

Part 1 Preliminary

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Introduction

1.1 Introduction

1.1 Name of Volume 3

Volume 3 of the Plan is called Deferred Areas Development Control Plan (DADCP) and has been prepared in accordance with Section 74 C of the Environmental Planning and Assessment Act 1979 (the Act) and Clause No 16 of the Environmental Planning and Assessment Regulation 2000 (the Regulation). The purpose of the DADCP is to provide more detailed provisions to supplement Campbelltown (Urban Area) Local Environmental Plan 2002 (LEP 2002), Local Environmental Plan (District 8) and Interim Development Order (IDO) No 15.

Council (the consent authority) is required under Section 79C of the Act, to take into consideration the relevant provisions of the DADCP in determining development applications on land located within the Campbelltown Local Government Area (LGA).

1.2 Land to which the DADCP Applies

The DADCP applies to the areas that have been marked as a ‘Deferred Matter’ under Campbelltown Local Environmental Plan 2015.

A reference to ‘deferred areas’ under Volume 1 and the DADCP of the Plan, shall mean the areas that are marked as a ‘Deferred Matter’ under the Land Application Map of Campbelltown Local Environmental Plan 2015 (the CLEP). The Land Application Map of the CLEP is available from the NSW Legislation website at: www.legislation.nsw.gov.au.

1.3 Structure of the DADCP

The DADCP comprises the following:

Volume 3 :

- Part 1 Preliminary
- Part 2 Residential and Ancillary Development on Urban Land
- Part 3 Residential and Ancillary Development on Non-Urban Land
- Part 4 Residential Flat Buildings and Mixed-Use Development
- Part 5 Commercial Development
- Part 6 Industrial Development

1.5 Relationship to Volume 1 *Development Controls for All Types of Development of the Plan*

The following Parts of Volume 1 Development Controls for All Types of Development of the Plan shall apply to the deferred areas (where the DADCP applies):

- Part 2 Requirements Applying to all Types of Development
- Part 8 Child Care Centres
- Part 9 Public consultation
- Part 10 Places of Public Worship
- Part 11 Vegetation Management and Wildlife Habitat

- Part 12 Telecommunications Facilities
- Part 13 Sex Industry Premises
- Part 14 Parking of Heavy Vehicles on Residential, Rural and Environmental Protection Land
- Part 15 Animal Boarding or Training Establishments
- Part 16 - Advertising and Signage
- Part 17 - Boarding Houses
- Appendices

Note: For the purpose of the DADCP 'Places of Public Worship' have the same meaning as 'Religious Establishments'.

1.6 Additional development controls that apply to the Deferred Areas for specific land uses

For the purposes of the DADCP the development controls specified in Table 1.6 below shall apply to the deferred areas in addition to Parts (2,8,9,10,11,12,13,14,15 and Appendices) of Volume 1 that are specified under Clause 1.5 Relationship to Volume 1 of the *Development Controls for All Types of Development of the Plan*:

Table 1.6 Additional development controls that apply to the deferred areas

Relevant Part of Volume 1 of the Plan	Additional Development Controls
Part 8 Child Care Centres (Part 8)	<ul style="list-style-type: none"> a) Child care centres shall not be developed on an allotment with an area less than 800sqm. b) Despite Clause 8.3.2 a) of Part 8 Volume 1, Council may consider a proposal for a child care centre within an existing building that do not meet the allotment size and site width requirement on land within an industry zone under LEP 2002. c) In addition to Section 8.3.8 Additional Requirements - Residential zone, where a proposal comprises a child care centre and a residential dwelling, the combined FSR for both uses shall not exceed 0.55:1. d) The setbacks for child care centres within industry zones shall comply with the requirement of section 6.2.2 Building Setbacks within Part 6 Industrial Developmental of Volume 3 of the Plan.

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Table 1.6 Additional development controls that apply to the deferred areas - continued

Relevant Part of Volume 1 of the Plan	Additional Development Controls
Part 9 Public Consultation (Part 9)	a) For the Purpose of the DADCP, Part 9 Council Strategic Planning Document shall be taken to mean any LEP, DCP, S94 Development Contribution Plan, S94A Development Contribution Plan, Planning Agreement and POM, prepared by, or on behalf of Council.
Part 10 Places of Public Worship (Part 10)	<p>a) Religious Establishments shall:</p> <ul style="list-style-type: none"> i) not exceed 2 storeys in height; ii) have a height not exceeding 7.2 metres at the upper most ceiling measured vertically from ground level (existing); and iii) have a building height not exceeding 9.5 metres. <p>b) Notwithstanding the above, spires and similar structures shall only be permitted if in Council's opinion the proposed structure:</p> <ul style="list-style-type: none"> i) is of appropriate height, bulk and scale; and ii) does not result in overshadowing of private open space and living rooms of adjacent residential development or the residential component of a mixed use development.
Part 11 Vegetation Management (Part 11)	a) For the Purpose of the DADCP, the reference to Clause 5.9 of the CLEP under Part 11 Section 11.1 Application, does not apply.

