



New South Wales

# **Hawkesbury Local Environmental Plan 1989 (Amendment No 108)**

under the

**Environmental Planning and Assessment Act 1979**

I, the Minister for Planning, make the following local environmental plan under the *Environmental Planning and Assessment Act 1979*. (P98/00396/PC)

FRANK SARTOR, M.P.,  
Minister for Planning

## 2006 No 472

Clause 1            Hawkesbury Local Environmental Plan 1989 (Amendment No 108)

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### **Hawkesbury Local Environmental Plan 1989 (Amendment No 108)**

under the

Environmental Planning and Assessment Act 1979

#### **1 Name of plan**

This plan is *Hawkesbury Local Environmental Plan 1989 (Amendment No 108)*.

#### **2 Aims of plan**

The aims of this plan are to amend *Hawkesbury Local Environmental Plan 1989*:

- (a) to incorporate new objectives into the rural, residential and environmental protection zones, and
- (b) to amend those zone names to reflect the new objectives, and
- (c) to amend provisions of the *Hawkesbury Local Environmental Plan 1989* relating to residential development, and
- (d) to insert provisions into that plan in relation to rural tourist facilities, tourist facilities, educational establishments, poultry farms and piggeries, and
- (e) to update provisions relating to exempt and complying development, and
- (f) to rezone certain land from Zone No 5 (a) Special Uses “A”—Community Purposes to Housing zone, and
- (g) to repeal *Hawkesbury Local Environmental Plan 1984*.

#### **3 Land to which plan applies**

- (1) This plan applies to all land to which *Hawkesbury Local Environmental Plan 1989* applies, except as provided by subclause (2).
- (2) In respect of the matter set out in clause 2 (f), this plan applies to Lot 11, Section 4, DP 759096, 6 Ham Street, South Windsor.

#### **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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**5 Repeal of Hawkesbury Local Environmental Plan 1984**

*Hawkesbury Local Environmental Plan 1984* is repealed.

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Schedule 1 Amendments

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### Schedule 1 Amendments

(Clause 4)

#### [1] Clause 3

Omit clauses 3 and 4. Insert instead:

#### 3 Land to which plan applies

This plan applies to the whole of the land in the City of Hawkesbury as shown on the map, with boundaries as indicated on the map.

#### [2] Clause 5 Definitions

Omit the definitions of *agriculture*, *dual occupancy detached*, *identified land use*, *residential flat building Class B* and *residential flat building Class C* from clause 5 (1).

Insert in alphabetical order:

*agriculture* means the use of land for any of the following purposes:

- (a) horticulture,
- (b) husbandry (including the keeping or feeding of livestock, poultry, fish or bees),
- (c) growing of fruit, vegetables and the like,

but does not include animal establishments or intensive agriculture (within the meaning of clause 44) or any use of the land for a purpose listed in paragraphs (a)–(c) if the produce is for the personal consumption or enjoyment of the occupier of the land.

*Hawkesbury Development Control Plan* means *Hawkesbury Development Control Plan Part B* as adopted by the Council and as in force on the date of commencement of *Hawkesbury Local Environmental Plan 1989 (Amendment No 108)*.

*identified land use* means a land use for which a consent or approval has been granted by the Council on or after 22 December 1989 and that was in operation on the date of commencement of *Hawkesbury Local Environmental Plan (Amendment No 108)*.

*multi unit housing* means all forms of residential development (including villas, townhouses, dual occupancies and the like) other than:

- (a) residential flat buildings, or

(b) single detached dwellings on a single parcel of land.

***residential flat building*** means a building containing more than 2 dwellings in a form commonly described as “walk up flats”, a characteristic of which is often common stair access.

***rural shed*** means a building or structure used for the storage of the property of the occupiers of the subject land or property associated with an agricultural use or other permissible land use conducted on the same parcel of land, but does not include a building or structure elsewhere specifically defined in this clause or a building or structure used for a purpose elsewhere specifically defined in this clause.

***rural tourist facilities*** means a building or place in a rural area that is used to provide low scale holiday accommodation, recreation or education for the travelling or holidaying public, and may consist of holiday cabins, horse riding facilities, refreshment rooms or the like.

**[3] Clause 5 (1), definition of “structures ancillary to uses other than dwellings”**

Omit “Schedule 6”. Insert instead “the Table to clause 9B”.

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

Insert in appropriate order:

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**[5] Clause 6 Adoption of 1980 Model Provisions**

Insert “, ***residential flat building***” after “***recreation establishment***”.

**[6] Clause 8**

Omit the clause. Insert instead:

**8 Zones indicated on the map**

For the purposes of this plan, land to which this plan applies is in a particular zone if the land is shown coloured on the map and the zone index on the map shows that colour to correspond with that zone.

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### [7] Clause 9

Omit the clause. Insert instead:

#### 9 Carrying out of development

- (1) Unless otherwise provided by this plan, the Land Use Matrix set out at the end of this clause specifies the following for each zone:
  - (a) development that does not require consent, where “N” is shown for that development,
  - (b) development that requires consent but may be exempt or complying development, where “X” is shown for that development,
  - (c) development that requires consent where “C” is shown for that development,
  - (d) development that is prohibited where there is no symbol shown for that development.

**Note.** Development in zones 5 (b) and 8 (a) is dealt with in clauses 9D and 9E.

- (2) Development that is not listed in the Land Use Matrix is prohibited.
- (3) Development will only be exempt development if it complies with the requirements of clause 9B.
- (4) Development will only be complying development if it complies with the requirements of clause 9C.
- (5) Any development listed in the Tables to clauses 9B and 9C that does not comply with the applicable requirements set out in those Tables in relation to the development is development that requires development consent.

#### Land Use Matrix

Note	
N	Development that does not require consent
X	Development that is either exempt or complying development (see clause 9B or 9C)
C	Development that requires consent
	Where no symbol appears, development is prohibited

Symbol	Zone
MA	Mixed Agriculture
RL	Rural Living
RV	Rural Village
CL	Consolidated Land Holdings
H	Housing
MU	Multi Unit Housing
3A	3 (a) Business General
3B	3 (b) Business Special
4A	4 (a) Industry General
4B	4 (b) Industry Light
5A	5 (a) Special Uses "A"
6A	6 (a) Open Space (Existing Recreation)
6B	6 (b) Open Space (Proposed Recreation)
6C	6 (c) Open Space (Private Recreation)
7A	7 (a) Environmental Protection (Wetlands)
7D	7 (d) Environmental Protection (Scenic)
EPA	Environmental Protection—Agriculture Protection (Scenic)
EPM	Environmental Protection—Mixed Agriculture (Scenic)
7E	7 (e) Environmental Protection (Consolidated Land Holdings)
9B	9 (b) Proposed Road

Zones																					
Development for the purpose of the following:	MA	RL	RV	CL	H	MU	3A	3B	4A	4B	5A	6A	6B	6C	7A	7D	EPA	EPM	7E	9B	
Access ramps	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
Advertisements	X	X	X	X	X	X	X	X	X	X					C	C	C	X			
Advertising structures							C	C	C	C											

