note. Medical centres are a type of **health services facility**—see the definition of that term in this Dictionary.

mezzanine means an intermediate floor within a room.

mine means any place (including any excavation) where an operation is carried on for mining of any mineral by any method and any place on which any mining related work is carried out, but does not include a place used only for extractive industry.

mine subsidence district means a mine subsidence district proclaimed under section 15 of the *Mine Subsidence Compensation Act 1961*.

mining means mining carried out under the *Mining Act 1992* or the recovery of minerals under the *Offshore Minerals Act 1999*, and includes:

- (a) the construction, operation and decommissioning of associated works, and
- (b) the rehabilitation of land affected by mining.

Note. Mining is not a type of **industry**—see the definition of that term in this Dictionary.

mixed use development means a building or place comprising 2 or more different land uses.

mooring means a detached or freestanding apparatus located on or in a waterway and that is capable of securing a vessel, but does not include a mooring pen.

mooring pen means an arrangement of freestanding piles or other restraining devices designed or used for the purpose of berthing a vessel.

mortuary means premises that are used, or intended to be used, for the receiving, preparation, embalming and storage of bodies of deceased persons pending their

interment or cremation.

moveable dwelling has the same meaning as in the *Local Government Act 1993*.

Note. The term is defined as follows:

moveable dwelling means:

- (a) any tent, or any caravan or other van or other portable device (whether on wheels or not), used for human habitation, or
- (b) a manufactured home, or
- (c) any conveyance, structure or thing of a class or description prescribed by the regulations (under the *Local Government Act 1993*) for the purposes of this definition.

multi dwelling housing means 3 or more dwellings (whether attached or detached) on one lot of land, each with access at ground level, but does not include a residential flat building.

Note. Multi dwelling housing is a type of **residential accommodation**—see the definition of that term in this Dictionary.

native fauna means any animal-life that is indigenous to New South Wales or is known to periodically or occasionally migrate to New South Wales, whether vertebrate (including fish) or invertebrate and in any stage of biological development, but does not include humans.

native flora means any plant-life that is indigenous to New South Wales, whether vascular or non-vascular and in any stage of biological development, and includes fungi and lichens, and marine vegetation within the meaning of Part 7A of the *Fisheries Management Act 1994*.

native vegetation has the same meaning as in the *Native Vegetation Act 2003*.

Note. The term is defined as follows:

Meaning of “native vegetation”

- (1) **Native vegetation** means any of the following types of indigenous vegetation:
 - (a) trees (including any sapling or shrub, or any scrub),
 - (b) understorey plants,
 - (c) groundcover (being any type of herbaceous vegetation),
 - (d) plants occurring in a wetland.
- (2) Vegetation is **indigenous** if it is of a species of vegetation, or if it comprises species of vegetation, that existed in the State before European settlement.
- (3) **Native vegetation** does not include any mangroves, seagrasses or any other type of marine vegetation to which section 205 of the *Fisheries Management Act 1994* applies.

navigable waterway means any waterway that is from time to time capable of navigation and is open to or used by the public for navigation, but does not include flood waters that have temporarily flowed over the established bank of a watercourse.

neighbourhood shop means premises used for the purposes of selling general merchandise such as foodstuffs, personal care products, newspapers and the like to provide for the day-to-day needs of people who live or work in the local area, and may include ancillary services such as a post office, bank or dry cleaning, but does not include restricted premises.

Note. See clause 5.4 for controls relating to the retail floor area of neighbourhood shops.

Neighbourhood shops are a type of **shop**—see the definition of that term in this Dictionary.

nominated State heritage item means a heritage item that:

- (a) has been identified as an item of State significance in a publicly exhibited heritage study adopted by the Council, and
- (b) the Council has, by notice in writing to the Heritage Council, nominated as an item of potential State significance.

non-potable water means water that does not meet the standards or values for drinking water recommended from time to time by the National Health and Medical Research Council.