Table 1.6 Additional development controls that apply to the deferred areas - continued

Relevant Part of Volume 1 of the Plan	Additional Development Controls
<p>Part 14 Parking of Heavy Vehicles on Residential, Rural and Environmental Protection Land (Part 14)</p>	<p>a) For the purpose of the DADCP the following shall apply:</p> <ul style="list-style-type: none"> i) Any reference to zones R2 Low Density Residential and R3 Medium Density Residential shall be substituted by a reference to Zone 2 (b)—Residential B Zone. ii) Any reference to Zone RU2 Rural Landscape shall be substituted by a reference to: <ul style="list-style-type: none"> – Zone 1(a) - Rural A Zone within the areas where LEP 2002 applies; and – Zone 1 Non-Urban (40 hectare minimum) and Zone 1 Non-Urban (100 hectare minimum) where IDO 15 applies. iii) Any reference to Zone E4 Environmental living shall be substituted by a reference to: <ul style="list-style-type: none"> – Zone 7(d4) - Environmental Protection 2 Hectares Minimum Zone, Zone 7(d5) - Environmental Protection 1 Hectare Minimum Zone and Zone 7(d6) - Environmental Protection 0.4 Hectare Minimum Zone to where LEP 2002 applies.
<p>Part 14 Parking of Heavy Vehicles on Residential, Rural and Environmental Protection Land (Part 14) - continued</p>	<ul style="list-style-type: none"> iv) Any reference to Zone E3 Environmental Management shall be substituted by a reference to: <ul style="list-style-type: none"> – Zone 7(d1) - Environmental Protection 100 Hectares Minimum Zone to where LEP 2002 applies ; and – Zone 7(d1) - Environmental Protection (Scenic) to where LEP D8 applies.
<p>Part 15 Animal Boarding or Training Establishment (Part 15)</p>	<p>a) For the Purpose of the DADCP, Part 15 shall apply to the ‘deferred areas’, subject to land use permissibility under the relevant planning instrument that applies to the land.</p>

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1.2 Definitions

Important Note: For the purpose of the DADCP, multi dwellings include “dual occupancy”, “dual occupancy (attached)”, “integrated housing development” and “multi dwellings” as defined under Campbelltown (Urban Area) Local Environmental Plan 2002.

Adaptable dwelling has the same meaning as defined under Section 1.4 Definition of Volume 1.

Amenity Asset protection zone has the same meaning as defined under Section 1.4 Definition of Volume 1.

Asset protection Zone has the same meaning as defined under Section 1.4 Definition of Volume 1.

Average Recurrence Interval (ARI) has the same meaning as defined under Section 1.4 Definition of Volume 1.

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).

Battle-axe allotment has the same meaning as defined under Section 1.4 Definition of Volume 1.

Brothel means a premises used for the purposes of prostitution, whether or not by only one prostitute.

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 line means the line of a proposed external wall or roof edge (where there is no wall) of a building (other than a wall or roof of any building element for articulation purposes), or the outside face of any existing or proposed ancillary development, closest to a boundary of a lot.

Building Sustainability Index (BASIX) has the same meaning as defined under Section 1.4 Definition of Volume 1.

Burra Charter (The Australia ICOMOS Charter for Places of Cultural Significance) has the same meaning as defined under Section 1.4 Definition of Volume 1.

Bushfire prone land has the same meaning as defined under Section 1.4 Definition of Volume 1.

Bush rock has the same meaning as defined under Section 1.4 Definition of Volume 1.

Communal open space has the same meaning as defined under Section 1.4 Definition of Volume 1.

Conventional allotment means the creation of a Torrens Title allotment in which no dwellings are proposed as part of the development application.

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Conservation management plan has the same meaning as defined under Section 1.4 Definition of Volume 1.

