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CENTRAL HILLS LANDS
SCENIC PROTECTION AREA

Campbelltown City Council

Interim Development Order No. 14

LOCAL GOVERNMENT ACT, 1919

SUSPENSION OF THE PROVISIONS OF THE COUNTY OF CUMBERLAND PLANNING SCHEME IN RESPECT OF CERTAIN LAND WITHIN THE CITY OF CAMPBELLTOWN AND NOTIFICATION OF INTERIM DEVELOPMENT ORDER NO. 14—CITY OF CAMPBELLTOWN MADE IN RESPECT THEREOF

IN pursuance of section 342Y of the Local Government Act, 1919, I, the Minister for Planning and Environment, having considered a report furnished by The State Planning Authority of New South Wales, do hereby notify that the provisions of the County of Cumberland Planning Scheme are suspended as respects such part of the land to which such scheme applies as is described in Schedule "A" hereto and do, by this my notification, make an interim development order as set out in Schedule "B" hereto. (T/1/1/16/1)

JOHN B. FULLER,
Minister for Planning and Environment.

Sydney, 20th September, 1974.

SCHEDULE "A"

All those pieces or parcels of land situated in the City of Campbelltown shown edged red on plan catalogued number 245:2338 in the Office of The State Planning Authority of New South Wales.

SCHEDULE "B"

1. This Order may be cited as "Interim Development Order No. 14—City of Campbelltown".

2. In this Order—

"Advertising structure" has the meaning ascribed to it in Ordinance No. 55 under the Act, but does not include "temporary advertising structure" or "advertising structure for the purpose only of displaying a commercial sign" within the meaning of that Ordinance.

"Appointed day" means the day upon which this Order is published in the Gazette.

"Council" means the council of the City of Campbelltown.

"Dwelling-house" means a building designed or constructed or adapted for use as a dwelling for a single family together with such out-buildings as are ordinarily used therewith.

"Development" has the meaning ascribed to it in section 342T of the Act.

"Existing building" and "existing work" mean respectively a building or work erected, constructed or carried out before the appointed day.

"Existing use" means a use of a building, work or land for the purpose for which it was used immediately before the appointed day.

"I.D.C. Map" means the map deposited in the office of the council marked "Map referred to in an Interim Development Order No. 14—City of Campbelltown" or a duplicate of the said map, similarly identified, deposited in the office of the Authority.

"The Act" means the Local Government Act, 1919.

"Zone" means land shown on the I.D.C. Map by distinctive colouring or edging or in some distinctive manner for the purpose of indicating any restrictions imposed by this Order on development.

3. The set of standard or model provisions adopted by the Minister for Local Government on the recommendation of The State Planning Authority of New South Wales and published in Government Gazette No. 88 of 17th July, 1970, are adopted, by reference, for the purposes of this Order, except for the following:

(a) the definitions of "Dwelling-house" and "General Advertising Structure" in clause 1 thereof; and

(b) clause 5 thereof.

4. Subject to the provisions of this Order, development which:

(a) may be carried out without the consent of the Council;

(b) may be carried out only with the consent of the Council;

(c) may be carried out only with the consent of the Council and the concurrence of the Authority;

(d) may not be carried out;

in each of the zones specified in Column I of the table to this clause is shown opposite the respective zones in Columns II, III, IV and V of the table.

TABLE

Column I	Column II	Column III	Column IV	Column V
Zone and colour or indication on I.D.C. Map	Development which may be carried out *without* the consent of the Council	Development which may be carried out *only with* the consent of the Council	Development which may be carried out *only with* the consent of the Council and the concurrence of the Authority	Development which *may not* be carried out
5. (a) Special Uses "A". Yellow.	.....	Development for the particular purpose indicated by scarlet lettering on the I.D.C. Map or any purpose ordinarily incidental or subsidiary thereto; roads; drainage.	.....	Development other than that permitted by Column III.
6. (b) Open Space (Regional). Light green with red edging and the letter "R" superimposed in red thereon.	.....	Development authorized by Division 2 of Part XIII of the Act; utility installations other than gas holders or generating works.	.....	Development other than that permitted by Column III.