NSW Coastal Policy means the publication titled *NSW Coastal Policy 1997: A Sustainable Future for the New South Wales Coast*, published by the Government.

offensive industry means a building or place used to carry out an industrial activity that would, when carried out and when all measures proposed to reduce or minimise its impact on the locality have been employed (including, for example, measures to isolate the activity from existing or likely future development on other land in the locality), emit a polluting discharge (including, for example, noise) in a manner that would have a significant adverse impact in the locality or on existing or likely future development on other land in the locality.

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

offensive storage establishment means a building or place that is used for the storage of goods, materials or products and that would, when all measures proposed to reduce or minimise its impact on the locality have been employed (including, for example, measures to isolate the building or place from existing or likely future development on other land in the locality), emit a polluting discharge (including, for example, noise) in a manner that would have a significant adverse impact in the locality or on existing or likely future development on other land in the locality.

Note. Offensive storage establishments are a type of **heavy industrial storage establishment**—see the definition of that term in this Dictionary.

office premises means a building or place used for the purpose of administrative, clerical, technical, professional or similar activities that do not include dealing with members of the public at the building or place on a direct and regular basis, except where such dealing is a minor activity (by appointment) that is ancillary to the main purpose for which the building or place is used.

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

open cut mining means mining carried out on, and by excavating, the earth's surface, but does not include underground mining.

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

parking space means a space dedicated for the parking of a motor vehicle, including any manoeuvring space and access to it, but does not include a car park.

passenger transport facility means a building or place used for the assembly or dispersal of passengers by any form of transport, including facilities required for parking, manoeuvring, storage or routine servicing of any vehicle that uses the building or place.

passenger transport facility means a building or place used for the assembly or dispersal of passengers by any form of transport, including facilities required for parking, manoeuvring, storage or routine servicing of any vehicle that uses the building or place.

people who are socially disadvantaged means:

- (a) people who are disadvantaged because of their alcohol or drug dependence, extreme poverty, psychological disorder or other similar disadvantage, or
- (b) people who require protection because of domestic violence or upheaval.

people with a disability means people of any age who, as a result of having an intellectual, psychiatric, sensory, physical or similar impairment, or a combination of such impairments, either permanently or for an extended period, have substantially limited opportunities to enjoy full and active lives.

place of public worship means a building or place used for the purpose of religious worship by a congregation or religious group, whether or not the building or place is also used for counselling, social events, instruction or religious training.

plant nursery means a building or place the principal purpose of which is the retail sale of plants that are grown or propagated on site or on an adjacent site. It may include the on-site sale of any such plants by wholesale and, if ancillary to the principal purpose for

which the building or place is used, the sale of landscape and gardening supplies and equipment and the storage of these items.

Note. Plant nurseries are a type of **retail premises**—see the definition of that term in this Dictionary.

port facilities means any of the following facilities at or in the vicinity of a designated port within the meaning of section 47 of the *Ports and Maritime Administration Act 1995*:

- (a) facilities for the embarkation or disembarkation of passengers onto or from any vessels, including public ferry wharves,
- (b) facilities for the loading or unloading of freight onto or from vessels and associated receipt, land transport and storage facilities,
- (c) wharves for commercial fishing operations,
- (d) refuelling, launching, berthing, mooring, storage or maintenance facilities for any vessel,
- (e) sea walls or training walls,
- (f) administration buildings, communication, security and power supply facilities, roads, rail lines, pipelines, fencing, lighting or car parks.

potable water means water that meets the standards or values for drinking water recommended from time to time by the National Health and Medical Research Council.

private open space means an area external to a building (including an area of land, terrace, balcony or deck) that is used for private outdoor purposes ancillary to the use of the building.

property vegetation plan has the same meaning as in the *Native Vegetation Act 2003*.

Note. The term is defined as follows:

property vegetation plan means a property vegetation plan that has been approved under Part 4 of the *Native Vegetation Act 2003*.

pub means licensed premises under the *Liquor Act 2007* the principal purpose of which is the retail sale of liquor for consumption on the premises, whether or not the premises include hotel or motel accommodation and whether or not food is sold or entertainment is provided on the premises.

