



New South Wales

Hawkesbury Local Environmental Plan 1989 (Amendment No 145)

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*. (SRW0000211/PC)

FRANK SARTOR, M.P.,
Minister for Planning

2006 No 473

Clause 1 Hawkesbury Local Environmental Plan 1989 (Amendment No 145)

Hawkesbury Local Environmental Plan 1989 (Amendment No 145)

under the

Environmental Planning and Assessment Act 1979

1 Name of plan

This plan is *Hawkesbury Local Environmental Plan 1989 (Amendment No 145)*.

2 Aims of plan

The aims of this plan are:

- (a) to include a new Rural Housing zone in *Hawkesbury Local Environmental Plan 1989*, and
- (b) to provide for subdivision of land, and
- (c) to make provision in relation to minimum allotment sizes, and
- (d) to alter the zoning of certain land at Pitt Town to allow for the subdivision of lots for housing and rural housing.

3 Land to which plan applies

This plan applies:

- (a) in respect of the aims set out in clause 2 (a)–(c), to all land to which *Hawkesbury Local Environmental Plan 1989* applies, and
- (b) in respect of the aims set out in clause 2 (d), to all land shown on the map marked “Hawkesbury Local Environmental Plan 1989 (Amendment No 145)” deposited in the office of Hawkesbury City Council.

4 Amendment of Hawkesbury Local Environmental Plan 1989

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

Schedule 1 Amendments

(Clause 4)

[1] Clause 5 Definitions

Insert in alphabetical order in clause 5 (1):

density control means the maximum number of allotments per hectare that can be subdivided for dwelling-houses, as shown on the map.

minimum lot size means the minimum allotment size for a dwelling-house, as shown on the map.

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

Insert in appropriate order:

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[3] Clause 9 Carrying out of development

Insert after the matter relating to RV Rural Village in the Note to the Land Use Matrix:

RH Rural Housing

[4] Clause 9, Land Use Matrix

Insert a new column headed “RH” to the right of the column headed “RV”.

[5] Clause 9, Land Use Matrix

Insert “N” under the heading “RH” to correspond with the following type of development:

Public utility undertakings.

[6] Clause 9, Land Use Matrix

Insert “X” under the heading “RH” to correspond with the following types of development:

Access ramps, Advertisements, Bed and breakfast accommodation, Carports, Demolition, Fences, Flag poles, Home occupations, Real estate sales signs, Renovations, Retaining walls, Satellite dishes, Structures ancillary to dwellings, Waste storage containers.

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[7] Clause 9, Land Use Matrix

Insert “C” under the heading “RH” to correspond with the following types of development:

Agriculture, Child care centres, Clearing native vegetation, Clubs, Community facilities, Dams, Dwelling-houses, Educational establishments, Exhibition homes, Garages, Home industries, Hospitals, Identified land uses, Landfilling, Places of assembly, Places of public worship, Professional and commercial chambers, Public buildings, Recreation areas, Recreation facilities, Recreational establishments, Rural sheds, Tourist facilities.

[8] Clause 9A Zone objectives

Insert after the matter relating to Rural Village zone:

Rural Housing zone

The objectives of this zone are as follows:

- (a) to provide primarily for low density residential housing and associated facilities,
- (b) to minimise conflict with rural land uses,
- (c) to preserve and maintain the rural character of the locality and ensure building and works are designed to be in sympathy with the character of the locality,
- (d) to ensure that development occurs in a manner that satisfy best management guidelines for the protection of water catchments, water quality, land surface conditions and important ecosystems,
- (e) to prevent the establishment of traffic generating development along main and arterial roads,
- (f) to ensure that development does not create unreasonable demands for the provision or extension of public amenities or services,
- (g) 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 10 Subdivision—general

Insert after clause 10 (4):

- (5) All subdivision is prohibited on the land shown on the map marked “Hawkesbury Local Environmental Plan 1989 (Amendment No 145)” unless the area of each lot created for a dwelling house is equal to or greater than the minimum lot sizes for the land shown on the map and the number of lots created does not exceed the density control for the land.
- (6) *State Environmental Planning Policy No 1—Development Standards* does not apply to subclause (5).

[10] Clause 11 Rural subdivision—general provisions

Omit the definition of *lot averaging subdivision* in clause 11 (1).

