

HAWKESBURY LOCAL ENVIRONMENTAL PLAN 1989

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No responsibility is accepted for any errors or omissions and, where necessary, reference should be made to the various issues of the Government Gazette containing the original Plan and any subsequent amendments.

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Prepared by
City Planning Division
Hawkesbury City Council

Hawkesbury Local Environmental Plan 1989
(as amended)

Updated and reprinted
September 2010

AMENDMENTS TO HAWKESBURY LOCAL ENVIRONMENTAL PLAN 1989

Amendment No	Description	Gazetted
1	Nepean Park, Yarramundi	8/6/90
2	Lots 241-243, DP 752050, Midson Road, Oakville 1(b) to 1(c)	16/8/91
3	Lot 10, DP 631286, Macquarie Street, Windsor 2(c) to 3(b) excluding motor vehicle oriented uses	8/11/91
4	Hawkesbury Showground 5(a) to 1(a)	20/12/91
5	Lot 1, DP 554654, Cnr Mileham/Drummond Streets, Windsor 5(a) to 4(b)	13/7/90
6	Richmond Railway Station 5(b) to 3(a) and additional heritage item	11/10/91
7	Lot F, DP 374602, Grose Vale Road, Kurrajong 1(b) & 1(c1) to 1(c1).	8/5/92
8	General Amendments	4/12/92
9	539 Wilberforce Road, Wilberforce Allow service station and shop	27/11/92
10	Francis, Bosworth & West Market Streets, Richmond 2(c) to 3(b)	16/7/93
12	All Council car parks 5(a) to 3(a)	21/2/97
13	Cnr Bosworth and Windsor Streets, Richmond 5(a) to 3(a)	25/10/91
14	Comleroy Road, Kurrajong Allow 35 lot subdivision	23/6/95
15	Grose Wold Deferred Area 10 ha min	23/11/90
16	57 Macquarie Street, Windsor Allow motor showroom	3/6/94
17	Pt Lot 5, DP 814968, Lots 12-18, DP 247751, Bosworth Street, Richmond 9(b) to 2(a)	20/8/93
18	Pitt Town barns Additional heritage items	21/7/95
19	Lots 14-16, DP 23504, 27, 29 and 31 Windsor Street, Richmond 2(a) to 4(b)	31/5/02
20	Lot A, DP 90445, Cnr Macquarie and Brabyn Streets, Windsor	10/5/91

Amendment No	Description	Gazetted
	5(a) to 3(b)	
21	Lot 1, DP 730903, 244 Richmond Road, Clarendon Allow service station	26/2/93
22	Lot 9, DP 975360 and Lot 1, DP 313724, West Market Street, Richmond 5(a) to 3(b)	12/3/93
23	81-87 Bells Line of Road, North Richmond Allow service station	26/2/93
24	Lot 1, DP 507202, 54 Francis Street, Richmond 5(a) to 2(a)	1/10/93
25	Mileham Street and Brabyn Street, Windsor 2(a) to 3(b)	19/3/93
27	The Driftway (former tip site), South Windsor 5(a) to 1(b)	1/7/94
28	Pt Lots 1-4, 6-8, 11-13, 15-18, DP 244239, Paget Street, Richmond 9(b) to 2(a)	6/5/94
29	Pt Por 382, Creek Ridge Road, Glossodia Allow rural workers' dwelling	27/5/94
30	Lot 5, DP 753811, 6127 Singleton Road, Colo Heights Allow mushroom composting/growing	13/5/94
31	City wide 30 additional heritage items	28/6/96
33	Amendment to Clause 11, Rural Subdivision, flooding	20/5/94
34	Prohibition of burial of whole motor vehicle tyres	28/4/94
35	Railway Cottages - 1 March Street, Richmond; 21 Brabyn Street, Windsor 5(a) to 2(a)	16/2/96
36	Lot 1, DP 815214, George Street, Windsor 5(a), 2(a) to 3(b)	17/11/95
37	130 Windsor Road, McGraths Hill Allow motor showroom	18/8/95
38	Groves Avenue, Mulgrave 3(b) to 4(a)	12/7/96
39	Lots 1-4, DP 223656, March Street, Richmond 2(a) to 3(a)	3/11/95
43	Castlereagh Road, Richmond 6(a) to 2(a), reclassify land from community to operational	13/12/96
44	Pt Lot 1, DP 831345, Drummond Street, Windsor	28/2/97

Amendment No	Description	Gazetted
	4(b) to 2(a)	
45	Lots 22, 28, 29, 33, 34 & 35, DP 1780, Lots 4, 5 & 8, DP 786671, Lot 7, DP 864424, Lot 1, DP 863663 and Lot 1, DP 781792, Grose Vale Road, Grose Vale Rezone to 1(d)	21/5/99
47	March, East Market, Lennox and Paget Streets, Richmond Allow discount department store	1/9/95
49	Pt Lot 2, DP 207634, 12 Macquarie Street, Windsor 2(c) to 3(b)	15/12/95
50	Lot 1, DP 201294, Argyle Street, Windsor 5(a) to 4(a)	16/2/96
51	George Street, Windsor 2(a) to 6(a)	27/3/97
52	Vermont - Pitt Town 7(d1) to 1(c)	5/7/96
53	Lot 7, DP 979541, Bathurst Street, Pitt Town Allow 21 lot subdivision	15/12/95
54	Lower Portland 4 additional heritage items	27/3/97
55	Lots 1 and 2, DP 997266, 63 Bells Line of Road, North Richmond 2(a) to 3(b)	21/6/96
58	Pt Lot A and Pt Lot B, DP 380111, 34-36 Macquarie Street, Windsor 2(c) to 3(a)	22/3/96
59	Coles Car Park, Richmond 5(a) to 3(a)	14/2/97
60	Clause 22 - Development fronting a main or arterial road	11/9/98
62	Lot 11, DP 803218, Smiths Road, Oakville 5(a) to 1(c)	26/7/96
63	Former Hawkesbury Hospital, Windsor Additional heritage item	25/10/96
64	Grose Wold Area 1(b) to 1(c1) and introduction of environmental constraint areas	9/6/00
65	"Lilburndale", West Portland Road, Sackville Additional heritage item	13/12/96
67	Development consent for intensive horticulture establishments & animal industries	10/7/98
68	Development consent for dam construction	8/11/96

