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Clause	Proposed	Compliance
<p>2.3 Zone objectives and land use table</p> <p>The land use table for each zone sets out what development is permitted without consent, permitted with consent and prohibited.</p> <p>The consent authority must have regard to the objectives for development in a zone when determining a development application in respect of land within a zone.</p> <p>The zone objectives for this site are:</p> <ul style="list-style-type: none"> • 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 enable other land uses that provide facilities or 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 the surrounding industrial and warehouse land uses. 	<p>The subject site is Zoned IN1 General Industrial.</p> <p>A 'educational establishment' is prohibited development within the IN1 Zone.</p> <p>However, pursuant to Schedule 1 'Additional Permitted Uses', Clause 22 'Use of certain land at Smeaton Grange Road, Smeaton Grange' development for the purpose of an 'educational establishment' is permitted with development consent.</p> <p>The school is existing and approved under DA/1999/1250/1 on 11 October 1999. The proposed additions to the school is considered to not contravene the zone objectives.</p>	<p>Yes</p>
<p>2.5 Additional permitted uses for particular land</p> <p>Development in particular land described or referred to in the LEP's Schedule 1 may be carried out with or without development consent as the schedule provides and in accordance with any conditions specified in the schedule.</p>	<p>Clause 22 of Schedule 1 allows development for the purpose of an 'educational establishment' to be carried out with development consent on the subject site.</p>	<p>Yes</p>
<p>2.6 Subdivision – consent requirements</p> <p>Development consent is required to subdivide land (unless the subdivision is exempt or complying development under another environmental planning instrument).</p>	<p>N/A</p>	<p>N/A</p>
<p>2.7 Demolition requires development consent</p>	<p>No demolition is proposed.</p>	<p>N/A</p>

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Development consent is required to demolish a building or work (unless the demolition is exempt or complying development under another environmental planning instrument).		
2.8 Temporary use of land Development consent may be granted for the temporary use of land for a maximum period of 52 days (consecutive or non-consecutive) in any 12 month period. Before granting development consent the consent authority must be satisfied as to a number of matters listed by this clause; including that the temporary use will not prejudice the subsequent carrying out of development on the land. This clause permits a dwelling to be used as a temporary sales office for a new urban release area or housing estate for more than 52 days.	N/A	N/A
4.1 Minimum subdivision lot size Lot sizes must not be less than the minimum lot size shown on the Lot Size Map. This clause does not apply in relation to the subdivision of individual lots in a strata plan or community title scheme.	N/A	N/A
4.1A Exceptions to minimum lot sizes for certain residential development use In Area 1 in Spring Farm and Area 2 in Elderslie, as shown on the Lot Size Map, development consent may be granted for the subdivision of land to create lots with areas of at least:	N/A	N/A

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<ul style="list-style-type: none"> • 180m² for attached dwellings, • 200m² for semi-detached dwellings. 		
<p>4.1B Exceptions to minimum lot sizes for certain land at Lakeside Urban release Area</p> <p>On land zoned E2 Environmental Conservation and RE2 Private Recreation at “Lakeside,” as shown on the Urban Release Area Map, Clause 4.1 of the LEP does not apply.</p> <p>Development consent must not be granted for the subdivision of land unless Council is satisfied that the subdivision facilitates the development of land zoned R1 General Residential at “Lakeside” as shown on the Urban Release Area Map.</p>	N/A	N/A
<p>4.1C Exceptions to minimum lot size for El Caballo Blanco/Gledswood</p> <p>On land zoned SP3 Tourist and RE2 Private Recreation at “El Caballo Blanco/Gledswood,” as shown on the Urban Release Area Map, development consent may be granted for the subdivision of land to create lots less than the minimum lot size shown on the Lot Size Map.</p> <p>Before granting development consent, the consent authority must be satisfied that the subdivision will facilitate development for the purpose of residential accommodation on land in the following zones at “El Caballo Blanco/Gledswood” as shown on the Urban Release Area Map:</p> <ul style="list-style-type: none"> • RU2 Landscape, • R1 General Residential, • R2 Low Density Residential, • R5 Large Lot Residential. 	N/A	N/A
4.2 Rural subdivision	N/A	N/A

