



New South Wales

# **Hawkesbury Local Environmental Plan 2012 (Amendment No 27)**

under the

**Environmental Planning and Assessment Act 1979**

The following local environmental plan is made by the local plan-making authority under the *Environmental Planning and Assessment Act 1979*.

LINDA PERRINE, DIRECTOR, CITY PLANNING  
HAWKESBURY CITY COUNCIL  
As delegate for the local plan-making authority

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### **1 Name of Plan**

This Plan is *Hawkesbury Local Environmental Plan 2012 (Amendment No 27)*.

### **2 Commencement**

This Plan commences on the day on which it is published on the NSW legislation website.

### **3 Land to which Plan applies**

This Plan applies to land to which *Hawkesbury Local Environmental Plan 2012* applies.

### **4 Maps**

The maps adopted by *Hawkesbury Local Environmental Plan 2012* are amended or replaced, as the case requires, by the maps approved by the local plan-making authority on the making of this Plan.

## **Schedule 1      Amendment of Hawkesbury Local Environmental Plan 2012**

### **[1] Land Use Table**

Omit “Bed and breakfast accommodation;” from item 2 of the matters relating to Zones RU1, RU2, RU4, RU5, R1, R2, R3, R5, B1, E3 and E4.

Insert “Bed and breakfast accommodation;” in alphabetical order in item 3 of the matters relating to Zones RU2 and B1.

### **[2] Land Use Table, Zones RU1, RU2, RU4, RU5, R1, R2, R3, R5, E3 and E4**

Insert “Eco-tourist facilities;” in alphabetical order in item 3.

### **[3] Land Use Table, Zone RU2 Rural Landscape**

Insert “Veterinary hospitals;” in alphabetical order in item 3.

### **[4] Land Use Table, Zone SP2 Infrastructure**

Insert “Community facilities;” and “Public administration buildings;” in alphabetical order in item 3.

### **[5] Clause 4.1D Exceptions to minimum subdivision lot size for certain land**

Insert “, excluding the area of an access handle” after “4,000 square metres” in clause 4.1D(1)(b).

### **[6] Clause 4.1D(2)**

Omit “previously”.

### **[7] Clause 4.1E**

Omit the clause. Insert instead—

#### **4.1E Subdivision in Grose Wold and Grose Vale**

- (1) The objective of this clause is to ensure the protection of threatened species, threatened ecological communities and land in an environmental constraint area.
- (2) This clause applies to land in the area known as “Grose Wold” and “Grose Vale”, being the land identified as “Area B” and edged heavy yellow on the Lot Size Map.
- (3) Development consent must not be granted for a subdivision of the land unless the number of lots resulting from the subdivision plus the number of lots resulting from a subdivision on or after 2 June 2000 of the whole or part of the original lot for the land to be subdivided will not exceed the area of the original lot, in hectares, divided by 4.
- (4) In addition, development consent must not be granted for the subdivision unless—
  - (a) in considering a development application to which this clause relates, the consent authority has had regard to the effect the development is likely to have on the following—
    - (i) the water quality and water quantity in the Grose River and its tributaries,
    - (ii) the scenic quality of the area,

- (iii) existing riparian vegetation and the rehabilitation of local native riparian vegetation located along the Grose River and along drainage lines and creeks, and
- (b) the consent authority is satisfied of the following—
  - (i) the pattern of lots to be created by the subdivision and the location of buildings on the lots will minimise the impact on threatened species and threatened ecological communities, waterways and groundwater, and land in an environmental constraint area,
  - (ii) a geotechnical assessment has been undertaken demonstrating the land is adequate for the on-site disposal of effluent in accordance with best practice,
  - (iii) land containing threatened species or threatened ecological communities and land in an environmental constraint area is retained in one lot as much as possible,
  - (iv) there will be no significant adverse impacts on threatened species or threatened ecological communities or land in an environmental constraint area located downstream or surrounding the development.
- (5) Despite clauses 4.1, 4.1AA and 4.1A, development consent must not be granted for a subdivision of the land that contains an environmental constraint area unless—
  - (a) the size of each lot resulting from the subdivision will be at least 1 hectare, and
  - (b) each lot resulting from the subdivision will contain at least one hectare of land that is not in an environmental constraint area.
- (6) In this clause—
  - environmental constraint area* means land identified as “Environmental Constraint Area” on the Environmental Constraints Area Map.
  - original lot* for land being subdivided means a lot that existed immediately before 2 June 2000 that included the land.
  - threatened ecological community* and *threatened species* have the same meanings as in the *Biodiversity Conservation Act 2016*.

**[8] Clause 4.1F Exceptions to minimum subdivision lot size for certain land in North Richmond**

Insert “, excluding the area of an access handle” after “700 square metres”.