Insert instead:

lot averaging subdivision means a subdivision of land within the Mixed Agriculture, Rural Living or Rural Housing zones that complies with subclause (4) and will not result in an original allotment being divided into more allotments than the number resulting from:

- (a) dividing the area of the original allotment in hectares:
 - (i) by 10, if the land is in the Mixed Agriculture zone, or
 - (ii) by 4, if the land is in the Rural Living zone, or
- (b) multiplying the area of the original allotment in hectares by the density control shown on the map, if the land is in the Rural Housing zone.

[11] Clause 11 (2)

Insert “Rural Housing,” after “Rural Living,”.

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[12] Clause 11 (2), Table

Insert in Columns 1, 2 and 3 after the matter relating to Rural Living (other than land shown hatched on the map):

Rural Housing	Minimum lot size as shown on the map (otherwise not applicable)	1,500 square metres if the density control shown on the map is 5.0 per hectare 2,400 square metres if the density control shown on the map is 3.0 per hectare 3,750 square metres if the density control shown on the map is 2.0 per hectare
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[13] Clause 11 (4) and (4A)

Omit clause 11 (4). Insert instead:

- (4) A subdivision of land within the Mixed Agriculture or Rural Living zone complies with this clause only if:
 - (a) the number of allotments proposed for dwelling-houses does not exceed the number of allotments that could have been created for dwelling-houses by a subdivision of the land immediately prior to the commencement day, and
 - (b) at least 20% of the land is occupied by an endangered ecological community or is a regionally significant wetland, and
 - (c) the Council is satisfied that there will be a better environmental outcome from a lot averaging subdivision than would result without such a subdivision and that the long term survival of the endangered ecological community or regionally significant wetland will be enhanced, and
 - (d) any endangered ecological community will be contained within and managed on neighbourhood property under the provisions of the *Community Land Development Act 1989*, and
 - (e) any regionally significant wetland will be contained within and managed on neighbourhood property under the provisions of the *Community Land Development Act 1989* or on an allotment designed for large scale agriculture, and

- (f) the allotments proposed for a dwelling-house do not contain an endangered ecological community or, unless they are allotments designed for large scale agriculture, a regionally significant wetland.
- (4A) A subdivision of land within the Rural Housing zone complies with this clause if a density control is shown for the land on the map and the number of lots created does not exceed the density control for the land.

[14] Clause 11 (6)

Insert “Rural Housing,” after “Rural Living,”.

[15] Clause 12 Residential subdivision—general provisions

Omit the Table to clause 12 (2). Insert instead:

Column 1	Column 2	Column 3
Zone	Minimum allotment size for an allotment other than an internal allotment	Minimum internal allotment size
Housing (other than land shown hatched on the map)	450 square metres or as shown on the map, whichever is the greater	450 square metres or as shown on the map, whichever is the greater
Housing (land shown hatched on the map)	600 square metres	700 square metres
Multi Unit Housing	450 square metres	450 square metres

[16] Clause 13 Subdivision by adjustment or relocation of boundaries

Insert at the end of clause 13 (1) (e):

, and

- (f) the land is not land shown on the map marked “Hawkesbury Local Environmental Plan 1989 (Amendment No 145)”.

[17] Clause 15 Erection of dwelling-houses

Insert “Rural Housing,” after “Rural Village,” wherever occurring in clause 15 (1) and (5).

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Schedule 1 Amendments

[18] Clause 23 Advertising structures

Insert “Rural Housing,” after “Rural Village,” wherever occurring in clause 23 (1).

[19] Clauses 54 and 55

Insert after clause 53:

54 Pitt Town—heritage

- (1) This clause applies to development on all land shown on the map marked “Hawkesbury Local Environmental Plan 1989 (Amendment No 145)”.
- (2) This clause does not apply if:
 - (a) the proposed development does not involve disturbance of below-ground deposits and the Council is of the opinion that the heritage significance of any above-ground relics would not be adversely affected by the proposed development, or
 - (b) the proposed development is integrated development.
- (3) Before granting consent to development on land to which this clause applies that will be carried out on an archaeological site or a potential archaeological site of a relic that has non-Aboriginal heritage significance (whether or not it is, or has the potential to be, also the site of a relic of Aboriginal heritage significance), the Council must:
 - (a) consider a heritage impact statement explaining how the proposed development will affect the conservation of the site and any relic known or reasonably likely to be located at the site, and
 - (b) notify the Director-General of its intention to do so and take into consideration any comments received in response within 28 days after the notice is sent.
- (4) Before granting consent to development on land to which this clause applies that is likely to have an impact on a place of Aboriginal heritage significance or a potential place of Aboriginal heritage significance, or that will be carried out on an archaeological site of a relic that has Aboriginal heritage significance, the Council must:
 - (a) consider a heritage impact statement explaining how the proposed development would affect the conservation of the place of site and any relic known or reasonably likely to be located at the place or site, and