Amendment No	Description	Gazetted
69	Lot 6, DP 39166 and Part of Lot 1, DP 563924, Cnr Pitt Town Road and Wolseley Street, McGraths Hill 1(c) to 2(a)	22/3/96
70	Lot 1, DP 824014, Coromandel Road, Ebenezer Allow dwelling house	14/6/96
71	"Little Island", Hermitage Road, Kurrajong Allow 32 lot community title subdivision	2/5/97
74	"Hobartville Stud", Castlereagh Road, Richmond Additional heritage item	20/12/96
76	Windsor Leagues, Cnr Rifle Range Road and George Street 6(a) to 6(c)	26/9/97
77	Old Speedway, Cnr Fairey Road and Argyle Street, Windsor 1(b) to 4(a)	13/12/96
78	Sydney Water land, Boundary Road, Oakville 5(a) to 1(c)	7/2/97
79	Pt Por 84, 85, 86 Windsor Road, Richmond 2(a) to 5(a)	21/2/97
81	Remove development consent for bed & breakfast accommodation in existing dwellings	15/5/98
84	Tizzana Road, Ebenezer Allow 20 lot subdivision	10/10/97
86	Amendment to flooding clauses	22/1/99
91	Lots A & B, DP 159779, Lot 1, DP 587588, Lot 104, DP 759096, Lot 1, DP 155196, Lot 2, DP 605013, Crown Plan 6410-3000 Parish of St Matthews, Part Portion 21 (Conveyance Book 3211 No 318) and land in Conveyance Book 1820 No 320 5(a) to 3(a)	19/2/99
93	"Prestonville", Richmond Road, Clarendon 1(d)	9/1/98
94	134 Macquarie Street, Windsor Allow motor showroom	24/12/97
96	Amendment to Clause 13 - subdivision by adjustment or relocation of boundaries	8/1/99
97	General amendments, introduction of coloured maps	2/6/00
98	134 Macquarie Street, Windsor 5(a) to 2(a)	13/2/98
100	Lots 25-30 and Lot 175, DP 32260, Cnr George Street, Woods and Bradley Roads	30/4/99

Amendment No	Description	Gazetted
	Rezone to 2(a), reclassify land from community to operational	
101	112-120 Francis Street, Richmond 3(b) to 3(a)	29/5/98
103	Lot 1, DP 581544, and Lot 33, DP 203875, Bells Line of Road, Kurrajong Heights 6(a) to 7(d)	26/6/98
104	Lot 311, DP 752061, 50 Collith Avenue 9(b) to 1(b) and adjustment to zone boundary between 2(a) and 1(b)	28/5/99
105	Allow detached dual occupancy on land zoned 2(a), 2(a1) and 2(c)	30/7/99
106	146 Golden Valley Drive, Glossodia 5(a) to 2(a)	16/10/98
108	Amendments to Rural and Environmental Protection zones, including zone names and objectives and some land uses. Amendments to the Residential zones, introducing Housing and Multi Unit Housing zones and changes to the minimum allotment size for residential land in North Richmond. Amendments to Exempt and Complying Development. Rezoning of Lot 11, DP 759096, 6 Ham Street, South Windsor from 5(a) to Housing.	18/8/06
109	Lot 15, DP 39350, 14 Manns Road, Ebenezer Reclassify land from community to operational	21/5/99
110	Exempt and complying development, land use matrix and other alterations	30/3/01
111	Portion 15 Parish of Colo, County of Cook, Comleroy Road, Kurrajong 8(a) to 7(d)	30/4/99
112	Lot 315, DP 214758, 188 Spinks Road, Lot 524, DP 214758, 15 Chestnut Drive, Lot 42, DP 217499, 28 Boomerang Drive and Lot 274, DP 217501, 132 Mitchell Drive, Glossodia Reclassify land from community to operational and rezone to 2(a)	25/05/01
113	Lots 1 & 2, DP 544412, Lot B & 3D, DP 416222, Lot 2, DP 7006, Lot 3B, DP 341461, Lot B, DP 356350, Lots C, D, E & F, DP 374602 Land from part 1(b) & 1(c1) to 1(c1)	6/8/99
114	Lot 1 DP 508894, Bells Line of Road, Kurrajong Heights Allow 3 lot rural residential subdivision	14/4/00
116	Lot 63, DP 751632, 749 Upper Colo Rd., Upper Colo 8(a) to 7(d)	11/2/00
118	Lot 30, DP 136234, 10 Macquarie Street Windsor	11/2/00