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<p>On land zoned:</p> <ul style="list-style-type: none"> • RU1 Primary Production, • RU2 Rural Landscape, • RU4 Primary Production Small Lots, • RU6 Transition. <p>development consent may be granted for the subdivision of land for the purpose of primary production to create a lot of a size that is less than the minimum lot size shown on the Lot Size Map.</p> <p>A lot cannot be created under this clause if it will contain an existing dwelling.</p> <p>A dwelling cannot be erected on a lot created under this clause.</p>		
<p>4.2A Erection of dwelling houses on land in certain rural and environmental protection zones</p> <p>On land zoned:</p> <ul style="list-style-type: none"> • RU1 Primary Production, • RU2 Rural Landscape, • RU4 Primary Production Small Lots, • E4 Environmental Living. <p>Development consent cannot be granted for the erection of a dwelling house, and on which no dwelling house has been erected, unless the lot complies with one of the following criteria:</p>	N/A	N/A

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<ul style="list-style-type: none"> the lot is at least the minimum lot size specified for that lot by the Lot Size Map, or the lot was created before the LEP commenced and on which the erection of a dwelling house was permissible immediately before that commencement, or the lot results from a subdivision for which development consent (or equivalent) was granted before the LEP commenced and on which the erection of a dwelling house would have been permissible if the plan of subdivision had been registered before that commencement. <p>However development consent may be granted for the erection of a dwelling house in the above zones if:</p> <ul style="list-style-type: none"> there is a lawfully erected dwelling house on the land and the dwelling house to be erected is intended only to replace the existing dwelling house, or the lot would have been a lot in the above zones has it not been affected by: <ul style="list-style-type: none"> a minor realignment of its boundaries that did not create an additional lot, or a subdivision creating or widening a public road or public reserve or for another public purpose. 		
<p>4.3 Height of buildings</p> <p>Maximum buildings heights must not exceed the maximum building height shown on the Height of Buildings Map.</p> <p>The maximum building height for this site is 11m.</p>	<p>The proposed buildings are a maximum height of 9.6m above the natural ground level.</p>	<p>Yes</p>

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<p>4.3A Height of residential flat buildings on certain land at Narellan</p> <p>In Area 1, as shown on the Height of Buildings Map, development consent may be granted for buildings up to 15.5m high if:</p> <ul style="list-style-type: none"> • all the land in Area 1 has been amalgamated into a single lot, and • the lot is proposed to be developed for residential flat buildings. <p>In Area 2, as shown on the Height of Buildings Map, development consent may be granted for buildings up to 12.5m high if:</p> <ul style="list-style-type: none"> • all the land in Area 2 has been amalgamated into a single lot, and • the lot is proposed to be developed for residential flat buildings. 	N/A	N/A
<p>4.3B Height of buildings exhibiting design excellence at certain sites at Elderslie and Spring Farm</p> <p>On land at Narellan that is shown edged heavy red on the Height of Buildings Map, development consent may be granted for buildings up to 15.5m high if the consent authority is satisfied that:</p> <p>(a) the building exhibits design excellence, and</p> <p>(b) the floor space ratio of all buildings on the site is not greater than 1.5:1.</p>	N/A	N/A

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<p>On land at Spring Farm that is shown edged heavy red on the Height of Buildings Map, development consent may be granted for buildings up to 12.5m high if the consent authority is satisfied that the building exhibits design excellence.</p> <p>In considering whether a building exhibits design excellence, the consent authority must have regard to the following matters:</p> <ul style="list-style-type: none"> (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. 		
<p>4.3C Height of buildings at former Anglican School site at Narellan</p> <p>On the former Anglican school site at Narellan (Lot 2, DP 1121907), shown edged heavy green on the Height of Buildings Map, development consent may be granted for buildings up to 12.5m high if the consent authority is satisfied that the building has regard to the slope of the site and is designed to minimize its bulk and scale.</p>	N/A	N/A
<p>4.4 Floor space ratio</p> <p>Maximum floor space ratios must not exceed the floor space ratio shown on the Floor Space Ratio Map.</p>	<p>The maximum floor space ratio is 1:1 for the site.</p> <p>The proposed floor space ration is 1:0.107.</p>	Yes
<p>4.6 Exceptions to development standards</p>	N/A	N/A