- (b) except where the proposed development is integrated development, notify the local Aboriginal communities (in such way as it thinks appropriate) and the Director-General of its intention to do so and take into consideration any comments received in response within 28 days after the relevant notice is sent.

- (5) In this clause:

archaeological site means the site of one or more relics.

heritage impact statement means a document consisting of a statement demonstrating the heritage significance of a heritage item or heritage conservation area, or of a building, work, archaeological site, tree or place within a heritage conservation area, an assessment of the impact that proposed development will have on that significance and proposals for measures to minimise that impact.

place of Aboriginal heritage significance means:

- (a) a place that has the physical remains of pre-European occupation by, or is of contemporary significance to, the Aboriginal people. It may include items and remnants of the occupation of the land by Aboriginal people, such as burial places, engraving sites, rock art, midden deposits, scarred and sacred trees and sharpening grooves, or
- (b) a natural Aboriginal sacred site or other sacred feature, including natural features such as creeks or mountains of long-standing cultural significance, as well as initiation, ceremonial or story places or areas of more contemporary cultural significance.

potential archaeological site means a site that, in the opinion of the Council, has the potential to be an archaeological site, even if it is not so specified.

potential place of Aboriginal heritage significance means a place that, in the opinion of the Council, has the potential to have Aboriginal heritage significance, even if it is not so specified.

relic means:

- (a) any deposit, object or material evidence (which may consist of human remains) that is more than 50 years old relating to the use or settlement, not being Aboriginal habitation, of Hawkesbury City and that is a fixture or is wholly or partly within the ground, or
- (b) any deposit, object or material evidence (which may consist of human remains) of any age relating to Aboriginal habitation of Hawkesbury City.

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55 Pitt Town—subdivision and regional transport infrastructure

- (1) This clause applies to development on all land shown pink and edged heavy black or green and edged heavy black on the map marked “Hawkesbury Local Environmental Plan 1989 (Amendment No 145)”.
- (2) The object of this clause is to require assistance towards the provision of regional transport infrastructure and services to satisfy needs that will arise from development of land to which this clause applies, but only if that land is developed intensively for urban purposes.
- (3) Despite any other provision of this plan, consent must not be granted for a subdivision of land to which this clause applies that will create a lot with an area of less than:
 - (a) 2 hectares, in the case of land that was in the Rural Living zone immediately before the commencement of *Hawkesbury Local Environmental Plan 1989 (Amendment No 145)*, or
 - (b) 10 hectares, in the case of land that was in the Environmental Protection Agriculture Protection (Scenic) zone immediately before the commencement of that plan, unless the Director-General has certified in writing to the Council that satisfactory arrangements have been made to contribute to the provision of regional transport infrastructure and services in relation the land comprising that lot.
- (4) The reference in subclause (3) to a lot with an area of less than 2 or 10 hectares does not include a reference to any such lot:
 - (a) identified in the certificate as a residue lot, or
 - (b) that is proposed in the development application to be reserved or dedicated for public open space, public roads, public utilities, educational facilities, or any other public purpose.
- (5) Subclause (3) does not apply to a subdivision for the purpose only of rectifying an encroachment on any existing allotment.
- (6) *State Environmental Planning Policy No 1—Development Standards* does not apply to this clause.
- (7) This clause has effect despite any other provision of this plan.

[20] Schedule 1 Heritage items

Omit the following matter under the headings **Pitt Town** and **Bathurst Street**:

Slab barn, lot 260, DP 651010. (288)

Insert instead:

Slab barn and house No 142, lot 2602, DP 1003585. (288) (1006)

[21] Schedule 1

Insert at the end of the matter under the headings **Pitt Town** and **Bathurst Street**:

Slab barn No 140, lot 1, DP 779079. (1007)