Amendment No	Description	Gazetted
	Allow motor showroom	
119	Lot 1, DP 838854, 484 Terrace Road Freemans Reach Allow 6 lot community title subdivision	17/8/01
121	Amendment to clause 13 - subdivision by boundary adjustment or relocation of boundaries	18/5/01
122	Lot 10, DP 631286, Macquarie Street, Windsor Deletion of clause 42	3/11/00
124	Lot 194, DP 823986 and Lot 192, DP 729625, The Driftway, South Windsor Alter zoning of land currently used for waste disposal to allow additional uses required for modern disposal techniques	21/6/02
125	Introduce definition of farm gate sales outlet	14/11/03
126	Lot averaging to allow for better long term management of endangered ecological communities and regionally significant wetlands within the 1(b) and 1(c1) zones	24/3/05
127	Part of Lot 19, DP 1024573, 94 Macquarie Street, Windsor Allow motor showroom	1/3/02
130	Consolidated with Amendment 108	18/8/06
131	Lot 2, DP 1015308, Chapel Street, Richmond Allow nursing home, aged care facility or similar land use	31/5/02
134	Lots 12 and 11, DP 1003591, 77 and 79 Old Bells Line of Road, Kurrajong Allow shop or refreshment room (or both)	11/10/2002
135	Former Hawkesbury Hospital, Windsor 5(a) to 3 (a) Lot 2, DP 223745, 57 East Market Street, Richmond Remove part of the land from Schedule 1. Lot 1, DP 511364, 205 Macquarie Street, Windsor. Add the remainder of the land as a heritage item to Schedule 1	23/8/02
136	Land zoned 1(a), 1(b), 1(c), 1(c1), 7(d) and 7(d1) Remove the exception in clause 11(3) which allows the creation of lots for agricultural purposes where land is below the 1-in-100 year flood level, and to prevent dwelling-houses being erected on lots created by subdivision for the purpose of agriculture under clause 11(3); and to ensure new dwellings are constructed only on land above the 1-in-100 year flood level on lots that have been created by subdivision under clause 11	27/6/03
137	Insert a definition of "general store" that sets a gross floor area standard for general stores; and to disapply the application of the definition of "general store", as set out in the Environmental Planning and Assessment	11/10/02

Amendment No	Description	Gazetted
	Model Provisions 1980	
138	Lot 50, DP 1035291, 320 George Street, Windsor, Lots 3 and 4, DP 816809, 2 and 16 Stewart Street, South Windsor, Lots X and Y, DP 163621, 292–296 George Street, Windsor, Lot 11, DP 861071, 14 Havelock Street, McGraths Hill, and part of Lot 133, DP 752032, Richmond Road, Richmond Reclassify land from community to operational	11/2/05
139	Consolidated with Amendment 108	18/8/06
140	Rezone certain 3(b) land to 2(a), 3(a), and 4(b). Allow with consent a limited range of service shops within the 4(a) and 4(b) zones. Allow without consent certain commercial premises and shops on land within the 3(b) zone, and recreation areas on land classified as community land	28/5/04
141	Acid Sulfate Soils Provisions Rezone Lot 189, DP751656, 1003 Blaxland's Ridge Road, Blaxland's Ridge from 8(a) to 7(d)	11/08/04
142	Part of Lot 1, DP575488, Cnr of Ham Street and Fairey Road, South Windsor 5(a) to 4(a)	11/08/04
143	Remove Lot 1, DP 782606, 37 Lennox Street, Richmond and Lot 2, DP 191236, 333 George Street, Windsor from Schedule 1	21/10/05
144	Part of Lot G, DP164771, Richmond Road, Clarendon Allow motel	11/08/04
145	Rezoning of land at Pitt Town for Housing, Rural Housing and 5(a) Special Uses (School). Also lists additional heritage items on Bathurst Street and places a "conservation area" on the historic fence lines, escarpment area, Vermont area and the Bona Vista Homestead	18/8/06
147	Lot 2, DP788531, 21 Johnston Street, Windsor Reclassify land from community to operational	8/04/05
148	Consolidated with Amendment 108	18/8/06
149	Land at Dight Street and George Street, Windsor 5(a) to 3(a)	17/03/06
151	Lot 22, DP829589, 496 Wilberforce Road, Wilberforce Reclassify land from community to operational	31/08/07
SEPP (Major Projects) Amendment (Pitt Town) 2008	Pitt Town Residential Precinct	18/07/08
153	Introduce definition of timber and building supplies Rezone Lot 1, DP 827148, Richmond Road, Clarendon	31/10/08

Amendment No	Description	Gazetted
	from 6(c) to 4(b)	
Statute Law (Miscellaneous Provisions) Bill (No 2) 2008 - Schedule 2 Item 2.11	Correct minor errors in HLEP 1989 which occurred due to misdescriptions in <i>SEPP (Major Projects) Amendment (Pitt Town) 2008</i>	10/12/08
SEPP (Repeal of Concurrence and Referral Provisions) 2008	Repeal concurrence provisions from Clauses 18(2), 30, 31, 33A, 37A, 41A, and 54	12/12/08
Statute Law (Miscellaneous Provisions) Act 2009 No 56	Amendment to Clause 9C due to changes to <i>Contaminated Land Management Act 1997</i>	01/07/09
157	Part of Lots A and B, DP 411701, 126 and 130 Windsor Road, McGraths Hill Rural Living to 4(b)	17/09/10

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ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979**HAWKESBURY LOCAL ENVIRONMENTAL PLAN 1989**

**(originally gazetted in New South Wales Government Gazette No. 124
on 22 December 1989)**

I, the Minister for Planning, in pursuance of section 70 of the Environmental Planning and Assessment Act 1979, make the local environmental plan set out hereunder.

DAVID HAY Minister for
 Planning.

Sydney, 18 December, 1989.

Part 1 Preliminary**1 Name of plan**

This plan may be cited as *Hawkesbury Local Environmental Plan 1989*.