**[9] Clause 4.1H**

Insert after clause 4.1G—

**4.1H Boundary changes between lots in certain rural, residential and environment protection zones**

- (1) The objective of this clause is to permit the boundary between 2 or more lots to be altered in certain circumstances to give landowners a greater opportunity to achieve the objectives for development in a zone.
- (2) This clause applies to land in the following zones—
  - (a) Zone RU1 Primary Production,
  - (b) Zone RU2 Rural Landscape,
  - (c) Zone RU4 Primary Production Small Lots,

- (d) Zone R5 Large Lot Residential,
  - (e) Zone E3 Environmental Management,
  - (f) Zone E4 Environmental Living.
- (3) Despite clause 4.1(3), development consent may be granted to the subdivision of 2 or more adjoining lots, being land to which this clause applies, if the subdivision will not result in the following—
- (a) an increase in the number of lots,
  - (b) an increase in the number of dwellings on, or dwellings that may be erected on, the lots.
- (4) Before determining a development application for the subdivision of land under this clause, the consent authority must consider the following—
- (a) the existing uses and approved uses of other land in the vicinity of the subdivision,
  - (b) whether or not the subdivision is likely to have a significant impact on land uses that are likely to be preferred and the predominant land uses in the vicinity of the development,
  - (c) whether or not the subdivision is likely to be incompatible with a use referred to in paragraph (a) or (b),
  - (d) whether or not the subdivision is likely to be incompatible with a use of land in any adjoining zone,
  - (e) any measures proposed by the applicant to avoid or minimise an incompatibility referred to in paragraph (c) or (d),
  - (f) whether or not the subdivision is appropriate having regard to the natural and physical constraints affecting the land,
  - (g) whether or not the subdivision is likely to have an adverse impact on the environmental values or agricultural viability of the land.
- (5) This clause does not apply—
- (a) in relation to the subdivision of individual lots in a strata plan or a community title scheme, or
  - (b) if the subdivision would create a lot that could itself be subdivided in accordance with clause 4.1.

**[10] Clause 6.10**

Omit “Richmond Road” wherever occurring. Insert instead “Hawkesbury Valley Way”.

**[11] Clause 6.11 Residential accommodation at Johnston and New Streets, Windsor**

Omit “23–27 Johnston Street” from Column 2 of the Table.

Insert instead “25 Johnston Street”.

**[12] Schedule 1 Additional permitted uses**

Omit “739 George Street” and “Lot 1, DP 129442 and Lot 1, 779913” from clause 11.

Insert instead “739–741 George Street” and “Lots 11 and 12, DP 1184975”, respectively.

**[13] Schedule 2 Exempt development**

Insert at the end of the Schedule—

### Markets

- (1) Must take place on the following—
  - (a) public land owned by, or under the control of, the Council,
  - (b) a public road for which the Council is the roads authority under the *Roads Act 1993*.
- (2) Must have access and egress for pedestrians and emergency vehicles.
- (3) Must not include the erection of a permanent structure.

### Recreation areas

- (1) Must only be used for the purposes of concerts, events, festivals, functions, exhibitions, parades and weddings.
- (2) Must take place on the following—
  - (a) public land owned by, or under the control of, the Council,
  - (b) a public road for which the Council is the roads authority under the *Roads Act 1993*.
- (3) Must have access and egress for pedestrians and emergency vehicles.
- (4) Must not include the erection of a permanent structure.
- (5) Must not permanently occupy the land or road.
- (6) Must not involve any permanent physical change to the land or road.

#### [14] Schedule 4 Classification and reclassification of public land

Omit the matter relating to 11–11I West Market Street from the table to Part 1.

Insert in appropriate order—

Richmond, 11 East Market Street	Lot 18, DP 236567
Richmond, 11A East Market Street	Lot 17, DP 236567
Richmond, 11B East Market Street	Lot 2, DP 561996
Richmond, 11C East Market Street	Lot 15, DP 236567
Richmond, 11D East Market Street	Lot 12, DP 236567
Richmond, 11E East Market Street	Lot 11, DP 236567
Richmond, 11F East Market Street	Lot 10, DP 236567
Richmond, 11G East Market Street	Lot 9, DP 236567
Richmond, 11H East Market Street	Lot 14, DP 236567
Richmond, 11I East Market Street	Lot 13, DP 236567

#### [15] Schedule 5 Environmental heritage

Omit items I515, I24, I292, I00045, I0091, I435, I01837, I01836, I00598, I01018, I513, I00005 and the matter relating to 3 Old Bridge Road from Part 1.

Insert in appropriate order—

Kurrajong	“Curraweena”	1033 Grose Vale Road	Lot 1, DP 1153901	Local	I515
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Pitt Town	Slab barn	26A Buckingham Street	Lot 1, DP 1180284	Local	I292
Richmond	House	126 Windsor Street	Lot 21, DP 713157	State	I00045
Scheyville	Scheyville National Park	Scheyville Road		State	I01817
St Albans	Old Great North Road	Old Great North Road between Devine's Hill and Mount Manning		State	I0091
St Albans	"The Glen" Homestead and "Governor Bailey's" burial ground	252 Wollombi Road	Lot 571, DP 1057735	Local	I435
Wilberforce	St John's General Cemetery (former Anglican Cemetery)	39-55 Clergy Road	Lots 7015 and 7016, DP 1032360; Land adjoining and to the south west of Lot 7016, DP 1032360	Part Local/ Part State	I01837
Wilberforce	St John's Anglican Church and schoolhouse	43 Macquarie Road	Lot 1, DP 771362	Part Local/ Part State	I01836
Wilberforce	"Stannix Park" House, cattle tanks and site	103 Stannix Park Lane	Lot 11, DP 789975	State	I00598
Windsor	Stables at rear of police station	32 Bridge Street	Lot 7017, DP 1030415	State	I01018
Windsor	Main Hospital block, brick fence and Ashlar Morgue Building	320 George Street	Lot 50, DP 1035291	Local	I513
Windsor	Public reserve	3 Old Bridge Street	Lot 345, DP 752061	State	Part of I00126
Windsor	House	5 Thompson Square	Lot 1, DP 745036	State	I00005

**[16] Dictionary**

Insert in alphabetical order—

*battle-axe lot* means a lot that has access to a road by an access handle.