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Zones																				
Development for the purpose of the following:	MA	RL	RV	CL	H	MU	3A	3B	4A	4B	5A	6A	6B	6C	7A	7D	EPA	EPM	7E	9B
Agriculture	N	N		C	C	C	C	C	C	C	C		C	C		N	N	N	C	C
Airline terminals	C	C		C			C	C	C	C						C		C		
Animal establishments	C	C		C	C	C	C	C	C	C						C	C	C		
Bed and breakfast accommodation	X	X	X	X	X	X	X	X								X	X	X	X	
Boarding-houses	C	C	C	C	C	C	C	C	C	C						C		C		
Bulky goods sales rooms or showrooms							C	C	C	C										
Bus depots	C	C	C	C			C	C	C	C						C		C		
Bus stations	C	C	C	C	C	C	C	C	C	C						C		C		
Car repair stations							C	C	C	C										
Carnivals	N	N	N		C	C	N	N	N	N	N	N	N	N		N	N	N		N
Carports	X	X	X	X	X	X	X	X	X	X	C	C	C	C		C	C	C	C	
Child care centres	C	C	C	C	C	C	C	C	C	C	C	C	C	C		C		C	C	
Clearing native vegetation	C	C	C	C	N	N	N	N	N	N	C	C	C	C		C	C	C		X
Clubs	C	C	C	C	C	C	C	C	C	C				C		C		C	C	
Commercial premises							C	C												
Community facilities	C	C	C	C	C	C	C	C	C	C	C	C	C	C		C		C	C	
Dams	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C
Demolition	X	X	X	X	X	X	X	X	X	X		X	X	X	X	X	X	X	X	X
Dual occupancies attached	C	C	C	C												C	C	C	C	
Dwelling-houses	C	C	C	C	X	X	C	C								C	C	C	C	
Educational establishments	C	C	C	C	C	C	C	C			C					C	C	C	C	
Exhibition homes					C	C	C	C												
Extractive industries	C								C	C										



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Zones																					
Development for the purpose of the following:	MA	RL	RV	CL	H	MU	3A	3B	4A	4B	5A	6A	6B	6C	7A	7D	EPA	EPM	7E	9B	
Farm gate sales outlets	C	C	C	C											C	C	C	C	C		
Fences	X	X	X	X	X	X	X	X	X	X	X	X	X	X	C	X	X	X	X	C	X
Flag poles	X	X	X	X	X	X	X	X	X	X	X	X	X	X		X	X	X	X		
Forestry	C			C	C	C	C	C	C	C		C	C			C	C	C			
Garages	X	X	C	X	X	X	X	X	X	X	C	C	C	C		C	C	C	C		
General stores	C	C	C	C	C	C	C	C	C	C						C	C	C			
Generating works	C	C	C	C			C	C	C	C						C	C	C			
Helipads	C	C	C	C	C	C	C	C	C	C	C	C	C	C		C	C	C	C		
Heliports	C	C		C			C	C	C	C						C		C			
Home industries	C	C	C	C	C	C	C	C	C	C	C					C	C	C	C		
Home occupations	X	X	X	X	X	X	X	X	X	X	X					X	X	X	X		
Hospitals	C	C	C	C	C	C	C	C	C	C	C					C		C	C		
Hotels	C	C	C	C			C	C	C	C						C		C			
Identified land uses	C	C	C	C	C	C	C	C	C	C	C				C	C	C	C	C		
Industries									C												
Institutions	C	C	C	C					C	C						C		C	C		
Intensive agriculture	C	C		C												C	C	C			
Junk yards	C								C												
Landfilling	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	
Light industries								C	C	C											
Liquid fuel depots									C	C											
Mineral sand mines	C								C	C											
Mines	C								C	C											
Motels	C	C	C	C		C	C	C		C						C		C	C		
Motor show rooms							C	C	C	C											
Multi unit housing						C	C	C													

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Zones																				
Development for the purpose of the following:	MA	RL	RV	CL	H	MU	3A	3B	4A	4B	5A	6A	6B	6C	7A	7D	EPA	EPM	7E	9B
Offensive or hazardous industries									C											
Places of assembly	C	C	C	C			C	C	C	C						C	C	C	C	
Places of public worship	C	C	C	C	C	C	C	C	C	C	C					C	C	C	C	
Produce stores	C	C	C				C	C	C	C						C	C	C		
Professional and commercial chambers	C	C	C	C	C	C	C	C	C	C						C		C	C	
Public buildings	C	C	C	C	C	C	C	C	C	C	C		C	C		C		C	C	
Public utility undertakings	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N		N
Real estate sales signs	X	X	X	X	X	X	X	X	X	X	X					X	X	X	X	
Recreation areas	C	C		C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	
Recreation facilities	C	C	C	C	C	C	C	C	C	C		C	C	C		C		C	C	
Recreation vehicle areas	C	C	C				C	C	C	C		C	C	C		C		C		C
Recreational establishments	C	C	C	C	C	C	C	C	C	C		C	C	C		C		C	C	
Refreshment rooms	C	C	C	C			C	C	C	C		C	C	C		C	C	C		
Renovations	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
Retail plant nurseries	C	C	C				C	C	C	C						C	C	C		
Retaining walls	X	X	X	X	X	X	X	X	X	X	X	X	X	X		X	X	X	X	X
Road transport terminals	C			C					C	C										
Roadside stalls	C	C	C	C												C	C	C		
Rural industries	C								C	C						C	C	C		
Rural sheds	X	X	C	X	C						X	X	X	X		C	X	X	C	

Zones																					
Development for the purpose of the following:	MA	RL	RV	CL	H	MU	3A	3B	4A	4B	5A	6A	6B	6C	7A	7D	EPA	EPM	7E	9B	
Rural tourist facilities	C	C		C												C	C		C		
Rural workers' dwellings	C			C												C	C	C			
Satellite dishes	X	X	X	X	X	X	X	X	X	X	X	X	X	X		X	X	X	X	X	
Sawmills	C								C							C	C	C			
Service stations							C	C	C	C											
Shop fit outs							X	X													
Shops							C	C													
Stock and sale yards	C								C	C						C	C	C			
Structures ancillary to dwellings	X	X	X	X	X	X	X	X	X	X	X					X	X	X	X		
Tourist facilities	C	C	C	C	C	C	C	C	C	C						C		C	C		
Transport terminals									C	C						C					
Truck depots	C							C	C	C								C			
Units for aged persons					C	C	C	C	C	C											
Utility installations	N	N		N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	C
Warehouses							C	C	C	C											
Waste storage containers	X	X	X	X	X	X	X	X	X	X	X	X	X	X		X	X	X	X	X	

**[8] Clause 9A Zone objectives**

Omit the matter relating to Zones Nos 1 (a), 1 (b), 1 (c), 1 (c1), 1 (d), 2 (a), 2 (a1) and 2 (c) from the Table to the clause.

Insert instead:

**Mixed Agriculture zone**

The objectives of this zone are as follows:

- (a) to encourage existing sustainable agricultural activities,

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- (b) to ensure that development does not create or contribute to rural land use conflicts,
- (c) to encourage agricultural activities that do not rely on highly fertile land,
- (d) to prevent fragmentation of agricultural land,
- (e) to ensure that agricultural activities occur in a manner:
  - (i) that does not have a significant adverse effect on water catchments, including surface and groundwater quality and flows, land surface conditions and important ecosystems such as streams and wetlands, and
  - (ii) that satisfies best practice guidelines and best management practices,
- (f) to promote the conservation and enhancement of local native vegetation, including the habitat of threatened species, populations and ecological communities by encouraging development to occur in areas already cleared of vegetation,
- (g) to ensure that development retains or enhances existing landscape values that include a distinctive agricultural component,
- (h) to prevent the establishment of traffic generating development along main and arterial roads,
- (i) to control outdoor advertising so that it does not disfigure the rural landscape,
- (j) to ensure that development does not create unreasonable economic demands for the provision or extension of public amenities or services.