2 Aims, objectives etc

The aims and objectives of this plan are:

- (a) to provide the mechanism for the management, orderly and economic development and conservation of land within the City of Hawkesbury,
- (b) to provide appropriate land in area, location and quality for living, working and recreational activities and agricultural production,
- (c) to protect attractive landscapes and preserve places of natural beauty, including wetlands and waterways,
- (d) to conserve and enhance buildings, structures and sites of recognised significance which are part of the heritage of the City of Hawkesbury for future generations, and
- (e) to provide opportunities for the provision of secure, appropriate and affordable housing in a variety of types and tenures for all income groups within the City.

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.

4 (Repealed)**5 Definitions**

(1) In this plan:

access ramp means a continuous slope joining two different levels of land or different floor levels allowing people with disabilities to gain access to a building or area.

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

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

Acid Sulfate Soils Planning Map means the map marked "Acid Sulfate Soils Planning Map".

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.

alter, in relation to a heritage item or to a building or work within a conservation area, means:

- (a) the making of structural changes to the outside of the heritage item, building or work, or
- (b) the making of non-structural changes to the detail, fabric, finish or appearance of the outside of the heritage item, building or work not including the maintenance of the existing detail, fabric, finish or appearance of the outside of the heritage item, building or work.

animal establishment means a building or place used or intended for use for the intensive purposes of husbandry, boarding, training or the keeping (or any combination of them) of animals, birds or fish.

appointed day means the day on which this plan takes effect.

arterial road means:

- (a) any existing road indicated on the map by a continuous red line between firm red lines,
- (b) any proposed road indicated on the map by a broken red band between broken red lines, or
- (c) any proposed road widening indicated on the map by a broken red band between red lines.

bulky goods sales room or showroom means a building or place used for the sale by retail or auction, the hire or display of items (whether goods or materials) which are of such a size, shape or weight as to require:

- (a) a large area for handling, storage or display, or
- (b) direct vehicular access to the site of the building or place by members of the public for the purpose of loading items into their vehicles after purchase,

but does not include a building or place used for the sale of foodstuffs or clothing.

bus depot means a building or place used for the servicing, repair and parking of buses and other vehicles used for the purposes of a bus transport undertaking.

carnival means a festival or community event involving parades, stalls, amusement devices and public entertainment (and includes fairs and fund raising events carried out by charitable and non-profit organisations) but only if carried out for not more than 14 days in any calendar year on land in public ownership.

carport means a roofed open-sided shelter for a car.

clearing of native vegetation means the removal of vegetation considered indigenous, native or belonging naturally to Australia for any purpose other than bushfire hazard reduction.

community facility means a building or place owned or controlled by the Council, a public authority or a body of persons associated for the physical, social, cultural, economic or intellectual welfare of the local community, which may include:

- (a) a public library, rest room, meeting rooms, recreation, child minding (including care and ancillary education) cultural activities, social functions or like purposes, and
- (b) a local community club, being a building or place used by persons sharing like interests, but not including a registered club,

whether or not that building or place is also used for another purpose.

conservation area means an area of heritage significance shown by light red shading on the map.

Council means the Council of the City of Hawkesbury.

dam means an artificial pond created by the erection of walls or excavation.

demolition, in relation to a heritage item or to a building or work within a conservation area, means the damaging, defacing, destruction, pulling down or removal of the heritage item, building or work, in whole or in part.

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

designated frontage means:

- (a) a frontage to a main or arterial road, or
- (b) a frontage to a road connecting with a main or arterial road where that frontage is wholly or partly within 90 metres (measured along the alignment of the connecting road) of the main or arterial road.

dual occupancy attached means a single building containing two dwellings on one allotment of land and is also commonly known as a duplex.

environmental constraint area means an area of land shown on the map by red cross-hatching.

extractive material means sand, gravel, clay, soil, rock, stone or similar substances, but does not include turf.

farm gate sales outlet means a building or place situated on land comprising part of a property and used for the sale and display for sale of agricultural products grown on the property, or products made from agricultural products grown on the property, but only if:

- (a) the sale and display for sale takes place in a building, part of a building or a defined area of land set aside for that purpose, and
- (b) the area of the building or land used for the sale and display for sale is not greater than 75 square metres, and
- (c) the building or land used is located more than 20 metres from a public road, and
- (d) a car parking area is provided in close proximity to the building or land.

fence means a structure erected along the boundary between two lots or a road providing a physical barrier.

flag pole means a pole on which a flag may be hoisted.

garage means a fully enclosed building for housing a car.

general store means a building used for the purpose of selling, exposing or offering for sale by retail general merchandise, and which may include the facilities of a post office, where the gross floor area of the building (or part of that building) used for that purpose and those facilities does not exceed 200 square metres.

ground level means the actual physical level of the land prior to the erection of any structures on the land.

habitable room means a room used for normal domestic activities and:

- (a) includes a bedroom, living room, lounge room, music room, television room, kitchen, dining room, sewing room, study, playroom, family room and sunroom, but
- (b) does not include a bathroom, laundry, water closet, pantry, walk-in wardrobe, corridor, hallway, lobby, photographic darkroom, clothes-drying room, and other

spaces of a specialised nature occupied neither frequently nor for extended periods.

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)*.

heritage item means a building, work, relic, tree or place of heritage significance to the City of Hawkesbury described in Schedule 1 and shown by a red circled number on the map.

heritage significance, means historic, scientific, cultural, social, archaeological, architectural, natural or aesthetic significance.