Note. Pubs are a type of **food and drink premises**—see the definition of that term in this Dictionary.

public administration building means a building used as offices or for administrative or other like purposes by the Crown, a statutory body, a council or an organisation established for public purposes, and includes a courthouse or a police station.

public authority has the same meaning as in the Act.

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

Note. The term is defined as follows:

public land means any land (including a public reserve) vested in or under the control of the council, but does not include:

- (a) a public road, or
- (b) land to which the *Crown Lands Act 1989* applies, or
- (c) a common, or
- (d) land subject to the *Trustees of Schools of Arts Enabling Act 1902*, or
- (e) a regional park under the *National Parks and Wildlife Act 1974*.

public reserve has the same meaning as in the *Local Government Act 1993*.

public utility infrastructure, in relation to an urban release area, includes infrastructure for any of the following:

- (a) the supply of water,
- (b) the supply of electricity,
- (c) the disposal and management of sewage.

public utility undertaking means any of the following undertakings carried on or permitted to be carried on by or by authority of any Government Department or under the authority of or in pursuance of any Commonwealth or State Act:

- (a) railway, road transport, water transport, air transport, wharf or river undertakings,
- (b) undertakings for the supply of water, hydraulic power, electricity or gas or the provision of sewerage or drainage services,

and a reference to a person carrying on a public utility undertaking includes a reference to a council, electricity supply authority, Government Department, corporation, firm or authority carrying on the undertaking.

rainwater tank means a tank designed for the storage of rainwater gathered on the land on which the tank is situated.

recreation area means a place used for outdoor recreation that is normally open to the public, and includes:

- (a) a children's playground, or
- (b) an area used for community sporting activities, or
- (c) a public park, reserve or garden or the like,

and any ancillary buildings, but does not include a recreation facility (indoor), recreation facility (major) or recreation facility (outdoor).

recreation facility (indoor) means a building or place used predominantly for indoor recreation, whether or not operated for the purposes of gain, including a squash court, indoor swimming pool, gymnasium, table tennis centre, health studio, bowling alley, ice rink or any other building or place of a like character used for indoor recreation, but does not include an entertainment facility, a recreation facility (major) or a registered club.

recreation facility (major) means a building or place used for large-scale sporting or recreation activities that are attended by large numbers of people whether regularly or periodically, and includes theme parks, sports stadiums, showgrounds, racecourses and motor racing tracks.

recreation facility (outdoor) means a building or place (other than a recreation area) used predominantly for outdoor recreation, whether or not operated for the purposes of gain, including a golf course, golf driving range, mini-golf centre, tennis court, paint-ball centre, lawn bowling green, outdoor swimming pool, equestrian centre, skate board ramp, go-kart track, rifle range, water-ski centre or any other building or place of a like character used for outdoor recreation (including any ancillary buildings), but does not include an entertainment facility or a recreation facility (major).

Reduced Level (RL) means height above the Australian Height Datum, being the datum surface approximating mean sea level that was adopted by the National Mapping Council of Australia in May 1971.

registered club means a club that holds a club licence under the *Liquor Act 2007*.

relic has the same meaning as in the *Heritage Act 1977*.

Note. The term is defined as follows:

relic means any deposit, artefact, object or material evidence that:

- (a) relates to the settlement of the area that comprises New South Wales, not being Aboriginal settlement, and
- (b) is of State or local heritage significance.

research station means a building or place operated by a public authority for the principal purpose of agricultural, environmental, fisheries, forestry, minerals or soil conservation research, and includes any associated facility for education, training, administration or accommodation.

residential accommodation means a building or place used predominantly as a place of residence, and includes any of the following:

- (a) attached dwellings,
- (b) boarding houses,
- (c) dual occupancies,
- (d) dwelling houses,
- (e) group homes,
- (f) hostels,
- (g) multi dwelling housing,
- (h) residential flat buildings,
- (i) rural workers' dwellings,
- (j) secondary dwellings,
- (k) semi-detached dwellings,
- (l) seniors housing,
- (m) shop top housing,

but does not include tourist and visitor accommodation or caravan parks.

residential care facility means accommodation for seniors or people with a disability that includes:

- (a) meals and cleaning services, and
- (b) personal care or nursing care, or both, and
- (c) appropriate staffing, furniture, furnishings and equipment for the provision of that accommodation and care,

but does not include a dwelling, hostel, hospital or psychiatric facility.