#### **Rural Living zone**

The objectives of this zone are as follows:

- (a) to provide primarily for a rural residential lifestyle,
- (b) to enable identified agricultural land uses to continue in operation,
- (c) to minimise conflict with rural living land uses,
- (d) to ensure that agricultural activity is sustainable,
- (e) to provide for rural residential development on former agricultural land if the land has been remediated,
- (f) to preserve the rural landscape character of the area by controlling the choice and colour of building materials and the position of buildings, access roads and landscaping,

- (g) to allow for agricultural land uses that are ancillary to an approved rural residential land use that will not have significant adverse environmental effects or conflict with other land uses in the locality,
- (h) to ensure that development occurs in a manner:
  - (i) that does not have a significant adverse effect on water catchments, including surface and groundwater quality and flows, land surface conditions and important ecosystems such as streams and wetlands, and
  - (ii) that satisfies best practice guidelines and best management practices,
- (i) to prevent the establishment of traffic generating development along main and arterial roads,
- (j) to ensure that development does not create unreasonable economic demands for the provision or extension of public amenities or services.

**Rural Village zone**

The objectives of this zone are as follows:

- (a) to maintain the rural character of the village and to ensure buildings and works are designed to be in sympathy with the character of the village,
- (b) to protect hilltops, ridge lines, river valleys, rural landscapes and other local features of scenic significance by controlling the choice and colour of building materials and the position of buildings, access roads and landscaping,
- (c) to enable development for purposes other than residential only if they are compatible with the character of the village,
- (d) to ensure that development does not detract from the existing rural character,
- (e) to ensure that development does not create unreasonable economic demands for the provision or extension of public amenities or services,
- (f) to control outdoor advertising so that it does not disfigure the rural landscape,
- (g) to ensure that development occurs in a manner that satisfies best practice guidelines for the protection of water catchments, water quality, land surface conditions and important ecosystems.

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### **Consolidated Land Holdings zone**

The objectives of this zone are as follows:

- (a) to prohibit further subdivision of certain rural land otherwise than to effect a minor boundary adjustment,
- (b) to permit only those uses that are compatible with the amenity of rural areas and ancillary to development in the locality,
- (c) to ensure that development in rural areas does not generate an unreasonable demand for public services,
- (d) to maintain the rural character and scenic landscape qualities of land in river corridors and on escarpments.

### **Housing zone**

The objectives of this zone are as follows:

- (a) to provide for low density housing and associated facilities in locations of high amenity and accessibility,
- (b) to protect the character of traditional residential development and streetscapes,
- (c) to ensure that new development retains and enhances the existing character,
- (d) to ensure that development is sympathetic to the natural amenity and ecological processes of the area,
- (e) to enable development for purposes other than residential only if it is compatible with the character of the living area and has a domestic scale and character,
- (f) to control subdivision so that the provision for water supply and sewerage disposal on each resultant lot is satisfactory to the Council,
- (g) to ensure that development does not create unreasonable economic demands for the provision or extension of public amenities or services.

### **Multi Unit Housing zone**

The objectives of this zone are as follows:

- (a) to consolidate population and housing densities,
- (b) to provide a wide range of housing choices in close proximity to commercial centres and railway stations,
- (c) to ensure that building form is in character with the surrounding built environment,

- (d) to ensure that development is sympathetic to the natural amenity and ecological processes of the area,
- (e) to ensure that development does not create unreasonable economic demands for the provision or extension of public amenities or services,
- (f) to enable development for purposes other than residential only if it is compatible with the character of the living area and has a domestic scale and character.

**[9] Clause 9A, Table**

Omit the matter relating to Zone No 7 (d1). Insert instead:

**Environmental Protection—Agriculture Protection (Scenic) zone**

The objectives of this zone are as follows:

- (a) to protect the agricultural potential of rural land in order to promote, preserve and encourage agricultural production,
- (b) to ensure that agricultural activities occur in a manner:
  - (i) that does not have a significant adverse effect on water catchments, including surface and groundwater quality and flows, land surface conditions and important ecosystems such as streams and wetlands, and
  - (ii) that satisfies best practice guidelines and best management practices,
- (c) to ensure that development does not create or contribute to rural land use conflicts,
- (d) to ensure that development retains or enhances existing landscape values that include a distinctly agricultural component,
- (e) to preserve river valley systems, scenic corridors, wooded ridges, escarpments, environmentally sensitive areas and other local features of scenic quality,
- (f) to protect hilltops, ridge lines, river valleys, rural landscapes and other local features of scenic significance,
- (g) to prevent the establishment of traffic generating development along main and arterial roads,
- (h) to control outdoor advertising so that it does not disfigure the rural landscape,
- (i) to ensure that development does not create unreasonable economic demands for the provision or extension of public amenities or services,

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- (j) to preserve the rural landscape character of the area by controlling the choice and colour of building materials and the position of buildings, access roads and landscaping,
- (k) to encourage existing sustainable agricultural activities.

### **Environmental Protection—Mixed Agriculture (Scenic) zone**

The objectives of this zone are as follows:

- (a) to encourage existing sustainable agricultural activities,
- (b) to ensure that development does not create or contribute to rural land use conflicts,
- (c) to encourage agricultural activities that do not rely on highly fertile land,
- (d) to prevent fragmentation of agricultural land,
- (e) to ensure that agricultural activities occur in a manner:
  - (i) that does not have a significant adverse effect on water catchments, including surface and groundwater quality and flows, land surface conditions and important ecosystems such as streams and wetlands, and
  - (ii) that satisfies best practice guidelines and best management practices,
- (f) to promote the conservation and enhancement of local native vegetation, including the habitat of threatened species, populations and ecological communities by encouraging development to occur in areas already cleared of vegetation,
- (g) to ensure that development retains or enhances existing landscape values that include a distinctly agricultural component,
- (h) to prevent the establishment of traffic generating development along main and arterial roads,
- (i) to control outdoor advertising so that it does not disfigure the rural landscape,
- (j) to ensure that development does not create unreasonable economic demands for the provision or extension of public amenities or services.



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**[10] Clauses 9B–9E**

Omit clause 9B. Insert instead:

**9B Exempt development**

- (1) Development listed in the Table to this clause is exempt development, except as provided by subclauses (2) and (3).
- (2) Development is exempt development only if:
  - (a) it complies with any applicable Acts or other laws, and
  - (b) it complies with any deemed-to-satisfy provisions of the *Building Code of Australia* relevant to the development, and
  - (c) it meets the requirements listed for it in the Table to this clause, and
  - (d) it complies with any relevant standards set for the development by this plan or by the Hawkesbury Development Control Plan, and
  - (e) it does not contravene any condition of development consent applying to the land, and
  - (f) it does not obstruct drainage of the site on which it is carried out, and
  - (g) it is carried out at least one metre from any easement or the zone of influence of any public sewer main and complies with the building over sewer requirements of Sydney Water Corporation or the Council, applying to the land, and
  - (h) it is not designated development.
- (3) Development is not exempt development if it is carried out on land that:
  - (a) is subject to an order under the *Heritage Act 1977*, or
  - (b) is an Aboriginal place or known Aboriginal object under the *National Parks and Wildlife Act 1974*, or
  - (c) is identified in an environmental planning instrument as a wetland or is within 20 metres of land so identified as a wetland, or
  - (d) is or is part of an aquatic reserve under the *Fisheries Management Act 1994*, or

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- (e) is a site of a heritage item or is in a conservation area, or
- (f) is prohibited development under this plan or any other environmental planning instrument.