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<p>Development consent may be granted for development that contravenes a development standard imposed by the LEP or any other environmental planning instrument.</p> <p>The consent authority must consider a written request from the applicant that seeks to justify the variation by demonstrating that:</p> <ul style="list-style-type: none"> (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. <p>Development consent must not be granted unless:</p> <ul style="list-style-type: none"> (a) the consent authority is satisfied that: <ul style="list-style-type: none"> (i) the applicant's written request has adequately addressed the matters required to be demonstrated, 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 Secretary has been obtained. <p>This clause prohibits the approval of development standard variations for certain subdivisions of land in some rural and</p>		
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environmental zones.		
<p>5.3 Development near zone boundaries</p> <p>Development consent may be granted for development that is prohibited in a zone if it is within 50 metres of a zone where it may be carried out.</p> <p>The consent authority must be satisfied that:</p> <p>(a) the development is not inconsistent with the objectives for development in both zones, and</p> <p>(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.</p> <p>This clause does not apply to land zoned RE1 Public Recreation or E2 Environmental Conservation, or to land proposed to be developed for sex services premises or restricted premises.</p>	N/A	N/A
<p>5.4 Controls relating to miscellaneous permissible uses</p> <p>This clause provides a number of non-variable development standards that certain developments must comply with.</p>	N/A	N/A
<p>5.6 Architectural roof features</p> <p>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.</p> <p>Development consent must not be granted unless the consent authority is satisfied that:</p>	N/A	N/A

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<p>(a) the architectural roof feature:</p> <ul style="list-style-type: none">(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 <p>(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.</p>		
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<p>5.10 Heritage conservation</p> <p>Before granting development consent in respect of a heritage items or a heritage conservation area, the consent authority must consider the effect of the proposed development on the heritage significance of the item or area concerned.</p> <p>The consent authority may 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 item or heritage conservation area concerned. The submission of a heritage conservation management plan may also be required.</p> <p>Before granting consent to the carrying out of development on an archaeological site the consent authority must notify the Heritage Council of its intention to grant consent and take into consideration any response received within 28 days after the notice is sent.</p> <p>Before granting consent to the carrying out of development in an Aboriginal place of heritage significance the consent authority must:</p> <ul style="list-style-type: none"> (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 	<p>The proposed development is on the same site as a heritage listed homestead, cottage and stables (identified as I140 in the LEP).</p> <p>The development of the school to date has incorporated the three heritage buildings on the site and utilises the historic buildings into the operation of the school. The homestead can be seen from Smeaton Grange Road. The cottage and stables are not visible from Smeaton Grange Road, Sedgewick Street or Hartley Road as they are enclosed by the central courtyard in the school.</p> <p>The proposed buildings do not directly adjoin the heritage items and will not further obscure views to the homestead as viewed from Smeaton Grange Road.</p> <p>A heritage impact statement has been submitted with the development application. The heritage impact statement concludes that the proposed buildings will not have an adverse impact on the significance of the heritage items.</p> <p>There are no known areas of Aboriginal significance on the subject site.</p>	
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<p>received within 28 days after the notice is sent.</p> <p>Before granting consent to the demolition of a State heritage item the consent authority must:</p> <ul style="list-style-type: none"> (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. <p>Development consent may be granted for any purpose of a building that is a heritage item or the land on which such a building is erected, or for any purpose on an Aboriginal Place of Significance if the consent authority is satisfied as to a number of matters listed by this clause; including if the conservation of the item or place is facilitated by the granting of consent.</p>		
<p>6.1 Arrangements for designated State public infrastructure</p> <p>Development consent must not be granted for the subdivision of land in an urban release area if:</p> <ul style="list-style-type: none"> (a) if the subdivision would create a lot smaller than the minimum lot size permitted on the land immediately before the land became, or became part of, an urban release area, or (b) in the case of land in Zone R1 General Residential in the urban release area shown as “Lakeside” on the Urban Release Area Map—if the subdivision would create a lot with an area of less than 40 hectares, <p>unless the Director-General has certified in writing to the</p>	<p>N/A</p>	<p>N/A</p>

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<p>consent authority that satisfactory arrangements have been made to contribute to the provision of designated State public infrastructure in relation to that lot.</p> <p>This clause does not apply to certain subdivisions including the creation of residue lots or subdivision for the purpose of rectifying an encroachment on an existing lot.</p> <p>This clause does not apply to land within a special contributions area.</p>		
<p>6.2 Public utility infrastructure</p> <p>Development consent must not be granted for development on land in an urban release area unless the Council is satisfied that any public utility infrastructure that is essential for the proposed development is available or that adequate arrangements have been made to make that infrastructure available when it is required.</p>	N/A	N/A
<p>6.3 Development control plan</p> <p>Development consent must not be granted for development on land in an urban release area that unless a development control plan has been prepared for the land and addresses a number of matters listed in this clause; including a staging plan and stormwater and water quality management controls.</p> <p>The above does not apply to certain minor development types listed by this clause.</p>	N/A	N/A
<p>6.5 Matters to be specifically considered for residential development at Spring Farm</p> <p>Before granting consent for the subdivision of Spring Farm, as shown on the Urban Release Area Map, the consent authority</p>	N/A	N/A