Note. Residential care facilities are a type of **seniors housing**—see the definition of that term in this Dictionary.

residential flat building means a building containing 3 or more dwellings, but does not include an attached dwelling or multi dwelling housing.

Note. Residential flat buildings are a type of **residential accommodation**— see the definition of that term in this Dictionary.

resource recovery facility means a building or place used for the recovery of resources from waste, including works or activities such as separating and sorting, processing or treating the waste, composting, temporary storage, transfer or sale of recovered resources, energy generation from gases and water treatment, but not including re-manufacture or disposal of the material by landfill or incineration.

Note. Resource recovery facilities are a type of **waste or resource management facility**—see the definition of that term in this Dictionary.

respite day care centre means a building or place that is used for the care of seniors or people who have a disability and that does not provide overnight accommodation for people other than those related to the owner or operator of the centre.

restaurant or cafe means a building or place the principal purpose of which is the preparation and serving, on a retail basis, of food and drink to people for consumption on the premises, whether or not liquor, takeaway meals and drinks or entertainment are also provided.

Note. Restaurants or cafes are a type of **food and drink premises**—see the definition of that term in this Dictionary.

restricted premises means premises that, due to their nature, restrict access to patrons or customers over 18 years of age, and includes sex shops and similar premises, but does not include a pub, hotel or motel accommodation, home occupation (sex services) or sex services premises.

restriction facilities means facilities where animals are constrained for management

purposes, including milking sheds, pads, feed stalls, holding yards and paddocks where the number of livestock exceeds the ability of vegetation to recover from the effects of grazing in a normal growing season, but does not include facilities for drought or similar emergency relief.

retail premises means a building or place used for the purpose of selling items by retail, or hiring or displaying items for the purpose of selling them or hiring them out, whether the items are goods or materials (or whether also sold by wholesale), and includes any of the following:

- (a) bulky goods premises,
- (b) cellar door premises,
- (c) food and drink premises,
- (d) garden centres,
- (e) hardware and building supplies,
- (f) kiosks,
- (g) landscaping material supplies,
- (h) markets,
- (i) plant nurseries,
- (j) roadside stalls,
- (k) rural supplies,
- (l) shops,
- (m) timber yards,
- (n) vehicle sales or hire premises,

but does not include highway service centres, service stations, industrial retail outlets or restricted premises.

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

road means a public road or a private road within the meaning of the *Roads Act 1993*, and includes a classified road.

roadside stall means a place or temporary structure used for the retail sale of agricultural produce or hand crafted goods (or both) produced from the property on which the stall is situated or from an adjacent property.

Note. See clause 5.4 for controls relating to the gross floor area of roadside stalls.

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

rural industry means the handling, treating, production, processing, storage or packing of animal or plant agricultural products for commercial purposes, and includes any of the following:

- (a) agricultural produce industries,
- (b) livestock processing industries,
- (c) composting facilities and works (including the production of mushroom substrate),
- (d) sawmill or log processing works,
- (e) stock and sale yards,
- (f) the regular servicing or repairing of plant or equipment used for the purposes of a rural enterprise.

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

rural supplies means a building or place used for the display, sale or hire of stockfeeds, grains, seed, fertilizers, veterinary supplies and other goods or materials used in farming and primary industry production.