Council Strategic Planning Document (CSPD) means any LEP, DCP, S94 Development Contribution Plan, S94A Development Contribution Plan, Planning Agreement and POM, prepared by, or on behalf of Council.

Crown has the same meaning as defined under Section 1.4 Definition of Volume 1.

Crown maintenance pruning has the same meaning as defined under Section 1.4 Definition of Volume 1.

Crown modification pruning has the same meaning as defined under Section 1.4 Definition of Volume 1.

Crown thinning has the same meaning as defined under Section 1.4 Definition of Volume 1.

Dangerous tree has the same meaning as defined under Section 1.4 Definition of Volume 1.

Dead tree has the same meaning as defined under Section 1.4 Definition of Volume 1.

Deadwooding has the same meaning as defined under Section 1.4 Definition of Volume 1.

Deep soil planting has the same meaning as defined under Section 1.4 Definition of Volume 1.

Domestic 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 or a dwelling.

Dormer means a gabled extension built out from a sloping roof to accommodate a vertical window.

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 one dwelling and any subordinate structure such as a secondary dwelling but excludes a domestic outbuilding.

Dying Tree has the same meaning as defined under Section 1.4 Definition of Volume 1.

Ecologically Sustainable Development (ESD) means a development that conserves and enhances the community's resources so ecological processes are maintained and the total quality of life, now and in the future, can be increased.

Environmental planning instrument (EPI) means an environmental planning instrument (including a SEPP or LEP or IDO but not including a DCP) made, or taken to have been made, under the Environmental Planning & Assessment Act 1979 and is in force.

Environmental weed has the same meaning as defined under Section 1.4 Definition of Volume 1.

Flood Planning Level has the same meaning as defined under Section 1.4 Definition of Volume 1.

Floor Space Ratio (FSR) means the ratio of the building gross floor area to the site total area (refer to definition of gross floor area below).

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Flowpath has the same meaning as defined under Section 1.4 Definition of Volume 1.

Formative Pruning has the same meaning as defined under Section 1.4 Definition of Volume 1.

Freeboard has the same meaning as defined under Section 1.4 Definition of Volume 1.

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:

- i) the area of a mezzanine; and
- ii) habitable rooms in a basement or an attic; and
- iii) any shop, auditorium, cinema, and the like, in a basement or attic;

but excludes:

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

Habitable room has the same meaning as defined under Section 1.4 Definition of Volume 1.

Injury and wilful destruction of vegetation has the same meaning as defined under Section 1.4 Definition of Volume 1.

Lop or Lopping has the same meaning as defined under Section 1.4 Definition of Volume 1.

Mixed-use development means a development that contains a mixture of retail and/or commercial and residential uses.

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Multi dwellings means development involving the erection of two or more dwellings on a site, each with separate principal access from the ground level and include “dual occupancy”, “dual occupancy (attached)”, “integrated housing development” and “multi dwellings”, but does not include secondary dwellings, or residential apartment buildings.

Native vegetation means any of the following types of indigenous vegetation:

- trees (including any sapling or shrub, or any scrub),
- understorey plants,
- groundcover (being any type of herbaceous vegetation),
- plants occurring in a wetland.

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.

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.

Non-urban land means any rural, or environmental protection zoned land under LEP 2002 and any land under IDOs 13,15 and 28, LEPs 1, 32 and District 8.

Noxious weed has the same meaning as defined under Section 1.4 Definition of Volume 1.

On-site service facilities has the same meaning as defined under Section 1.4 Definition of Volume 1.

Other Vegetation has the same meaning as defined under Section 1.4 Definition of Volume 1.

Owner has the same meaning as defined under Section 1.4 Definition of Volume 1.

Parenting Facility has the same meaning as defined under Section 1.4 Definition of Volume 1.

Place of Aboriginal heritage significance has the same meaning as defined under Section 1.4 Definition of Volume 1.

Primary street has the same meaning as defined under Section 1.4 Definition of Volume 1.

Privacy screen has the same meaning as defined under Section 1.4 Definition of Volume 1.

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.

Prostitution has the same meaning as defined under Section 1.4 Definition of Volume 1.

Public domain has the same meaning as defined under Section 1.4 Definition of Volume 1.

Public exhibition has the same meaning as defined under Section 1.4 Definition of Volume 1.

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Public notification has the same meaning as defined under Section 1.4 Definition of Volume 1.

Public submission has the same meaning as defined under Section 1.4 Definition of Volume 1.