**Note.** Section 76 (3) of the *Environmental Planning and Assessment Act 1979* says development can not be exempt development if it is carried out on land:

- (a) that is critical habitat (within the meaning of the *Threatened Species Conservation Act 1995*), or
- (b) that is within a wilderness area (within the meaning of the *Wilderness Act 1987*).

### Table

The erection and use or carrying out of the following:	Requirements
Access ramps for the disabled	<ul style="list-style-type: none"> <li>• Maximum height 1m above ground level</li> <li>• Maximum grade 1:14 and otherwise in compliance with AS 1428.1—1998, <i>Design for access and mobility—General requirements for access—New building work</i></li> </ul>
Advertisements	<p>General</p> <ul style="list-style-type: none"> <li>• Not to be placed above awnings or on the roof of buildings</li> <li>• Maximum area 4m<sup>2</sup></li> <li>• Not illuminated</li> <li>• Maximum of one advertisement per property</li> </ul> <p>Sandwich boards A frame (private property)</p> <ul style="list-style-type: none"> <li>• Located in commercial zones</li> <li>• Maximum area 2.4m<sup>2</sup> on each of the 2 faces</li> <li>• Sandwich board located on private property</li> <li>• Maximum of one such sandwich board per business</li> </ul> <p>Sandwich boards A frame (council property and public places)</p> <ul style="list-style-type: none"> <li>• Maximum area 1.2m<sup>2</sup> on each of the 2 faces</li> <li>• Each sandwich board is to be registered with the Council and have a Council issued registration plate attached</li> </ul>

The erection and use or carrying out of the following:	Requirements
	<ul style="list-style-type: none"> <li>• Each sandwich board is to be covered by public liability insurance to the value of \$5 million that protects both the owner of the board and the Council. The owner is to provide evidence of the insurance to the Council annually or at such other times as may be requested by the Council</li> <li>• Sandwich board is not to be placed so as to obstruct pedestrians or the view of drivers of motor vehicles</li> <li>• Sandwich board is to be located no more than 5m from the business to which it relates</li> <li>• Maximum of one sandwich board per business</li> </ul>
Aerials/antennae/microwave antennae	<ul style="list-style-type: none"> <li>• Maximum height above roof of 6m</li> <li>• Domestic use only</li> </ul>
Air conditioning units for dwellings (attached to external wall or ground mounted)	<ul style="list-style-type: none"> <li>• Noise from the source represented by <math>LA_{eq}</math> measured over a 15 minute period does not exceed the background noise level, represented by <math>LA_{eq} 90</math> measured in the absence of the source by more than 5dB</li> </ul>
Awnings, shade canopies, storm blinds, open pergolas, cabanas, gazebos, barbecues and greenhouses that are ancillary to a dwelling	<ul style="list-style-type: none"> <li>• Maximum area 40m<sup>2</sup></li> <li>• Maximum height 2.4m above ground level</li> <li>• Non reflective materials</li> <li>• Located within property boundaries</li> <li>• Located to the side of or behind the dwelling</li> <li>• No removal of native vegetation</li> <li>• Awnings not to be used for garaging or storage of vehicles</li> <li>• Located no less than 900mm from adjoining allotment boundaries</li> </ul>
Bed and breakfast accommodation	<ul style="list-style-type: none"> <li>• 4 bedrooms or less located within existing dwelling</li> <li>• Compliance with BCA for Class 1b building</li> </ul>
Bird aviaries and domestic pet enclosures (excluding poultry)	<ul style="list-style-type: none"> <li>• Maximum area 9m<sup>2</sup> (total aggregate)</li> <li>• Maximum height 1.8m above ground level</li> <li>• Domestic use only</li> <li>• Rear yard only</li> </ul>

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The erection and use or carrying out of the following:	Requirements
Carnivals	<ul style="list-style-type: none"><li>• No more than 4 events per calendar year</li><li>• No amplified noise</li><li>• Daylight hours only</li></ul>
Carports	<ul style="list-style-type: none"><li>• Maximum height 2.4m above ground level</li><li>• Maximum roof pitch 15 degrees</li><li>• Maximum area 40m<sup>2</sup></li><li>• Not in an environmental protection zone</li><li>• To be located behind the building alignment</li></ul>
Change of use from: (a) an industrial use to another industrial use, or (b) a light industrial use to another light industrial use	<ul style="list-style-type: none"><li>• Existing approved industrial building</li><li>• Located in an industrial zone</li><li>• Does not involve offensive or hazardous industry</li><li>• It does not involve any internal or external alterations</li><li>• Storage of goods and materials is to be confined within the building or within approved areas</li><li>• Development is to be maintained in a clean and tidy manner</li><li>• The use of the site is to be conducted in such a manner so as not to interfere with the amenity of the neighbourhood with respect to noise, vibration, odour, dust, waste water, waste product or otherwise</li><li>• All vehicles being serviced, repaired, stored or displayed for sale are to be contained within the subject property and not on adjacent footpaths or roadways</li><li>• Vehicles and vehicle parts are only to be washed in a Council approved wash bay area</li><li>• All chemicals, petrochemicals, liquids, waste materials and contaminated parts are to be stored within the building in appropriately bunded areas</li></ul>

The erection and use or carrying out of the following:	Requirements
	<ul style="list-style-type: none"> <li>• Used oil and other lubricants, hydraulic fluid and coolants are to be collected and stored for the purposes of recycling or disposing at a waste facility</li> <li>• Oil, lubricant, coolant and hydraulic fluid spills or stains are to be removed by an appropriate absorbent material and disposed of at a waste facility. An adequate supply of the absorbent material is to be kept on hand at all times</li> <li>• The relevant sewer authority (the Council or Sydney Water) must be consulted regarding acceptable discharge limits to the sewerage system and a Trade Waste agreement must be entered into with the relevant authority before trade waste is discharged from the premises</li> </ul>
Change of use from: (a) a shop to another shop, or (b) a commercial use to another commercial use (other than a brothel)	General <ul style="list-style-type: none"> <li>• Existing approved retail/commercial building</li> <li>• Located in a commercial zone</li> <li>• It does not involve any internal or external alterations</li> <li>• Storage of goods and materials is to be confined within the building or within approved areas</li> <li>• The relevant sewer authority (the Council or Sydney Water) must be consulted regarding acceptable discharge limits to the sewerage system and a Trade Waste agreement must be entered into with the relevant authority before trade waste is discharged from the premises</li> <li>• Any lighting on the site is to be directed in such a manner so that no nuisance is caused in relation to adjoining properties and drivers of motor vehicles</li> </ul>