Note. Rural supplies are a type of **retail premises**—see the definition of that term in this Dictionary.
rural worker's dwelling means a building or place that is additional to a dwelling house on the same lot and that is used predominantly as a place of residence by persons employed, whether on a long-term or short-term basis, for the purpose of agriculture or a rural industry on that land.

Note. Rural workers' dwellings are a type of **residential accommodation**—see the definition of that term in this Dictionary.

sawmill or log processing works means a building or place used for handling, cutting, chipping, pulping or otherwise processing logs, baulks, branches or stumps, principally derived from surrounding districts, into timber or other products derived from wood.

Note. Sawmill or log processing works are a type of **rural industry**—see the definition of that term in this Dictionary.

school means a government school or non-government school within the meaning of the *Education Act 1990*.

Note. Schools are a type of **educational establishment**—see the definition of that term in this Dictionary.

secondary dwelling means a self-contained dwelling that:

- (a) is established in conjunction with another dwelling (the **principal dwelling**), and
- (b) is on the same lot of land as the principal dwelling, and
- (c) is located within, or is attached to, or is separate from, the principal dwelling.

Note. See clause 5.4 for controls relating to the total floor area of secondary dwellings.

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

self-storage units means premises that consist of individual enclosed compartments for storing goods or materials (other than hazardous or offensive goods or materials).

Note. Self-storage units are a type of **storage premises**—see the definition of that term in this Dictionary.

semi-detached dwelling means a dwelling that is on its own lot of land and is attached to only one other dwelling.

Note. Semi-detached dwellings are a type of **residential accommodation**—see the definition of that term in this Dictionary.

seniors housing means a building or place that is:

- (a) a residential care facility, or
- (b) a hostel within the meaning of clause 12 of *State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004*, or
- (c) a group of self-contained dwellings, or
- (d) a combination of any of the buildings or places referred to in paragraphs (a)–(c), and that is, or is intended to be, used permanently for:
 - (e) seniors or people who have a disability, or
 - (f) people who live in the same household with seniors or people who have a disability, or
 - (g) staff employed to assist in the administration of the building or place or in the provision of services to persons living in the building or place,

but does not include a hospital.

Note. Seniors housing is a type of **residential accommodation**—see the definition of that term in this Dictionary.

service station means a building or place used for the sale by retail of fuels and lubricants for motor vehicles, whether or not the building or place is also used for any one or more of the following:

- (a) the ancillary sale by retail of spare parts and accessories for motor vehicles,

- (b) the cleaning of motor vehicles,
- (c) installation of accessories,
- (d) inspecting, repairing and servicing of motor vehicles (other than body building, panel beating, spray painting, or chassis restoration),
- (e) the ancillary retail selling or hiring of general merchandise or services or both.

serviced apartment means a building (or part of a building) providing self-contained accommodation to tourists or visitors on a commercial basis and that is regularly serviced or cleaned by the owner or manager of the building or part of the building or the owner's or manager's agents.

Note. Serviced apartments are a type of **tourist and visitor accommodation**—see the definition of that term in this Dictionary.

sewage reticulation system means a building or place used for the collection and transfer of sewage to a sewage treatment plant or water recycling facility for treatment, or transfer of the treated waste for use or disposal, including associated:

- (a) pipelines and tunnels, and
- (b) pumping stations, and
- (c) dosing facilities, and
- (d) odour control works, and
- (e) sewage overflow structures, and
- (f) vent stacks.

Note. Sewage reticulation systems are a type of **sewerage system**—see the definition of that term in this Dictionary.

sewage treatment plant means a building or place used for the treatment and disposal of sewage, whether or not the facility supplies recycled water for use as an alternative water supply.

Note. Sewage treatment plants are a type of **sewerage system**—see the definition of that term in this Dictionary.

sewerage system means any of the following:

- (a) biosolids treatment facility,
- (b) sewage reticulation system,
- (c) sewage treatment plant,
- (d) water recycling facility,
- (e) a building or place or place that is a combination of any of the things referred to in paragraphs (a)–(d).

sex services means sexual acts or sexual services in exchange for payment.

sex services premises means a brothel, but does not include home occupation (sex services).

shop means premises that sell merchandise such as groceries, personal care products, clothing, music, homewares, stationery, electrical goods or the like or that hire any such merchandise, and includes a neighbourhood shop, but does not include food and drink premises or restricted premises.