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)*.

industry means:

- (a) any manufacturing process within the meaning of the *Factories, Shops and Industries Act 1962*, or
- (b) the breaking up or dismantling of any goods or any article for trade or sale or gain or as ancillary to any business,

but in the Land Use Matrix at the end of clause 9 does not include an extractive industry, home industry, light industry or rural industry.

landfill means the filling of land with clean fill or demolition fill, or both, which alters the natural ground surface level or affects pre-existing drainage. This fill material may be imported to or obtained from the site, but does not include top dressing.

light industry means an industry, not being an offensive or hazardous industry, in which the processes carried on, the transportation involved or the machinery or materials used do not interfere with the amenity of the neighbourhood by reason of noise, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil, or otherwise, but does not include a home industry.

main road means a road that is declared to be a main road by an order under Section 46 of the *Roads Act 1993*.

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

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.

natural ground level, in relation to land, means the actual physical level of the land as at the appointed day.

produce store means a building or place used for the sale by wholesale or retail of stockfeeds, grains, seeds, fertilizers, veterinary supplies and the like.

professional and commercial chambers means a room or number of rooms or chambers being part of a dwelling-house or other building which is or are used by one or more professionally qualified practitioners.

professionally qualified practitioner means a person engaged in a profession or occupation specified in Schedule 2 or a person engaged in a profession or occupation that is, in the opinion of the Council, similar to one so listed.

public utility undertakings means any of the following undertakings carried on or permitted or suffered to be carried on by or by authority of any government department or under the authority of or in pursuance of any Commonwealth or State Act:

- (a) railway, road transport, water transport, air transport, wharf or river undertakings,
- (b) undertakings for the supply of water, hydraulic power, electricity or gas or the provision of sewerage or drainage services,
- (c) telecommunication facilities undertakings,

and a reference to a person carrying on a public utility undertaking shall be construed as including a reference to a council, county council, government department, corporation, firm or authority carrying on the undertaking.

real estate sales sign means a temporary sign used to indicate that land or any other immovable property is for sale.

recreation area means:

- (a) a children's playground,
- (b) an area used for sporting activities or sporting facilities,
- (c) an area used by the Council to provide recreational facilities for the physical, cultural or intellectual welfare of the community, and
- (d) an area used by a body of persons associated together for the purposes of the physical, cultural or intellectual welfare of the community to provide recreational facilities for those purposes,

but does not include racecourses and showgrounds.

recreation vehicle area has the same meaning as in section 4 (1) of the *Recreation Vehicles Act 1983*.

recreational establishment means a building or place used for health farms, religious retreat houses, rest homes, youth camps, outdoor recreational activities,

sporting activities and the like, but does not include a building or place elsewhere specifically defined in this clause or a building or place used or intended for use for a purpose elsewhere specifically defined in this clause.

relic means any deposit, object or material evidence relating to the settlement (including Aboriginal habitation) of the City of Hawkesbury which is 50 or more years old.

renovation, in relation to a building or work, means:

- (a) the making of any structural changes to the inside or outside of the building or work, or
- (b) the making of non-structural changes to the fabric or appearance of the outside of the building or work, including changes that involve the repair of, or the painting or plastering of, or other decorations to, the outside of the building or work.

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.

retaining wall means a wall supporting and confining earth and soil.

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.

satellite dish means a dish or aerial for receiving satellite television.

shop fit out means internal non-structural alterations to a shop.

structures ancillary to a dwelling means minor structures associated with the normal domestic use of a dwelling or the enhancement of the residential environment of a dwelling and includes air conditioning units, aerials, antennae, awnings, domestic pet enclosures, cabanas, gazebos, barbeques, greenhouses, pergolas, play equipment, decks, fences, satellite dishes, garden sheds, lighting, clothes lines, retaining walls, screen enclosures, water tanks, pools, letter boxes, gates, portable gas bottles, sky lights, water heaters or the like.

structures ancillary to uses other than dwellings means minor structure or renovations that are ancillary to existing buildings that are not dwellings or residential uses and includes uses or works listed in the Table to clause 9B where applicable.

the map means the map marked “City of Hawkesbury Local Environmental Plan 1989”, as amended by the maps marked as follows:

Editorial note. The amending maps are not necessarily listed in the order of gazettal. Information about the order of gazettal can be determined by referring to the Historical notes at the end of the plan.

Hawkesbury Local Environmental Plan 1989 (Amendment No 2)

Hawkesbury Local Environmental Plan 1989 (Amendment No 3)

Hawkesbury Local Environmental Plan 1989 (Amendment No 4)

Hawkesbury Local Environmental Plan 1989 (Amendment No 5)

Hawkesbury Local Environmental Plan 1989 (Amendment No 6)

Hawkesbury Local Environmental Plan 1989 (Amendment No 7)

Hawkesbury Local Environmental Plan 1989 (Amendment No 8)

Hawkesbury Local Environmental Plan 1989 (Amendment No 10)

Hawkesbury Local Environmental Plan 1989 (Amendment No 12)

Hawkesbury Local Environmental Plan 1989 (Amendment No 13)

Hawkesbury Local Environmental Plan 1989 (Amendment No 15)

Hawkesbury Local Environmental Plan 1989 (Amendment No 17)

Hawkesbury Local Environmental Plan 1989 (Amendment No 18)

Hawkesbury Local Environmental Plan 1989 (Amendment No 19)

Hawkesbury Local Environmental Plan 1989 (Amendment No 20)

Hawkesbury Local Environmental Plan 1989 (Amendment No 22)

Hawkesbury Local Environmental Plan 1989 (Amendment No 24)

Hawkesbury Local Environmental Plan 1989 (Amendment No 25)

Hawkesbury Local Environmental Plan 1989 (Amendment No 27)