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	<p>Food premises</p> <ul style="list-style-type: none"> <li>• Premises in which food is to be served, prepared or stored are to be constructed, maintained and operated in accordance with the Council's <i>Code for the Construction and Fit-out of Food Premises</i> as in force on the date of commencement of <i>Hawkesbury Local Environmental Plan 1989 (Amendment No 108)</i> and with Food Standards Australia New Zealand <i>Standard 3.2.3 (Food Premises and Equipment)</i>.</li> </ul> <p>Hairdressers, hair cutters, beauty salons and skin penetration businesses</p> <ul style="list-style-type: none"> <li>• Premises must be registered with the Council</li> <li>• Premises are to be constructed, maintained and operated in accordance with any relevant guidelines issued by the Department of Health and are to have impervious floor coverings with coving where necessary</li> </ul>
Clothes hoist or clothes lines	<ul style="list-style-type: none"> <li>• Located behind principal dwelling</li> <li>• Installed to manufacturer's specifications</li> </ul>
Cubby houses and playground equipment ancillary to a dwelling	<ul style="list-style-type: none"> <li>• Maximum height 2.1m above ground level</li> <li>• Maximum area 9m<sup>2</sup></li> <li>• Setback minimum 900mm</li> </ul>
Decks attached to detached single dwellings (does not include decking associated with swimming pools)	<ul style="list-style-type: none"> <li>• Maximum area 40m<sup>2</sup></li> <li>• Finished surface level not greater than 1m above ground level</li> <li>• Maintain existing side boundary setbacks</li> </ul>
<p>Demolition of any structure:</p> <p>(a) the erection of which would be exempt development under this plan, or a temporary building the erection of which would be complying development under this plan, and</p> <p>(b) covering an area of not more than 40m<sup>2</sup></p>	<ul style="list-style-type: none"> <li>• Carried out in accordance with AS 2601—1991, <i>Demolition of structures</i></li> </ul>

The erection and use or carrying out of the following:	Requirements
Dog kennels or dog runs	<ul style="list-style-type: none"> <li>• Maximum height 2m above ground level</li> <li>• Maximum area 2m<sup>2</sup></li> <li>• No more than 2 kennels</li> <li>• Enclosure not exceeding 1.2m high (or 2m if enclosed) above ground level and dimensions 3m × 2m</li> <li>• Domestic use only</li> <li>• Located behind principal building</li> </ul>
Erection and use of real estate sales signs	<ul style="list-style-type: none"> <li>• Flush wall sign or pole or pylon sign</li> <li>• Only one sign per street/road frontage</li> <li>• Signs are to be removed no later than 7 days after settlement</li> </ul> <p>Signs in commercial and industrial zones</p> <ul style="list-style-type: none"> <li>• Maximum sign area 4m<sup>2</sup></li> <li>• Maximum height 3m above ground level</li> </ul> <p>Signs in zones other than commercial and industrial zones</p> <ul style="list-style-type: none"> <li>• Maximum sign area 2.5m<sup>2</sup></li> <li>• Maximum height 2m above ground level</li> <li>• Not illuminated</li> <li>• Not placed on or above any public place</li> </ul>
Fences (other than fences required by the <i>Swimming Pools Act 1992</i> )	<p>Boundary fences (behind building line)</p> <ul style="list-style-type: none"> <li>• Maximum height 2.4m above ground level (other than masonry or brick)</li> </ul> <p>Boundary fences (not behind building line)</p> <ul style="list-style-type: none"> <li>• Maximum height 1.2m above ground level (other than masonry or brick)</li> <li>• New materials only</li> </ul> <p>Timber or lattice screen fences (other than boundary fences)</p> <ul style="list-style-type: none"> <li>• Maximum height 2.4m above ground level</li> <li>• Minimum 500mm off side boundary</li> <li>• Located behind building line</li> </ul>

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<b>The erection and use or carrying out of the following:</b>	<b>Requirements</b>
Filling of land	<ul style="list-style-type: none"><li>• Maximum depth 300mm</li><li>• Maximum area 100m<sup>2</sup></li><li>• Does not interfere with the natural flow of water from or onto surrounding properties</li><li>• Involves only clean fill (natural excavated material) and not any contaminated material</li><li>• No removal of native vegetation</li><li>• Maximum of one application of fill per property</li></ul>
Flagpoles in commercial or industrial zones	<ul style="list-style-type: none"><li>• Maximum height 9m above ground level</li><li>• Installed to manufacturer's specifications or engineering design</li></ul>
Flagpoles in residential zones	<ul style="list-style-type: none"><li>• Maximum height 6m above ground level</li><li>• Installed to manufacturer's specifications or engineering design</li></ul>
Fountains, fish ponds, sun dials, bird baths, wishing wells and the like	<ul style="list-style-type: none"><li>• Water storage area no greater than 300mm deep</li><li>• Not exceeding 1.5m high above ground level</li></ul>
Garages	<ul style="list-style-type: none"><li>• Maximum height 2.4m above ground level measured to the gutter of the garage</li><li>• Maximum roof pitch 15 degrees</li><li>• Maximum area 40m<sup>2</sup></li><li>• Not in an environmental protection zone</li><li>• To be located behind the building alignment</li></ul>
Garden sheds	<ul style="list-style-type: none"><li>• Maximum area of a shed or sheds in total 16m<sup>2</sup></li><li>• Maximum height 2.1m above ground level</li><li>• Non-reflective materials</li><li>• Rear yard only</li><li>• Installed to manufacturer's specifications or engineering design</li></ul>
Gas bottles for domestic purposes	<ul style="list-style-type: none"><li>• Maximum of 2 bottles</li></ul>
Gate structures and supporting wing walls	<ul style="list-style-type: none"><li>• Maximum 1.8m high above ground level</li><li>• Maximum length 10m overall</li><li>• Wholly within property boundary</li></ul>
Home occupation	<ul style="list-style-type: none"><li>• No customers will visit the site</li></ul>

BY AUTHORITY



<b>The erection and use or carrying out of the following:</b>	<b>Requirements</b>
Letter boxes	<ul style="list-style-type: none"> <li>• Height and size to comply with Australia Post standards</li> <li>• Wholly within property boundary in residential areas</li> </ul>
Lighting (external) not including lighting for tennis courts, sports grounds or greenhouses	
Renovations—all buildings excluding shop fit outs	<ul style="list-style-type: none"> <li>• Non-structural work only, such as: <ul style="list-style-type: none"> <li>• painting</li> <li>• replacement of doors, wall, ceiling or floor linings or deteriorated frame members with equivalent or improved quality materials</li> <li>• renovations of bathrooms, kitchens, inclusion of built-in fixtures such as vanities, cupboards and wardrobes</li> <li>• re-cladding of walls or roofs if existing materials are replaced with similar new materials</li> </ul> </li> <li>• Alterations or renovations to previously completed building only</li> <li>• Does not include changes to the configuration of rooms whether by removal of existing walls, partitions or by other means</li> <li>• Does not cause reduced window arrangements for light and ventilation needs, reduced doorways for egress purposes or involve enclosure of open areas</li> </ul>
Retaining walls	<ul style="list-style-type: none"> <li>• Located no closer than 1m to any boundary</li> <li>• Maximum height 900mm above natural ground level</li> <li>• Complies with relevant Australian Standards in relation to structural integrity and construction materials</li> <li>• Constructed so that it does not prevent the natural flow of stormwater drainage or run-off</li> <li>• Does not interfere with the natural flow of water from or onto surrounding properties</li> </ul>
Satellite dishes—ground mounted	<ul style="list-style-type: none"> <li>• Maximum height 2.4m above ground level</li> <li>• Not visible from the street frontage</li> </ul>