Remove, Removal and Cutting Down has the same meaning as defined under Section 1.4 Definition of Volume 1.

Retail premises means a building or place used for the purpose of selling items by retail, or for hiring or displaying items for the purpose of selling them by retail or hiring them out, whether the items are goods or materials (or whether also sold by wholesale).

Rural dwelling house means a dwelling house within non-urban lands.

Rural dual occupancy means a rural dual occupancy (attached) or a rural dual occupancy (detached) within non-urban land.

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

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

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.

Secondary dwelling means a self-contained dwelling that:

- i) is established in conjunction with another dwelling (the principal dwelling), and
- ii) is on the same lot of land as the principal dwelling, and
- iii) is located within, or is attached to, or is separate from, the principal dwelling.

Secondary street has the same meaning as defined under Section 1.4 Definition of Volume 1.

Sex industry premises means any brothel, restricted premises or sex-on-premises establishment.

Sex-on-premises establishment means any premises that gain income from entrance or membership fees (or both) for the use of booths or any other area on the premises designated for casual sex between patrons, but does not include a brothel.

Site analysis means a plan that identifies development opportunities and constraints offered and imposed by the site, the potential impact of proposed development on surrounding sites, and the setting of the site to assist in understanding how future development will relate to each other and to their locality.

Solar collectors has the same meaning as defined under Section 1.4 Definition of Volume 1.

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:

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- i) a space that contains only a lift shaft, stairway or meter room, or
- ii) mezzanine, or
- iii) basement, or
- iv) an attic.

Suitably qualified person has the same meaning as defined under Section 1.4 Definition of Volume 1.

Telecommunications facility means:

- i) any part of the infrastructure of a telecommunications network, or
- ii) 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
- iii) 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.

Treatment train has the same meaning as defined under Section 1.4 Definition of Volume 1.

Threatened species, population or ecological community has the same meaning as defined under Section 1.4 Definition of Volume 1.

Tree has the same meaning as defined under Section 1.4 Definition of Volume 1.

Urban Land means all land under LEP 2002 except any rural, or environmental protection zoned land under LEP 2002.

Watercourse means:

- i) any river, creek, stream or brook (weather natural or artificial) in which water flows ;
- ii) any collection of water (including a reservoir) into, through or out of which any thing coming within paragraph (i) flows; and
- iii) includes the bed and banks of any thing referred to in paragraph (i) or (ii) .

For the purposes of this definition

- i) a flow or collection of water comes within that definition even though it is only intermittent or occasional;
- ii) a river, creek, stream or brook includes a conduit that wholly or partially diverts it from its natural course and forms part of the river, creek, stream or brook; and
- iii) it is immaterial that a river, creek, stream or brook or a natural collection of water may have been artificially improved or altered.

Waste Management Plan (WMP) has the same meaning as defined under Section 1.4 Definition of Volume 1.

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Water Sensitive Urban Design (WSUD) has the same meaning as defined under Section 1.4 Definition of Volume 1.

Wheel Out-Wheel Back has the same meaning as defined under Section 1.4 Definition of Volume 1.

Zone of influence has the same meaning as defined under Section 1.4 Definition of Volume 1.

1.5. Acronyms

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Acronyms

APZ	Asset Protection Zone
ARI	Average Recurrence Interval
BASIX	Building Sustainability Index
BCA	Building Code of Australia
CLEP	Campbelltown Local Environmental Plan 2015
CSPD	Council Strategic Planning Document
CPTED	Crime Prevention Through Environmental Design
DA	Development Application
DCP	Development Control Plan
E&CDC	State Environmental Planning Policy (Exempt and Complying Development Codes) 2008
EDGD	Engineering Design Guide for Development
ESD	Ecologically Sustainable Development
EP&A Act	Environmental Planning and Assessment Act 1979
EP&A Reg	Environmental Planning and Assessment Regulation 2000
EPI	Environmental Planning Instrument
FSR	Floor Space Ratio
GFA	Gross Floor Area
IDO	Interim Development Order
LEP	Local Environmental Plan
LG Act	Local Government Act 1993
LGA	Local Government Area
m	Metre
OEH	Office of Environment and Heritage
PoM	Plan of Management
RFDC	Residential Flat Design Code
RMS	Roads and Maritime Services (previously RTA)
SEPP	State Environmental Planning Policy
sqm	Square metre
WMP	Waste Management Plan
VENM	Virgin Excavated Natural Material

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