Hawkesbury Local Environmental Plan 1989 (Amendment No 28)

Hawkesbury Local Environmental Plan 1989 (Amendment No 31)

Hawkesbury Local Environmental Plan 1989 (Amendment No 35)

Hawkesbury Local Environmental Plan 1989 (Amendment No 36)

Hawkesbury Local Environmental Plan 1989 (Amendment No 38)

Hawkesbury Local Environmental Plan 1989 (Amendment No 39)

Hawkesbury Local Environmental Plan 1989 (Amendment No 43)

Hawkesbury Local Environmental Plan 1989 (Amendment No 44)

Hawkesbury Local Environmental Plan 1989 (Amendment No 45)

Hawkesbury Local Environmental Plan 1989 (Amendment No 49)

Hawkesbury Local Environmental Plan 1989 (Amendment No 50)

Hawkesbury Local Environmental Plan 1989 (Amendment No 51)

Hawkesbury Local Environmental Plan 1989 (Amendment No 52)

Hawkesbury Local Environmental Plan 1989 (Amendment No 54)

Hawkesbury Local Environmental Plan 1989 (Amendment No 55)

Hawkesbury Local Environmental Plan 1989 (Amendment No 58)

Hawkesbury Local Environmental Plan 1989 (Amendment No 59)

Hawkesbury Local Environmental Plan 1989 (Amendment No 62)

Hawkesbury Local Environmental Plan 1989 (Amendment No 63)

Hawkesbury Local Environmental Plan 1989 (Amendment No 64)

Hawkesbury Local Environmental Plan 1989 (Amendment No 65)

Hawkesbury Local Environmental Plan 1989 (Amendment No 69)

Hawkesbury Local Environmental Plan 1989 (Amendment No 71)

Hawkesbury Local Environmental Plan 1989 (Amendment No 76)

Hawkesbury Local Environmental Plan 1989 (Amendment No 77)

Hawkesbury Local Environmental Plan 1989 (Amendment No 78)

Hawkesbury Local Environmental Plan 1989 (Amendment No 79)

Hawkesbury Local Environmental Plan 1989 (Amendment No 84)

Hawkesbury Local Environmental Plan 1989 (Amendment No 91)

Hawkesbury Local Environmental Plan 1989 (Amendment No 93)

Hawkesbury Local Environmental Plan 1989 (Amendment No 97)

Hawkesbury Local Environmental Plan 1989 (Amendment No 98)

Hawkesbury Local Environmental Plan 1989 (Amendment No 100)

Hawkesbury Local Environmental Plan 1989 (Amendment No 101)

Hawkesbury Local Environmental Plan 1989 (Amendment No 103)

Hawkesbury Local Environmental Plan 1989 (Amendment No 104)

Hawkesbury Local Environmental Plan 1989 (Amendment No 106)

Hawkesbury Local Environmental Plan 1989 (Amendment No 108)

Hawkesbury Local Environmental Plan 1989 (Amendment No 110)

Hawkesbury Local Environmental Plan 1989 (Amendment No 111)

Hawkesbury Local Environmental Plan 1989 (Amendment No 112)

Hawkesbury Local Environmental Plan 1989 (Amendment No 113)

Hawkesbury Local Environmental Plan 1989 (Amendment No 116)

Hawkesbury Local Environmental Plan 1989 (Amendment No 119)

Hawkesbury Local Environmental Plan 1989 (Amendment No 124)

Hawkesbury Local Environmental Plan 1989 (Amendment No 135)

Hawkesbury Local Environmental Plan 1989 (Amendment No 140)

Hawkesbury Local Environmental Plan 1989 (Amendment No 141)

Hawkesbury Local Environmental Plan 1989 (Amendment No 142)

Hawkesbury Local Environmental Plan 1989 (Amendment No 143)

Hawkesbury Local Environmental Plan 1989 (Amendment No 145)

Hawkesbury Local Environmental Plan 1989 (Amendment No 149)

Hawkesbury Local Environmental Plan 1989 (Amendment No 153)

Hawkesbury Local Environmental Plan 1989 (Amendment No 157)

State Environmental Planning Policy (Major Projects) Amendment (Pitt Town)
2008 Pitt Town Site Density Control Map

State Environmental Planning Policy (Major Projects) Amendment (Pitt Town)
2008 Pitt Town Site Heritage Map

State Environmental Planning Policy (Major Projects) Amendment (Pitt Town)
2008 Pitt Town Site Land Application Map

State Environmental Planning Policy (Major Projects) Amendment (Pitt Town)
2008 Pitt Town Site Land Zoning Map

State Environmental Planning Policy (Major Projects) Amendment (Pitt Town)
2008 Pitt Town Site Lot Size Map

timber and building supplies means a building or place used for the display, sale (whether by retail or wholesale) or hire of goods or materials that are used in the construction and maintenance of buildings.

tourist facilities means a building or place that is used to provide refreshment, accommodation, recreation or amusement facilities for the travelling or holidaying public.

truck depot means a building or place used for the servicing and parking of trucks, earthmoving machinery and the like.

waste storage container means a container used for the storage of waste prior to disposal.

1-in-100 year flood level for an area of land means the height above Australian Height Datum to which the Council has determined that a 1-in-100 year flood is likely to rise on that land.

(2) In this plan:

- (a) a reference to a building or place used for a purpose includes a reference to a building or place intended to be used for the purpose,
- (b) a reference to a map is a reference to a map deposited in the office of the Council,
- (c) a reference to floor height standard is a reference to the height above Australian Height Datum to which the Council has determined is the minimum height that the floor or a habitable room of a dwelling-house may be erected having regard to the likely impact from flooding on that dwelling-house,
- (d) a reference to land within a zone specified in the Table to clause 9 is a reference to land shown on the map in the manner indicated in clause 8 as the means of identifying land of the zone so specified.

