



New South Wales

## **Hawkesbury Local Environmental Plan 1989 (Amendment No 136)**

under the

**Environmental Planning and Assessment Act 1979**

I, the Minister Assisting the Minister for Infrastructure and Planning (Planning Administration), make the following local environmental plan under the *Environmental Planning and Assessment Act 1979*. (P02/00022/S69)

DIANE BEAMER, M.P.,

Minister Assisting the Minister for Infrastructure  
and Planning (Planning Administration)

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## 2003 No 439

Clause 1                      Hawkesbury Local Environmental Plan 1989 (Amendment No 136)

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# Hawkesbury Local Environmental Plan 1989 (Amendment No 136)

## 1 Name of plan

This plan is *Hawkesbury Local Environmental Plan 1989 (Amendment No 136)*.

## 2 Aims of plan

This plan aims:

- (a) to remove the exception in clause 11 (3) of the *Hawkesbury Local Environmental Plan 1989 (the 1989 plan)*, which has the effect of allowing the creation of lots for agricultural purposes where the land is below the 1-in-100 year flood level, and
- (b) to prevent dwelling-houses being erected on lots created by subdivision for the purpose of agriculture under clause 11 (3) of the 1989 plan, as in force before the commencement of this plan, and
- (c) to ensure new dwellings are constructed only on land above the 1-in-100 year flood level on lots that have been created by subdivision under clause 11 of the 1989 plan.

## 3 Land to which plan applies

This plan applies to land within the City of Hawkesbury that is zoned 1 (a) (Rural "A"), 1 (b) (Rural "B"), 1 (c) (Rural "C"), 1 (c1) (Rural "C1"), 7 (d) (Environmental Protection (Scenic)) or 7 (d1) (Environmental Protection (Scenic)) under *Hawkesbury Local Environmental Plan 1989*.

## 4 Amendment of Hawkesbury Local Environmental Plan 1989

*Hawkesbury Local Environmental Plan 1989* is amended as set out in Schedule 1.

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## Schedule 1 Amendments

(Clause 4)

### [1] Clause 11 Rural subdivision—general provisions

Omit “except for the purpose of agriculture,” from clause 11 (3).

### [2] Clause 15 Erection of dwelling-houses

Insert after clause 15 (6):

- (7) Despite subclause (1), a person must not erect a dwelling-house on an allotment of land within Zone No 1 (a), 1 (b), 1 (c), 1 (c1), 7 (d) or 7 (d1) that was created by a subdivision for the purpose of agriculture approved in accordance with the exception in clause 11 (3) before the day on which *Hawkesbury Local Environmental Plan 1989 (Amendment No 136)* commenced.

### [3] Clause 25 Development of flood liable land

Omit “(2) and (3)” from clause 25 (4).

Insert instead “(2), (3), (10) and (11)”.

### [4] Clause 25 (10) and (11)

Insert after clause 25 (9):

- (10) Despite subclauses (2) and (3) but subject to subclause (4), a dwelling must not be erected on land lying below the 1-in-100 year flood level if the allotment of land on which it is to be erected was created by a subdivision approved under clause 11 on or after the commencement day.
- (11) Despite subclauses (2) and (3) but subject to subclause (4), a dwelling must not be erected on land lying below the floor height standard for the land immediately before the commencement day if the allotment of land on which it is to be erected was created by a subdivision approved under clause 11 before the commencement day.

BY AUTHORITY