TABLE—*continued*

Column I	Column II	Column III	Column IV	Column V
Zone and colour or indication on I.D.C. Map	Development which may be carried out *without* the consent of the Council	Development which may be carried out *only with* the consent of the Council	Development which may be carried out *only with* the consent of the Council and the concurrence of the Authority	Development which *may not* be carried out
7. (a) Scenic Protection Area. Orange.	.....	Drainage; dwelling-houses; open space; roads; subdivision; utility installations other than gas holders or generating works.	Development other than that permitted by Column III or prohibited by Column V.	Advertising structures; aerodromes; airports; entertainment and amusement parks; the breeding and/or keeping for commercial purposes of poultry, pigs or dogs exceeding four in number; the training of more than four dogs; bulk stores; car repair stations; caravan parks; commercial premises; drive-in theatres; gas holders; generating works; hotels; heliports; industries; stock and sale yards; junk yards; liquid fuel depots; mines; motor showrooms; refreshment rooms; residential buildings; roadside stalls; sawmills; service stations; shops; television and broadcasting transmitters and relay stations; timber yards; transport terminals; warehouses.
7. (b) Scenic Protection Area. Orange with brown edging.	.....	Drainage; dwelling-houses; open space; roads; subdivision; utility installations other than gas holders or generating works.	Development other than that permitted by Column III or prohibited by Column V.	Advertising structures; aerodromes; airports; amusement parks; the breeding and/or keeping for commercial purposes of poultry, pigs or dogs exceeding four in number; the training of more than four dogs; bulk stores; car repair stations; clubs; caravan parks; commercial premises other than art galleries; drive-in theatres; gas holders; general store; generating works; hotels; heliports; industries; stock and sale yards; junk yards; liquid fuel depots; mines; motels; motor showrooms; refreshment rooms; residential buildings; roadside stalls; sawmills; service stations; shops; television and broadcasting transmitters and relay stations; timber yards; transport terminals; warehouses.

5. In respect of any interim development application for the consent of the Council under this Order to carry out development, the Council shall take into consideration—

(a) the character of the proposed development in relation to the character of the development on the adjoining land and in the locality;

(b) the size and shape of the parcel of land to which the application relates, the siting of the proposed development and the area to be occupied by the development in relation to the size and shape of the adjoining land and the development thereon;

(c) whether the proposed means of entrance to and egress from the site are adequate and whether provision has been made for the loading, unloading and parking of vehicles on the site;

(d) any representations made by any statutory authority in relation to the application or to the development of the area and the rights and powers of any such authority;

(e) any detailed plan, design or code adopted by resolution of the Council for the development of the locality in which the land to which the application relates is situated;

(f) whether adequate provision has been made for the landscaping and treatment of the site;

(g) the existing and future amenity of the neighbourhood;

(h) the circumstances of the case and the public interest;

(i) whether any existing trees or shrubs on the site should be retained; and

(j) the provisions of this Order.

6. (1) Land within Zone No. 7 (a) shall not be subdivided unless each separate allotment to be created thereby has an area of not less than 100 hectares.

(2) Land within Zone No. 7 (b) shall not be subdivided unless each separate allotment to be created thereby has an area of not less than 2 hectares.

(3) The provisions of subclause (2) shall not prevent the subdivision of land containing an area of not less than two hectares creating an allotment or allotments of less than 2 hectares where all but one of the allotments so created is intended for use for open space or other public purpose.

7. (1) A dwelling-house shall not be erected on any parcel of land within Zone No. 7 (a) having an area of less than 100 hectares.

(2) A dwelling-house shall not be erected on any parcel of land within Zone No. 7 (b) having an area of less than 2 hectares.

(3) Notwithstanding subclauses (1) and (2) the Council may approve the erection of a dwelling-house within Zone No. 7 (a) or 7 (b) on a parcel of land having an area of less than 100 hectares and 2 hectares respectively where:

(a) such parcel was in existence at the appointed day, and was not in the same ownership as an adjoining parcel;

(b) such parcel was created pursuant to the provisions of clause 6 (3) of this Order and is not an allotment intended for use for Open Space or any other public purpose within the meaning of that subclause.

(4) One dwelling-house may be erected on a parcel of land within Zone No. 7 (a) for each 40 hectares contained within the parcel, provided that any dwelling-house (hereinafter called "a worker's dwelling-house") erected after the first dwelling-house has been erected shall be only used to accommodate a person employed or engaged in the use of the parcel for the purposes of agriculture.

8. (1) Except with the consent of Council, and subject to conditions that may be imposed by the Council, a tree having a height exceeding 3 metres shall not be ringbarked, cut down, topped, lopped or wilfully destroyed.