6 Adoption of 1980 Model Provisions

The *Environmental Planning and Assessment Model Provisions 1980* (except for the definitions of **agriculture**, **arterial road**, **bulk store**, **bus depot**, **extractive material**, **general store**, **industry**, **light industry**, **main road**, **professional consulting rooms**, **public utility undertaking**, **recreation establishment**, **residential flat building** and

tourist facilities in clause 4 (1) and clauses 15, 16, 17, 30, 31, 32, 33 and 34) are adopted for the purposes of this plan.

7 Consent authority

The Council is the consent authority for the purposes of this plan.

Part 2 General restrictions on development of land

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.

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
RH	Rural Housing
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	RH	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	X
Advertisements	X	X	X	X	X	X	X	X	X	X	X					C	C	C	X			
Advertising structures								C	C	C	C											
Agriculture	N	N		C	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	X	X	X	X	X	X	X	X	X								X	X	X	X		

Development for the purpose of the following:	MA	RL	RV	RH	CL	H	MU	3A	3B	4A	4B	5A	6A	6B	6C	7A	7D	EPA	EPM	7E	9B	
breakfast accommodation																						
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
Carpports	X	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	C		
Clearing native vegetation	C	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	C		
Commercial premises								C	C													
Community facilities	C	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	C	C
Demolition	X	X	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	C	X	X	C	C								C	C	C	C		
Educational establishments	C	C	C	C	C	C	C	C	C			C					C	C	C	C		
Exhibition homes				C		C	C	C	C													
Extractive industries	C									C	C											
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	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	X		
Forestry	C				C	C	C	C	C	C	C		C	C			C	C	C			
Garages	X	X	C	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		

Development for the purpose of the following:	MA	RL	RV	RH	CL	H	MU	3A	3B	4A	4B	5A	6A	6B	6C	7A	7D	EPA	EPM	7E	9B
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	C	
Home occupations	X	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	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	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	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												
Offensive or hazardous industries										C											
Places of assembly	C	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	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	C	
Public buildings	C	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		N
Real estate sales signs	X	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	C	C
Recreation facilities	C	C	C	C	C	C	C	C	C	C	C		C	C	C		C		C	C	

Development for the purpose of the following:	MA	RL	RV	RH	CL	H	MU	3A	3B	4A	4B	5A	6A	6B	6C	7A	7D	EPA	EPM	7E	9B	
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		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	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	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	C	X	C						X	X	X	X		C	X	X		C	
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	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	X	X	
Timber and building supplies											C											
Tourist facilities	C	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	X	X

9A Zone objectives

- (1) Before granting consent to development within a zone the Council must be of the opinion that carrying out the development is consistent with the relevant objectives of the zone in which the development is proposed to be carried out.
- (2) The objectives of zones are set out in the Table to this clause.

Table

Mixed Agriculture 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 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.

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.

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.

Zone No 3 (a) (Business General)

The objectives of this zone are to:

- (a) promote the development and expansion of business activities to meet the optimum employment and social needs of the City of Hawkesbury,
- (b) permit non-commercial development within the zone where such development is compatible with the commercial character of the locality,
- (c) ensure that there is adequate provision for car parking facilities within the zone,
- (d) minimise conflicts between pedestrians and vehicular movement systems within the zone, and
- (e) preserve the historic character of the City of Hawkesbury by protecting heritage items and by encouraging compatible development within and adjoining historic buildings and precincts.

Zone No 3 (b) (Business Special)

The objectives of this zone are to:

- (a) promote office development to meet the optimum employment and social needs of the City of Hawkesbury,
- (b) permit non-commercial development within the zone where such development is compatible with the commercial character of the locality,
- (c) ensure that there is adequate provision for car parking facilities within the zone,
- (d) minimise conflicts between pedestrians and vehicular movement systems within the zone, and
- (e) preserve the historic character of the City of Hawkesbury by protecting heritage items and by encouraging compatible development within and adjoining historic buildings and precincts.

Zone No 4 (a) (Industry General)

The objectives of this zone are to:

- (a) set aside certain land for the purposes of general industry within convenient distances of the urban centres of the City of Hawkesbury,
- (b) allow commercial and retail development involving:
 - (i) uses ancillary to the main use of land within the zone,
 - (ii) the display and sale of bulky goods, and
 - (iii) the day-to-day needs of the occupants and employees of the surrounding industrial area, and
- (c) ensure that industrial development creates areas which are pleasant to work in and safe and efficient in terms of transportation, land utilisation and services distribution.

Zone No 4 (b) (Industry Light)

The objectives of this zone are to:

- (a) set aside certain land for development for the purpose of light industry within convenient distances of the urban centres of the City of Hawkesbury,
- (b) to allow commercial and retail development involving:
 - (i) uses ancillary to the main use of land within the zone,
 - (ii) the display and sale of bulky goods, and
 - (iii) the day-to-day needs of the occupants and employees of the surrounding industrial area, and
- (c) ensure that industrial development creates areas which are pleasant to work in and safe and efficient in terms of transportation, land utilisation and services distribution.

Zone No 5 (a) (Special Uses "A")

The objectives of this zone are to:

- (a) recognise existing public and private land uses and to enable their continued operation, growth and expansion to accommodate associated, ancillary or otherwise related uses,
- (b) set aside certain land (being land that the Council or another public authority proposes to acquire) for a variety of purposes, as indicated on the map, for which development is to be carried out by the Council or other public authority, and
- (c) restrict development on land which will be required for future community facilities.