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

shop top housing means one or more dwellings located above ground floor retail premises or business premises.

Note. Shop top housing is a type of **residential accommodation**—see the definition of that term in this Dictionary.

signage means any sign, notice, device, representation or advertisement that advertises or promotes any goods, services or events and any structure or vessel that is principally designed for, or that is used for, the display of signage, and includes any of the following:

- (a) an advertising structure,
- (b) a building identification sign,
- (c) a business identification sign,

but does not include a traffic sign or traffic control facilities.

site area means the area of any land on which development is or is to be carried out. The land may include the whole or part of one lot, or more than one lot if they are contiguous to each other, but does not include the area of any land on which development is not permitted to be carried out under this Plan.

Note. The effect of this definition is varied by clause 4.5 for the purpose of the determination of permitted floor space area for proposed development.

site coverage means the proportion of a site area covered by buildings. However, the following are not included for the purpose of calculating site coverage:

- (a) any basement,
- (b) any part of an awning that is outside the outer walls of a building and that adjoins the street frontage or other site boundary,
- (c) any eaves,
- (d) unenclosed balconies, decks, pergolas and the like.

small bar means a small bar within the meaning of the *Liquor Act 2007*.

Note. Small bars are a type of food and drink premises – see the definition of that term in this Dictionary.

spa pool has the same meaning as in the *Swimming Pools Act 1992*.

Note. The term is defined to include any excavation, structure or vessel in the nature of a spa pool, flotation tank, tub or the like.

stock and sale yard means a building or place that is used on a commercial basis for the purpose of offering livestock or poultry for sale and that may be used for the short-term storage and watering of stock.

Note. Stock and sale yards are a type of *rural industry*—see the definition of that term in this Dictionary.

storage premises means a building or place used for the storage of goods, materials, plant or machinery for commercial purposes and where the storage is not ancillary to any industry, business premises or retail premises on the same parcel of land, and includes self-storage units, but does not include a heavy industrial storage establishment or a warehouse or distribution centre.

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

- (a) a space that contains only a lift shaft, stairway or meter room, or
- (b) a mezzanine, or
- (c) an attic.

swimming pool has the same meaning as in the *Swimming Pools Act 1992*.

Note. The term is defined as follows:

swimming pool means an excavation, structure or vessel:

- (a) that is capable of being filled with water to a depth of 300 millimetres or more, and
- (b) that is solely or principally used, or that is designed, manufactured or adapted to be solely or principally used, for the purpose of swimming, wading, paddling or any other human aquatic activity,

and includes a spa pool, but does not include a spa bath, anything that is situated within a bathroom or anything declared by the regulations made under the *Swimming Pools Act 1992* not to be a swimming pool for the purposes of that Act.

take away food and drink premises means premises that are predominantly used for the

preparation and retail sale of food or drink (or both) for immediate consumption away from the premises.

Note. Take away food and drink premises are a type of **food and drink premises**—see the definition of that term in this Dictionary.

telecommunications facility means:

- (a) any part of the infrastructure of a telecommunications network, or
- (b) any line, cable, optical fibre, fibre access node, interconnect point equipment, apparatus, tower, mast, antenna, dish, tunnel, duct, hole, pit, pole or other structure in connection with a telecommunications network, or
- (c) any other thing used in or in connection with a telecommunications network.

telecommunications network means a system, or series of systems, that carries, or is capable of carrying, communications by means of guided or unguided electromagnetic energy, or both.

temporary structure has the same meaning as in the Act.