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The erection and use or carrying out of the following:	Requirements
Satellite dishes—roof mounted	<ul style="list-style-type: none"><li>• Maximum diameter 1m</li><li>• Maximum height not to exceed highest point of roof</li><li>• Not visible from the street frontage</li><li>• Colour to match existing roof colour</li></ul>
Skylight roof windows	<ul style="list-style-type: none"><li>• Comply with AS 3959—1999, <i>Construction of buildings in bushfire-prone areas</i></li><li>• Located not less than 900mm from property boundaries or walls separating attached dwellings</li><li>• Structural integrity of the existing building not to be affected</li><li>• Installed to manufacturer's instructions and waterproofed</li></ul>
Street signs comprising name plates, directional signs and advance traffic warning signals	<ul style="list-style-type: none"><li>• Construction by or for Council</li><li>• Designed, fabricated and installed in accordance with relevant Australian Standards</li></ul>
Waste storage container in public place	<ul style="list-style-type: none"><li>• Maximum length of container 3m</li><li>• Single container only</li><li>• Container is to be located and designed in accordance with any requirements or guidelines of the Roads and Traffic Authority</li><li>• Container is to be removed within 14 days of being placed in the public place</li><li>• Each container is to be covered by public liability insurance to the value of \$10 million that protects the Council</li><li>• Container is to be a light colour with the name and address of the owner of the container clearly marked</li></ul>
Water heaters	<ul style="list-style-type: none"><li>• Installed to manufacturer's specifications or requirements</li><li>• Installed by licensed person</li><li>• Work does not reduce structural integrity of the building or involve structural alterations</li><li>• Openings created are water proofed</li></ul>

The erection and use or carrying out of the following:	Requirements
Water tanks in non-residential zones	<ul style="list-style-type: none"> <li>• Not less than 10,000 and not more than 120,000 litres</li> <li>• No closer than 6m to adjoining boundary and buildings</li> <li>• Maximum height 2.4m above ground level</li> <li>• Fitted with 38mm Stortz fitting and non-return foot valve</li> <li>• Domestic draw-off to leave 10,000 litres for use by fire services in an emergency</li> </ul>

### 9C Complying development

- (1) Development listed in the Table to this clause is complying development, except as provided by subclauses (2) and (3).
- (2) Development is complying development only if:
  - (a) it complies with any applicable Acts or other laws, and
  - (b) it complies with any deemed-to-satisfy provisions of the *Building Code of Australia* relevant to the development, and
  - (c) it meets the requirements listed for it in the Table to this clause, and
  - (d) it complies with any relevant standards set for the development by this plan or by the Hawkesbury Development Control Plan, and
  - (e) it does not contravene any condition of development consent applying to the land, and
  - (f) it does not obstruct drainage of the site on which it is carried out, and
  - (g) it is carried out at least one metre from any easement or the zone of influence of any public sewer main and complies with the building over sewer requirements of Sydney Water Corporation or the Council, applying to the land.
- (3) Development is not complying development if it is carried out on land that:
  - (a) is an Aboriginal place or known Aboriginal object under the *National Parks and Wildlife Act 1974*, or
  - (b) is identified in an environmental planning instrument as a wetland or is within 20 metres of land so identified as a wetland, or

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- (c) is or is part of an aquatic reserve under the *Fisheries Management Act 1994*, or
  - (d) is a site of a heritage item or is in a conservation area, or
  - (e) is lower than 1.2 metres below the 1-in-100 year flood frequency, or
  - (f) is a remediation site within the meaning of the *Contaminated Land Management Act 1997* or land subject to an agreement with the Environment Protection Authority under section 26 of that Act for voluntary remediation, or
  - (g) is, at the date of commencement of *Hawkesbury Local Environmental Plan 1989 (Amendment No 108)*, identified:
    - (i) on a register maintained by the Council as land that is subject to landslip, or
    - (ii) on the Acid Sulfate Soils Planning Map as land containing potential acid sulphate soils of Class 1, 2 or 3, or
  - (h) is identified as a scenic area of the riverine corridor or as a conservation area sub-catchment under *Sydney Regional Environmental Plan No 20—Hawkesbury-Nepean River (No 2—1997)*, or
  - (i) is prohibited development under this plan or any other environmental planning instrument.
- Note.** Section 76A (6) of the *Environmental Planning and Assessment Act 1979* says development can not be complying development if it is carried out on land:
- (a) that is critical habitat (within the meaning of the *Threatened Species Conservation Act 1995*), or
  - (b) that is within a wilderness area (within the meaning of the *Wilderness Act 1987*), or
  - (c) that comprises, or on which there is, an item of the environmental heritage to which an order under the *Heritage Act 1977* applies or that is identified as such an item in an environmental planning instrument, or
  - (d) that is identified as an environmentally sensitive area in the environmental planning instrument providing for the complying development.
- (4) Subclause (3) (e) does not apply to development for the purposes of a swimming pool.
  - (5) A complying development certificate must include the conditions specified in the Hawkesbury Development Control Plan that are applicable to the particular type of development.

**Table**

<b>The erection and use or carrying out of the following:</b>	<b>Requirements</b>
Boundary adjustments	<ul style="list-style-type: none"> <li>• Affects no more than 2 lots</li> <li>• Not identified as bushfire prone land</li> <li>• The variation to either of the lot sizes must not exceed 20%</li> </ul>
Covered decks	<ul style="list-style-type: none"> <li>• Floor level no more than 1.2m above ground level</li> <li>• Attached to existing dwelling</li> <li>• Not in an environmental protection zone</li> <li>• Not identified as bushfire prone land</li> </ul>
Industrial additions	<ul style="list-style-type: none"> <li>• As for industrial buildings</li> <li>• Total area of all such additions does not exceed 1,000m<sup>2</sup></li> </ul>
Industrial buildings	<ul style="list-style-type: none"> <li>• Area does not exceed 1,000m<sup>2</sup></li> <li>• Maximum height 9m above ground level</li> <li>• Waste management plan approved in accordance with the Hawkesbury Development Control Plan</li> </ul>
Retaining walls	<ul style="list-style-type: none"> <li>• Maximum height between 900mm and 1,800mm above or below natural ground level</li> <li>• Maximum height 1.8m above ground level</li> <li>• No closer than 1m to adjoining boundary</li> <li>• Designed by a practising structural engineer and constructed in accordance with the engineer's design and specifications</li> </ul>
Roofed pergolas	<ul style="list-style-type: none"> <li>• Floor level no more than 1.2m above ground level</li> <li>• Attached to existing dwelling</li> <li>• Not in an environmental protection zone</li> <li>• Not identified as bushfire prone land</li> </ul>
Rural sheds	<ul style="list-style-type: none"> <li>• Not in a residential zone</li> <li>• Area does not exceed 170m<sup>2</sup></li> <li>• No removal of native vegetation</li> <li>• Not used for commercial or industrial uses</li> <li>• No closer than 10m to adjoining boundary</li> </ul>

