



New South Wales

Hawkesbury Local Environmental Plan 1989 (Amendment No 141)

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*. (P01/00283/S69 Pt 1)

DIANE BEAMER, M.P.,

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

2004 No 249

Clause 1 Hawkesbury Local Environmental Plan 1989 (Amendment No 141)

Hawkesbury Local Environmental Plan 1989 (Amendment No 141)

under the

Environmental Planning and Assessment Act 1979

1 Name of plan

This plan is *Hawkesbury Local Environmental Plan 1989 (Amendment No 141)*.

2 Aims of plan

The aims of this plan are:

- (a) to manage development of land in the City of Hawkesbury so as to minimise the impacts associated with the disturbance of acid sulfate soils, and
- (b) to rezone certain land in the City of Hawkesbury to Zone No 7 (d) (Environmental Protection (Scenic)) under *Hawkesbury Local Environmental Plan 1989*.

3 Land to which plan applies

- (1) To the extent that this plan manages development of land in the City of Hawkesbury so as to minimise the impacts associated with the disturbance of acid sulfate soils, it applies to the land to which *Hawkesbury Local Environmental Plan 1989* applies.
- (2) To the extent that this plan rezones land, it applies to Lot 189, DP 751656, known as No 1003 Blaxlands Ridge Road, Blaxlands Ridge, as shown coloured light orange with red edging and lettered “7 (d)” on the map marked “Hawkesbury Local Environmental Plan 1989 (Amendment No 141)” deposited in the office of the Council of the City of Hawkesbury.

4 Relationship to other environmental planning instruments

This plan amends:

- (a) *Hawkesbury Local Environmental Plan 1989* as set out in Schedule 1, and

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- (b) *State Environmental Planning Policy No 4—Development Without Consent and Miscellaneous Exempt and Complying Development* by inserting at the end of Schedule 1 to that Policy:

Clause 37A of *Hawkesbury Local Environmental Plan 1989*

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Schedule 1 Amendments

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(Clause 4 (a))

[1] Clause 5 Definitions

Insert in alphabetical order in clause 5 (1):

acid sulfate soils means actual or potential acid sulfate soils, as defined in the *Acid Sulfate Soils Assessment Guidelines*.

Acid Sulfate Soils Assessment Guidelines means the *Acid Sulfate Soils Assessment Guidelines* as published by the NSW Acid Sulfate Soils Management Advisory Committee and adopted for the time being by the Director-General.

Acid Sulfate Soils Planning Map means the map marked “Acid Sulfate Soils Planning Map”.

[2] Clause 5 (1), definition of “the map”

Insert in appropriate order:

Hawkesbury Local Environmental Plan 1989 (Amendment No 141)

[3] Clause 37A

Insert after clause 37:

37A Development on land identified on Acid Sulfate Soils Planning Map

(1) Consent usually required

A person must not, without the consent of the Council, carry out works described in the following table on land of the class specified for those works, except as provided by subclause (3).

Class of land as shown on Acid Sulfate Soils Planning Map	Works
1	Any works

Class of land as shown on Acid Sulfate Soils Planning Map	Works
2	Works below the natural ground surface Works by which the watertable is likely to be lowered
3	Works beyond 1 metre below the natural ground surface Works by which the watertable is likely to be lowered beyond 1 metre below natural ground surface
4	Works beyond 2 metres below the natural ground surface Works by which the watertable is likely to be lowered beyond 2 metres below natural ground surface
5	Works within 500 metres of adjacent Class 1, 2, 3 or 4 land which are likely to lower the watertable below 1 metre AHD on adjacent Class 1, 2, 3 or 4 land

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Schedule 1 Amendments

- (2) For the purposes of the table to subclause (1), **works** includes:
- (a) any disturbance of more than one tonne of soil (such as occurs in carrying out agriculture, the construction or maintenance of drains, extractive industries, dredging, the construction of artificial waterbodies (including canals, dams and detention basins) or foundations, or flood mitigation works), and
 - (b) any other works that are likely to lower the watertable.

(3) **Exception following preliminary assessment**

This clause does not require consent for the carrying out of those works if:

- (a) a copy of a preliminary assessment of the proposed works undertaken in accordance with the *Acid Sulfate Soils Assessment Guidelines* has been given to the Council, and
- (b) the Council has also provided written advice to the proponent of the works confirming that results of the preliminary assessment indicate the proposed works need not be carried out pursuant to an acid sulfate soils management plan prepared in accordance with the *Acid Sulfate Soils Assessment Guidelines*.

(4) **Considerations for consent authority**

The Council must not grant a consent required by this clause unless it has considered:

- (a) the adequacy of an acid sulfate soils management plan prepared for the proposed development in accordance with the *Acid Sulfate Soils Assessment Guidelines*, and
- (b) the likelihood of the proposed development resulting in the discharge of acid water, and
- (c) any comments received from the Department within 21 days of the Council having sent the Department a copy of the development application and of the related acid sulfate soils management plan.

(5) **Public authorities not excepted**

This clause requires consent for development to be carried out even if the development is to be carried out by a council, county council or drainage union, despite the provisions of:

- (a) the *Environmental Planning and Assessment Model Provisions 1980*, as adopted by this plan, and
- (b) *State Environmental Planning Policy No 4—Development Without Consent and Miscellaneous Exempt and Complying Development*.