Note. The term is defined as follows:

temporary structure includes a booth, tent or other temporary enclosure (whether or not part of the booth, tent or enclosure is permanent), and also includes a mobile structure.

the Act means the *Environmental Planning and Assessment Act 1979*.

timber yard means a building or place the principal purpose of which is the sale of sawn, dressed or treated timber, wood fibre boards or similar timber products. It may include the cutting of such timber, boards or products to order and the sale of hardware, paint, tools and materials used in conjunction with the use and treatment of timber.

Note. Timber yards are a type of **retail premises**—see the definition of that term in this Dictionary.

tourist and visitor accommodation means a building or place that provides temporary or short-term accommodation on a commercial basis, and includes any of the following:

- (a) backpackers' accommodation,
- (b) bed and breakfast accommodation,
- (c) farm stay accommodation,
- (d) hotel or motel accommodation,
- (e) serviced apartments,

but does not include:

- (f) camping grounds, or
- (g) caravan parks, or
- (h) eco-tourist facilities.

transport depot means a building or place used for the parking or servicing of motor powered or motor drawn vehicles used in connection with a business, industry, shop or passenger or freight transport undertaking.

truck depot means a building or place used for the servicing and parking of trucks, earthmoving machinery and the like.

turf farming means the commercial cultivation of turf for sale and the removal of turf for that purpose.

Note. Turf farming is a type of **intensive plant agriculture**—see the definition of that term in this Dictionary.

underground mining means:

- (a) mining carried out beneath the earth's surface, including bord and pillar mining, longwall mining, top-level caving, sub-level caving and auger mining, and
- (b) shafts, drill holes, gas and water drainage works, surface rehabilitation works and access pits associated with that mining (whether carried out on or beneath the

earth's surface),
but does not include open cut mining.

urban release area means an area of land shown hatched and lettered "Urban Release Area" on the Urban Release Area Map.

Urban Release Area Map means the Campbelltown Local Environmental Plan 2014 Urban Release Area Map.

Exhibition Note:

The Exhibition Version of Draft Campbelltown Local Environmental Plan 2014 does not include an Urban Release Area Map.

vehicle body repair workshop means a building or place used for the repair of vehicles or agricultural machinery, involving body building, panel building, panel beating, spray painting or chassis restoration.

vehicle repair station means a building or place used for the purpose of carrying out repairs to, or the selling and fitting of accessories to, vehicles or agricultural machinery, but does not include a vehicle body repair workshop or vehicle sales or hire premises.

vehicle sales or hire premises means a building or place used for the display, sale or hire of motor vehicles, caravans, boats, trailers, agricultural machinery and the like, whether or not accessories are sold or displayed there.

Note. Vehicle sales or hire premises are a type of **retail premises**—see the definition of that term in this Dictionary.

veterinary hospital means a building or place used for diagnosing or surgically or medically treating animals, whether or not animals are kept on the premises for the purpose of treatment.

viticulture means the cultivation of grapes for use in the commercial production of fresh or dried fruit or wine.

Note. Viticulture is a type of **intensive plant agriculture**—see the definition of that term in this Dictionary.

warehouse or distribution centre means a building or place used mainly or exclusively for storing or handling items (whether goods or materials) pending their sale, but from which no retail sales are made.

waste disposal facility means a building or place used for the disposal of waste by landfill, incineration or other means, including such works or activities as recycling, resource recovery and other resource management activities, energy generation from gases, leachate management, odour control and the winning of extractive material to generate a void for disposal of waste or to cover waste after its disposal.

Note. Waste disposal facilities are a type of **waste or resource management facility**—see the definition of that term in this Dictionary.

waste or resource management facility means any of the following:

- (a) a resource recovery facility,
- (b) a waste disposal facility,
- (c) a waste or resource transfer station,
- (d) a building or place that is a combination of any of the things referred to in paragraphs (a)–(c).

waste or resource transfer station means a building or place used for the collection and transfer of waste material or resources, including the receipt, sorting, compacting, temporary storage and distribution of waste or resources and the loading or unloading of waste or resources onto or from road or rail transport.