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The erection and use or carrying out of the following:	Requirements
Screen enclosures	<ul style="list-style-type: none"><li>• Area does not exceed 60m<sup>2</sup></li><li>• Not in an environmental protection zone</li><li>• Not identified as bushfire prone land</li></ul>
Shop fit outs—internal partition walls only	<ul style="list-style-type: none"><li>• Existing floor area must not increase</li></ul>
Single storey dwellings and alterations and additions to single storey dwellings	<ul style="list-style-type: none"><li>• Residential zones only</li><li>• Not on land for which the Australian Noise Exposure Forecast exceeds 25</li><li>• Sewered</li><li>• Floor level no more than 1.2m above ground level</li><li>• On lots with an area greater than 450m<sup>2</sup></li><li>• Comply with AS 2021—2000, <i>Acoustics—Aircraft noise intrusion—Building siting and construction</i></li><li>• Waste management plan approved in accordance with the Hawkesbury Development Control Plan</li><li>• Not identified as bushfire prone land</li></ul>
Swimming pools	<ul style="list-style-type: none"><li>• Ancillary to a dwelling that is used only for private purposes</li><li>• Located behind the building line</li><li>• The lot is to be sewered or have an area greater than 4,000m<sup>2</sup></li><li>• No more than 500mm above ground level if in residential zone</li></ul>

**9D Use of land zoned 5 (b) (Special Uses (Railways))**

- (1) This clause applies to land in Zone No 5 (b).
- (2) Development for the purposes of any use that is authorised under the *Transport Administration Act 1988* in relation to railways does not require the consent of the Council.
- (3) Development for a purpose other than that in subclause (2) is prohibited.

**9E Use of land zoned 8 (a) (Nature Reserve)**

- (1) This clause applies to land in Zone No 8 (a).
- (2) Development for the purposes of any use that is authorised under the *National Parks and Wildlife Act 1974* does not require the consent of the Council.
- (3) Development for a purpose other than that in subclause (2) is prohibited.

**[11] Clause 11 Rural subdivision—general provisions**

Omit “within Zone No 1 (b) or 1 (c1)” from the definition of *lot averaging subdivision* in clause 11 (1).

Insert instead “in the Mixed Agriculture or Rural Living zone”.

**[12] Clause 11 (1), definition of “lot averaging subdivision”**

Omit “Zone No 1 (b)” from paragraph (a) of the definition.

Insert instead “the Mixed Agriculture zone”.

**[13] Clause 11 (1), definition of “lot averaging subdivision”**

Omit “Zone No 1 (c1)” from paragraph (b) of the definition.

Insert instead “the Rural Living zone”.

**[14] Clause 11 (2)**

Omit “Zone No 1 (a), 1 (b), 1 (c), 1 (c1), 7 (a), 7 (d) or 7 (d1)”.

Insert instead “Zone No 7 (a) or 7 (d) or in the Mixed Agriculture, Rural Living, Environmental Protection—Agriculture Protection (Scenic) or Environmental Protection—Mixed Agriculture (Scenic) zone”.

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### [15] Clause 11 (2)

Omit the Table to the subclause. Insert instead:

<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>
<b>Zone</b>	<b>Minimum allotment size if not lot averaging subdivision</b>	<b>Minimum allotment size if lot averaging subdivision</b>
Mixed Agriculture (land shown hatched on the map)	40 hectares	Not applicable
Mixed Agriculture (other than land shown hatched on the map)	10 hectares	2.5 hectares
Rural Living (land shown hatched on the map)	2 hectares	Not applicable
Rural Living (other than land shown hatched on the map)	4 hectares	1 hectare
Environmental Protection—Agriculture Protection (Scenic) (land shown hatched on the map)	10 hectares	Not applicable
Environmental Protection—Agriculture Protection (Scenic) (other than land shown hatched on the map)	40 hectares	Not applicable
Environmental Protection (Wetlands) 7 (a)	40 hectares	Not applicable
Environmental Protection (Scenic) 7 (d)	40 hectares	Not applicable
Environmental Protection—Mixed Agriculture (Scenic)	40 hectares	Not applicable

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**[16] Clause 11 (4)**

Omit “within Zone No 1 (b) or 1 (c1)”.

Insert instead “in the Mixed Agriculture or Rural Living zone”.

**[17] Clause 11 (5)**

Omit “within Zone No 1 (b)”. Insert instead “in the Mixed Agriculture zone”.

**[18] Clause 11 (6)**

Omit “within Zone No 1 (a), 1 (b), 1 (c), 1 (c1), 7 (d) or 7 (d1)”.

Insert instead “in Zone No 7 (d) or in the Mixed Agriculture, Rural Living, Environmental Protection—Agriculture Protection (Scenic) or Environmental Protection—Mixed Agriculture (Scenic) zone”.

**[19] Clause 11 (7)**

Omit “within Zone No 1 (d)”.

Insert instead “in the Rural Village or Consolidated Land Holdings zone”.

**[20] Clause 12**

Omit the clause. Insert instead:

**12 Residential subdivision—general provisions**

(1) In this clause:

*internal allotment* means an allotment to which the only means of access to that part of the allotment that is most suitable for locating a dwelling is by way of:

- (a) an access corridor that forms part of the allotment (a *hatchet shaped allotment*), or
- (b) an easement or right of way over another allotment.

(2) The Council may consent to the subdivision of land in the Housing or Multi Unit Housing zone only if the area of each allotment that is to contain a dwelling is not less than:

- (a) if the allotment is not an internal allotment, that shown for the zone in Column 2 of the following Table, or
- (b) if the allotment is an internal allotment, that shown for the zone in Column 3 of that Table.

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<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>
<b>Zone</b>	<b>Allotment (other than an internal allotment) size</b>	<b>Internal allotment size</b>
Housing (land shown hatched on the map)	600 square metres	700 square metres
Housing (other than land shown hatched on the map)	450 square metres	450 square metres
Multi Unit Housing	450 square metres	450 square metres

- (3) Despite subclause (2), the Council must not consent to the subdivision of land in the Housing zone if:
- (a) the land is not serviced by reticulated sewerage, and
  - (b) the area of any proposed allotment that is to contain a dwelling is less than 4,000 square metres.
- (4) For the purposes of subclause (2) and (3), in determining the area of an internal allotment that is a hatchet shaped allotment, the area of the access corridor is not to be counted as part of the area of that allotment.
- (5) The Council must not consent to the subdivision of land at Glossodia if that land is in the Housing zone except by a subdivision in accordance with clause 13.
- (6) Despite the other provisions of this clause, the Council may consent to the subdivision of multi unit housing, the development of which has been approved by the Council, into separate allotments or units.

### [21] **Clause 15 Erection of dwelling-houses**

Omit “within Zone No 1 (a), 1 (b), 1 (c), 1 (c1), 2 (a), 2 (a1), 2 (c), 7 (d) or 7 (d1)” from clause 15 (1).

Insert instead “in Zone No 7 (d) or in the Mixed Agriculture, Rural Living, Rural Village, Housing, Multi Unit Housing, Environmental Protection—Agriculture Protection (Scenic) or Environmental Protection—Mixed Agriculture (Scenic) zone”.

