



New South Wales

# Hawkesbury Local Environmental Plan 1989 (Amendment No 126)

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*. (P00/00494/PC)

DIANE BEAMER, M.P.,  
Minister Assisting the Minister for Infrastructure  
and Planning (Planning Administration)

## **2005 No 112**

Clause 1            Hawkesbury Local Environmental Plan 1989 (Amendment No 126)

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### **Hawkesbury Local Environmental Plan 1989 (Amendment No 126)**

under the

Environmental Planning and Assessment Act 1979

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

This plan is *Hawkesbury Local Environmental Plan 1989 (Amendment No 126)*.

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

The aims of this plan are to:

- (a) provide for the better long term management of endangered ecological communities or regionally significant wetlands without increasing the allotment yield within the Rural “B” and Rural “C1” zones, and
- (b) allow subdivision of allotments into an average of ten hectares in the Rural “B” zone and four hectares in the Rural “C1” zone, and
- (c) protect and prevent the fragmentation of land containing endangered ecological communities or regionally significant wetlands.

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

This plan applies to land within the City of Hawkesbury.

#### **4 Amendment of Hawkesbury Local Environmental Plan 1989**

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

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## Schedule 1 Amendment

(Clause 4)

**Clause 11**

Omit the clause. Insert instead:

**11 Rural subdivision-general provisions**

(1) In this clause:

**commencement day** means the day on which *Hawkesbury Local Environmental Plan 1989 (Amendment No 126)* commenced.

**endangered ecological community** means any endangered ecological community referred to in Part 3 of Schedule 1 to the *Threatened Species Conservation Act 1995*.

**lot averaging subdivision** means a subdivision of land within Zone No 1 (b) or 1 (c1) that complies with subclause (4) and will not result in an original allotment being divided into more allotments than the number resulting from dividing the area of the original allotment in hectares:

- (a) by 10, if the land is in Zone No 1 (b), or
- (b) by 4, if the land is in Zone No 1 (c1).

**original allotment** means an allotment in existence at the date on which *Hawkesbury Local Environmental Plan 1989 (Amendment No 126)* was gazetted.

**regionally significant wetlands** means any land shown as wetland on “the map” within the meaning of *Sydney Regional Environmental Plan No 20—Hawkesbury-Nepean River (No 2—1997)*.

(2) Except as otherwise provided by this clause and clause 13, the Council may consent to the subdivision of land in Zone No 1 (a), 1 (b), 1 (c), 1 (c1), 7 (a) 7 (d) or 7 (d1) only if the area of each of the allotments to be created is not less than:

- (a) if it is not a lot averaging subdivision, that shown for the zone in Column 2 of the following Table, or
- (b) if it is a lot averaging subdivision, that shown for the zone in Column 3 of that Table.

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Schedule 1 Amendment

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<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>
<b>Zone No</b>	<b>Minimum allotment size if not lot averaging subdivision</b>	<b>Minimum allotment size if lot averaging subdivision</b>
1 (a), 7 (a) or 7 (d)	40 hectares	Not applicable
1 (b)	10 hectares	2.5 hectares
1 (c)	2 hectares	Not applicable
1 (c1)	4 hectares	1 hectare
7 (d1)	10 hectares	Not applicable

- (3) The Council may consent to the subdivision of land to which this clause applies only if:
- (a) there is a ratio between the depth of the allotment and the frontage of the allotment that, in the opinion of the Council, is satisfactory having regard to the purpose for which the allotment is to be used, and
  - (b) the pattern of allotments created by the proposed subdivision and the location of any proposed buildings on those allotments will, in the opinion of the Council, minimise the impact on any threatened species, populations or endangered ecological community or regionally significant wetland, watercourses, agriculture and bush fire threat, and
  - (c) the Council has considered a geotechnical assessment that demonstrates the land is adequate for the on-site disposal of effluent, and
  - (d) in the opinion of the Council, each of the allotments created contains suitable areas for a dwelling-house, an asset protection zone relating to bush fire hazard and effluent disposal.
- (4) A subdivision of land within Zone No 1 (b) or 1 (c1) complies with this subclause 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

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- (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 Management Act 1989*, and
  - (e) any regionally significant wetland will be contained within and managed on neighbourhood property under the provisions of the *Community Land Management 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.
- (5) Despite subclause (2), the Council may consent to a lot averaging subdivision of land within Zone No 1 (b) that creates allotments of not less than 1 hectare if the Council is satisfied that the subdivision will result in a regionally significant wetland being contained and managed within an allotment used for large scale agriculture.
- (6) Consent must not be granted to a subdivision of land within Zone No 1 (a), 1 (b), 1 (c), 1 (c1), 7 (d) or 7 (d1) that creates an allotment (otherwise than for use for a public purpose) unless the Council is satisfied that there is an area of land above the 1-in-100 year flood level on the allotment that is:
- (a) sufficient for the erection of a dwelling-house, and
  - (b) at natural surface level or at a level achieved by filling carried out with the consent of the Council.
- (7) Consent must not be granted to the subdivision of land within Zone No 1 (d) otherwise than to effect a minor boundary adjustment of the boundary between allotments that does not create more allotments than the number before the adjustment was made.
- (8) Consent must not be granted to the subdivision of land within Zone No 7 (e).

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- (9) References to a number of allotments in this clause do not include allotments created for a public purpose or allotments created as neighbourhood property.

BY AUTHORITY

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