(2) This clause shall cease to operate whenever an Order made pursuant to clause 9 is in force which Order contains provisions inconsistent with this clause.

9. (1) Where it appears to the Council that it is expedient for the purpose of securing amenity or of preserving existing amenities it may for that purpose by resolution make an order (hereinafter referred to as a tree preservation order) and may by like resolution rescind or vary any such order.

(2) A tree preservation order may prohibit the ringbarking, cutting down, topping, lopping, removing, injuring or wilful destruction of any tree or trees specified in such order except with the consent of the Council and any such consent may be given subject to such conditions as the Council may think fit.

(3) Any such order may relate to any tree or trees or to any specified class, type or description of trees on land described in such order and such land may be described particularly or generally by reference to any division or part of the City.

(4) The Council shall forthwith upon the making of a tree preservation order cause notice of the making of such order to be published in the Gazette and in a newspaper circulating in the area in which the land described in the order is situate.

(5) In any proceedings under this clause it shall be sufficient defence to prove that the tree or trees ringbarked, cut down, topped, lopped, removed, injured or wilfully destroyed, was or were dying or dead or had become dangerous.

(6) The powers conferred upon the Council by this clause shall not extend to any trees within a State Forest or land reserved from sale as a Timber or Forest Reserve under the Forestry Act, 1916, nor to any trees which are under the control and management of the Metropolitan Water Sewerage and Drainage Board.

10. Within Zone No. 6 (b) the Council may, with the concurrence of the Authority, consent to the carrying out of alterations, additions, extensions or improvements to an existing building provided that such alterations, additions, extensions or improvements are for the existing use of that building and do not increase by more than 10 per centum the floor space of that building at the appointed day.

11. The owner of any land included in Zone No. 6 (b) may, by notice in writing, require the Authority to acquire such part or parts of such land which may not be required to be provided without cost to the Council as a condition of an approval of subdivision of adjoining land in the same ownership, and upon receipt of such notice the Authority shall acquire the land to which the notice relates.

12. The Council shall not refuse to grant any application for permission to carry out development made to it under this Order by the Crown or a public utility undertaking or a statutory body or the Totalizator Agency Board nor attach conditions to its consent to any such application except with the concurrence of the Minister.

13. (1) The provisions of this clause shall apply to the land described in Schedule I.

(2) A building erected on the land shall not be demolished except with the consent of the Council and the concurrence of the Authority.

(3) The Council shall only grant consent to the use of a building for a purpose specified in Column III or IV shown opposite Zone No. 7 (a) in the Table to clause 4 where the proposed use does not involve the alteration of the external design or external architecture of the building in which the proposed use is to be carried on except for alterations designed to restore the building to its original character.

(4) An existing dwelling-house may be extended or altered with the consent of the Council and the concurrence of the Authority but only where the extension or alteration does not change the external design or external architecture of that building except for a change designed to restore the original character of that building.

(5) Notwithstanding the provisions of clause 4 the Council with the concurrence of the Authority may consent to the use of an existing building for any of the following purposes:

Antique shop; art gallery; book shop; craftsman's studio; refreshment room other than a theatre restaurant;

but only where the proposed use does not involve the alteration of the external design or external architecture of the building in which the proposed use is to be carried on, except for alterations designed to restore the building to its original character.

14. Notwithstanding any other provision of this Order a dwelling-house may with the consent of the Council, be erected on each of the lots described in Schedule 2.

15. An advertising structure of not more than one square metre in area, designed to indicate the purpose for which premises are used, may, with the consent of the Council, be erected within Zone No. 6 (b), 7 (a) and 7 (b), only where the Council is satisfied that the advertising structure is not likely to interfere with the amenity of the locality.

16. The Council shall when considering an application for development ensure that the siting and character of the development will not have an adverse effect on the maintenance and preservation of the land form and landscape of the area.

17. Wherever in this Order the Council is required to obtain the concurrence of the Authority before consenting to any application for development, any consent so given without having obtained such consent or concurrence shall be null and void.

SCHEDULE 1

Lot A, M.P.S. (R.P.) 70979 ("Varro Ville").
Lot 3, D.P. 527426 ("Blairmont").

SCHEDULE 2

Lot 5, D.P. 214954.
Lot 1, D.P. 201351.

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