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<p>must consider whether:</p> <p>(a) remnant vegetation and bush corridors will be protected, enhanced and managed, and</p> <p>(b) adverse odour impacts from the Macarthur Resource Recovery Park will be mitigated, and</p> <p>(c) adverse noise and dust impacts from the sand mining operations will be mitigated.</p>		
<p>7.1 Flood planning</p> <p>Development consent must not be granted to development on land at or below the flood planning level unless the consent authority is satisfied to a number of matters listed by this clause; including compatibility with the flood hazard of the land.</p>	N/A	N/A

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<p>7.2 Airspace operations</p> <p>Development consent must not be granted to development if the consent authority is satisfied that the proposed development will penetrate the Obstacle Limitation Surface as shown on the Obstacle Limitation Surface Map.</p> <p>Before granting development consent to development on land shown on the Obstacle Limitation Surface Map for which an obstacle limitation surface is identified the consent authority must give written notice of the proposed development to the relevant Commonwealth body and take into account any comments received from that body within 28 days after the notice is given.</p> <p>Before granting development consent to development on land shown on the Procedures for Air Navigation Services—Aircraft Operations Map for which a PANS-OPS surface is identified the consent authority must take into account whether the proposed development may compromise the effective and on-going operation of Camden Airport.</p>	N/A	N/A
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<p>7.3 Development in areas subject to airport noise</p> <p>The consent authority must not grant development consent for the purposes of caravan parks, centre-based child care facilities, education establishments, hospitals or residential accommodation if the development will be in ANEF contour 25 or higher.</p> <p>Before granting consent to development for the following purposes on land in the vicinity of Camden Airport, the consent authority must consider whether the development will meet AS 2021—2000, Acoustics—Aircraft noise intrusion—Building siting and construction with respect to interior noise levels:</p> <p>(a) if the development will be in ANEF contour 20 to 25—caravan parks, centre-based child care facilities, educational establishments, hospitals and residential accommodation,</p> <p>(b) if the development will be in ANEF contour 25 or higher—business premises, community facilities, light industry, places of public worship or retail premises.</p>	N/A	N/A
<p>7.4 Earthworks</p> <p>Before granting development consent for earthworks the consent authority must consider a number of matters listed by this clause; including the impact on the existing and likely amenity of adjoining properties.</p>	<p>A minor amount of earthworks are required to facilitate the development.</p> <p>Appropriate measures to mitigate soil erosion and sediment control will be put in place to limit the impacts of the earthworks.</p> <p>The earthworks will not give rise to any unreasonable impact of amenity or operation of the surrounding land uses.</p>	Yes
<p>7.5 Centre-based child care facilities</p> <p>On land zoned:</p> <ul style="list-style-type: none"> • R1 General Residential, 	N/A	N/A

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<ul style="list-style-type: none"> • R2 Low Density Residential, • R3 Medium Density Residential, • R5 Large Lot Residential, <p>the consent authority must consider if the land:</p> <p>(a) has an area of not less than 1,200m², and</p> <p>(b) has a boundary that adjoins an existing or proposed classified road.</p>		
<p>7.7 Restricted premises</p> <p>Development consent must not be granted for restricted premises if the premises will be located on land that abuts or, or is separated only by a road from land:</p> <p>(a) in Zone R1 General Residential, Zone R2 Low Density Residential, Zone R3 Medium Density Residential or Zone RE1 Public Recreation, or</p> <p>(b) used for the purposes of a community facility, school or place of public worship.</p> <p>In deciding whether to grant consent to development for the purposes of restricted premises, the consent authority must consider:</p> <p>(a) the impact of the proposed development on places of high pedestrian activity, and</p> <p>(b) the impact of the proposed development on land frequented by children for care, recreational or cultural purposes, and</p>	N/A	N/A

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(c) whether the appearance of the restricted premises is sufficiently discreet.		
<p>7.8 Road widening of Camden Valley Way, Catherine Field (Lakeside)</p> <p>This clause applies to the following land in part lot 1, DP 816841:</p> <p>(a) land within 16m of the boundary of lot 3, DP 746767,</p> <p>(b) land within 255m of the boundary of lot 3, DP 746767, that is also within 31 metres from the boundary of Raby Road.</p> <p>Before granting development consent the consent authority must:</p> <p>(a) notify the Roads and Maritime Services of its intention to grant consent, and</p> <p>(b) take into consideration any response received from the Roads and Maritime Services within 28 days after the notice is sent.</p>	N/A	N/A