Note. Waste or resource transfer stations are a type of **waste or resource management facility**—see the definition of that term in this Dictionary.

water recreation structure means a structure used primarily for recreational purposes that has a direct structural connection between the shore and the waterway, and may include a

pier, wharf, jetty or boat launching ramp.

water recycling facility means a building or place used for the treatment of sewage effluent, stormwater or waste water for use as an alternative supply to mains water, groundwater or river water (including, in particular, sewer mining works), whether the facility stands alone or is associated with other development, and includes associated:

- (a) retention structures, and
- (b) treatment works, and
- (c) irrigation schemes.

Note. Water recycling facilities are a type of **sewerage system**—see the definition of that term in this Dictionary.

water reticulation system means a building or place used for the transport of water, including pipes, tunnels, canals, pumping stations, related electricity infrastructure, dosing facilities and water supply reservoirs.

Note. Water reticulation systems are a type of **water supply system**—see the definition of that term in this Dictionary.

water storage facility means a dam, weir or reservoir for the collection and storage of water, and includes associated monitoring or gauging equipment.

Note. Water storage facilities are a type of **water supply system**—see the definition of that term in this Dictionary.

water supply system means any of the following:

- (a) a water reticulation system,
- (b) a water storage facility,
- (c) a water treatment facility,
- (d) a building or place that is a combination of any of the things referred to in paragraphs (a)–(c).

water treatment facility means a building or place used for the treatment of water (such as a desalination plant or a recycled or reclaimed water plant) whether the water produced is potable or not, and includes residuals treatment, storage and disposal facilities, but does not include a water recycling facility.

Note. Water treatment facilities are a type of **water supply system**—see the definition of that term in this Dictionary.

waterbody means a waterbody (artificial) or waterbody (natural).

waterbody (artificial) or **artificial waterbody** means an artificial body of water, including any constructed waterway, canal, inlet, bay, channel, dam, pond, lake or artificial wetland, but does not include a dry detention basin or other stormwater management construction that is only intended to hold water intermittently.

waterbody (natural) or **natural waterbody** means a natural body of water, whether perennial or intermittent, fresh, brackish or saline, the course of which may have been artificially modified or diverted onto a new course, and includes a river, creek, stream, lake, lagoon, natural wetland, estuary, bay, inlet or tidal waters (including the sea).

watercourse means any river, creek, stream or chain of ponds, whether artificially modified or not, in which water usually flows, either continuously or intermittently, in a defined bed or channel, but does not include a waterbody (artificial).

waterway means the whole or any part of a watercourse, wetland, waterbody (artificial) or waterbody (natural).

wetland means:

- (a) natural wetland, including marshes, mangroves, backwaters, billabongs, swamps, sedgelands, wet meadows or wet heathlands that form a shallow waterbody (up to 2 metres in depth) when inundated cyclically, intermittently or permanently with fresh, brackish or salt water, and where the inundation determines the type and

productivity of the soils and the plant and animal communities, or

- (b) artificial wetland, including marshes, swamps, wet meadows, sedgeland or wet heathlands that form a shallow waterbody (up to 2 metres in depth) when inundated cyclically, intermittently or permanently with water, and are constructed and vegetated with wetland plant communities.

wharf or boating facilities means a wharf (or any of the following facilities associated with a wharf or boating) that are not port facilities:

- (a) facilities for the embarkation or disembarkation of passengers onto or from any vessels, including public ferry wharves,
- (b) facilities for the loading or unloading of freight onto or from vessels and associated receival, land transport and storage facilities,
- (c) wharves for commercial fishing operations,
- (d) refuelling, launching, berthing, mooring, storage or maintenance facilities for any vessel,
- (e) sea walls or training walls,
- (f) administration buildings, communication, security and power supply facilities, roads, rail lines, pipelines, fencing, lighting or car parks.

wholesale supplies means a building or place used for the display, sale or hire of goods or materials by wholesale only to businesses that have an Australian Business Number registered under the *A New Tax System (Australian Business Number) Act 1999* of the Commonwealth.