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**[22] Clause 15 (5)**

Omit “within Zone No 1 (a), 1 (b), 1 (c), 1 (c1), 1 (d), 7 (d), (7d1) or (7e)”.

Insert instead “in Zone No 7 (d) or 7 (e) or in the Mixed Agriculture, Rural Living, Rural Village, Environmental Protection—Agriculture Protection (Scenic) or Environmental Protection—Mixed Agriculture (Scenic) zone”.

**[23] Clause 15 (7)**

Omit “within Zone No 1 (a), 1 (b), 1 (c), 1 (c1), 7 (d) or 7 (d1)”.

Insert instead “in Zone No 7 (d) or in the Mixed Agriculture, Rural Living, Rural Village, Environmental Protection—Agriculture Protection (Scenic) or Environmental Protection—Mixed Agriculture (Scenic) zone”.

**[24] Clause 16**

Omit clauses 15A and 16. Insert instead:

**16 Erection of residential flat buildings**

- (1) Despite clause 9, the Council may consent to development for the purposes of a residential flat building on land:
  - (a) in Zone No 3 (a) or 3 (b) if that land is serviced by reticulated water and sewerage, or
  - (b) land in the Multi Unit Housing zone that is shown hatched on the map.
- (2) Despite clause 12, the Council may consent to the subdivision of a residential flat building, the development of which has been approved by the Council, into separate allotments or units.

**[25] Clause 17 Rural workers' dwellings**

Omit “within Zone No 1 (a), 1 (b), 1 (c), 1 (c1), 7 (d) or 7 (d1)” from clause 17 (1).

Insert instead “in Zone No 7 (d) or in the Mixed Agriculture, Rural Living, Environmental Protection—Agriculture Protection (Scenic) or Environmental Protection—Mixed Agriculture (Scenic) zone”.

**[26] Clauses 19, 21 and 33C**

Omit the clauses.

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**[27] Clause 22 Development fronting a main or arterial road**

Omit “within Zone No 1 (a), 1 (b), 1 (c), 1 (c1), 7 (d) or 7 (d1)” from clause 22 (2).

Insert instead “in Zone No 7 (d) or in the Mixed Agriculture, Rural Living, Rural Village, Environmental Protection—Agriculture Protection (Scenic) or Environmental Protection—Mixed Agriculture (Scenic) zone”.

**[28] Clause 23 Advertising structures**

Omit clause 23 (1). Insert instead:

- (1) This clause applies to land in Zone No 7 (d) or in the Mixed Agriculture, Rural Living, Rural Village, Housing, Multi Unit Housing, Environmental Protection—Agriculture Protection (Scenic) or Environmental Protection—Mixed Agriculture (Scenic) zone.

**[29] Clause 24 Development in certain environmental and other zones**

Omit clause 24 (1). Insert instead:

- (1) This clause applies to land in Zone No 7 (d) or in the Rural Village, Environmental Protection—Agriculture Protection (Scenic) or Environmental Protection—Mixed Agriculture (Scenic) zone.

**[30] Clause 26 Conservation areas**

Insert after clause 26 (4):

- (5) Development consent is not required by this clause for development described in the Table to clause 9B if:
  - (a) in the opinion of the Council:
    - (i) the proposed development is of a minor nature or consists of maintenance of the building, relic or place within a conservation area, and
    - (ii) the proposed development would not adversely affect the significance of the conservation area, and
  - (b) the proponent has notified the Council in writing of the proposed development and the Council has advised the applicant in writing before any work is carried out that it is satisfied that the proposed development will comply with this subclause.

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**[31] Clause 27 Heritage items**

Insert after clause 27 (2):

- (3) Development consent is not required by this clause for development described in the Table to clause 9B if:
  - (a) in the opinion of the Council:
    - (i) the proposed development is of a minor nature or consists of maintenance of the heritage item, and
    - (ii) the proposed development would not adversely affect the significance of the heritage item, and
  - (b) the proponent has notified the Council in writing of the proposed development and the Council has advised the applicant in writing before any work is carried out that it is satisfied that the proposed development will comply with this subclause.

**[32] Clause 36**

Omit the clause. Insert instead:

**36 Clearing of land in certain environmental and other zones**

A person must not, on land in Zone No 7 (a) or 7 (d) or in the Mixed Agriculture, Rural Living, Rural Village, Environmental Protection—Agriculture Protection (Scenic) or Environmental Protection—Mixed Agriculture (Scenic) zone, fell trees, fill or otherwise alter the surface level of the land without the consent of the Council.

**[33] Clauses 43 and 43A**

Insert after clause 42A:

**43 Rural tourist facilities and educational establishments**

- (1) This clause applies to development for the purposes of:
  - (a) educational establishments on land in the Environmental Protection—Agriculture Protection (Scenic) zone, and
  - (b) rural tourist facilities.
- (2) The Council may consent to development to which this clause applies only if the Council is satisfied that:
  - (a) the proposed development will have no significant adverse effect on the present and potential agricultural use of the land and of the lands in the vicinity, and

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- (b) the proposed development will be compatible with the rural environment and of minimal environmental impact, and
- (c) adequate separation distances will be incorporated to minimise the potential for land use conflict between the proposed development and existing or potentially conflicting land uses, such as intensive agriculture on adjoining land, and
- (d) the proposal incorporates adequate landscaping and screen planting for visual amenity as viewed from a public road or dwelling-house on other land in the locality, and
- (e) all proposed buildings and other uses are clustered so as to reduce impact on the rural amenity, and
- (f) there will be no significant adverse visual impact of the proposed development on the scenic quality of the area.

### **43A Poultry farms and piggeries in Rural Living zone**

Despite any other provision of this plan, development for the purposes of poultry farms or piggeries is prohibited in the Rural Living zone.

### **[34] Clause 44 Intensive agriculture**

Omit clause 44 (1). Insert instead:

- (1) This clause applies to land in Zone No 7 (d) or in the Rural Living, Consolidated Land Holdings, Environmental Protection—Agriculture Protection (Scenic) or Environmental Protection—Mixed Agriculture (Scenic) zone.

### **[35] Clause 44 (4) (d)**

Omit the paragraph. Insert instead:

- (d) the need to protect the amenity of the area from noise, dust, visual impact, spray drift, odour or any other potentially offensive sources, and

**[36] Clauses 53A and 53B**

Insert after clause 53:

**53A Special provision relating to multi unit housing**

- (1) This clause applies to land that:
  - (a) is in the Housing zone, and
  - (b) was, immediately before the commencement of *Hawkesbury Local Environmental Plan 1989 (Amendment No 108)*, in Zone No 2 (a).
- (2) Despite any other provision of this Plan, the Council may consent to development for the purposes of multi unit housing on land to which this clause applies.
- (3) This clause takes effect on and from the day that is 3 years after the date of commencement of *Hawkesbury Local Environmental Plan 1989 (Amendment No 108)*.

**53B Savings in relation to development applications made before the commencement of Hawkesbury Local Environmental Plan 1989 (Amendment No 108)**

If a development application is made before the commencement of *Hawkesbury Local Environmental Plan 1989 (Amendment No 108)* and is not finally determined before that commencement, the application is to be determined as if that plan had been exhibited but not made.

**[37] Schedules 6 and 7**

Omit the Schedules.