Zone No 5 (b) (Special Uses (Railways))

The objectives of this zone are to:

- (a) recognise existing railway land and to enable future development for railway and associated purposes, and
- (b) prohibit advertising structures and hoardings on railway land.

Zone No 6 (a) (Open Space (Existing Recreation))

The objectives of this zone are to:

- (a) identify existing publicly owned land that is used or is capable of being used for active or passive recreational purposes,
- (b) encourage the development of public open space in a manner which maximises the satisfaction of the community's diverse recreational needs,
- (c) enable development associated with, ancillary to or supportive of public recreational use, and
- (d) encourage the development of open spaces as major urban landscape elements.

Zone No 6 (b) (Open Space (Proposed Recreation))

The objectives of this zone are to:

- (a) identify land which is suitable for future public recreational use and which can be brought into public ownership generally as a consequence of development contributions from residential development,
- (b) provide additional land to meet the objectives specified in respect of land within Zone No 6 (a),
- (c) ensure that there is provision for adequate open space areas to meet the needs of all residents and provide opportunities to enhance the total environment quality of the City of Hawkesbury,
- (d) set aside certain land (being land that the Council proposes to acquire) for the purposes of active and passive recreation, and
- (e) restrict development on land which will be required for future open space purposes.

Zone No 6 (c) (Open Space (Private Recreation))

The objectives of this zone are to identify and set aside certain private land where private recreational activities are and may be developed.

Zone No 7 (a) (Environmental Protection (Wetlands))

The objectives of this zone are to:

- (a) protect wetland areas from development that could adversely affect their preservation and conservation, and
- (b) preserve wetland areas as habitats for indigenous and migratory wildlife.

Zone No 7 (d) (Environmental Protection (Scenic))

The objectives of this zone are to:

- (a) preserve the existing wooded ridges and escarpments,

- (b) protect hilltops, ridgelines, river valleys 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) prevent the establishment of traffic generating development along main and arterial roads,
- (d) control outdoor advertising so that it does not disfigure the rural landscape,
- (e) protect the low density, broad-acre character of the rural areas, and
- (f) protect orcharding in the Bilpin area.

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,
- (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.

Zone No 7 (e) (Environmental Protection (Consolidated Land Holdings))

The objectives of this zone are to:

- (a) prohibit further subdivision of the land within the zone that may lead to intensified use of that land,
- (b) preserve areas of significant vegetation stands,
- (c) protect varieties of wildlife and their associated habitats and corridors,
- (d) retain the visual and scenic qualities of escarpment ridges and foot slopes,
- (e) ensure that development and land management practices do not have an adverse effect on water catchments, water quality, land surface conditions and important ecosystems such as streams and wetlands,
- (f) ensure that existing and future land uses and land management practices do not lead to a diminution in the environmental values of the land, and
- (g) permit only minimal development to ensure that the environmental value of the land is not compromised.

Zone No 8 (a) (Nature Reserves)

The objectives of this zone are to identify, preserve and manage national parks and nature reserves for conservation and recreational purposes and to provide for their continued management under the *National Parks and Wildlife Act 1974*.

Zone No 9 (b) (Proposed Road)

The objective of this zone is to set aside land (being land that the Council or another public authority proposes to acquire) for various proposed roads.

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
 - (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"> • Maximum height 1m above ground level • 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>
Advertisements	<p>General</p> <ul style="list-style-type: none"> • Not to be placed above awnings or on the roof of buildings • Maximum area 4m² • Not illuminated • Maximum of one advertisement per property <p>Sandwich boards A frame (private property)</p> <ul style="list-style-type: none"> • Located in commercial zones • Maximum area 2.4m² on each of the 2 faces • Sandwich board located on private property • Maximum of one such sandwich board per business <p>Sandwich boards A frame (council property and public places)</p> <ul style="list-style-type: none"> • Maximum area 1.2m² on each of the 2 faces • Each sandwich board is to be registered with the Council and have a Council issued registration plate attached • 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 • Sandwich board is not to be placed so as to obstruct pedestrians or the view of drivers of motor vehicles • Sandwich board is to be located no more than 5m from the business to which it relates • Maximum of one sandwich board per business
Aerials/antennae/microwave antennae	<ul style="list-style-type: none"> • Maximum height above roof of 6m • Domestic use only
Air conditioning units for dwellings (attached to external wall or ground mounted)	<ul style="list-style-type: none"> • Noise from the source represented by LA_{eq} measured over a 15 minute period does not exceed the background noise level, represented by LA_{eq} 90 measured in the absence of the source by more than 5dB

The erection and use or carrying out of the following:	Requirements
Awnings, shade canopies, storm blinds, open pergolas, cabanas, gazebos, barbecues and greenhouses that are ancillary to a dwelling	<ul style="list-style-type: none"> • Maximum area 40m² • Maximum height 2.4m above ground level • Non reflective materials • Located within property boundaries • Located to the side of or behind the dwelling • No removal of native vegetation • Awnings not to be used for garaging or storage of vehicles • Located no less than 900mm from adjoining allotment boundaries
Bed and breakfast accommodation	<ul style="list-style-type: none"> • 4 bedrooms or less located within existing dwelling • Compliance with BCA for Class 1b building
Bird aviaries and domestic pet enclosures (excluding poultry)	<ul style="list-style-type: none"> • Maximum area 9m² (total aggregate) • Maximum height 1.8m above ground level • Domestic use only • Rear yard only
Carnivals	<ul style="list-style-type: none"> • No more than 4 events per calendar year • No amplified noise • Daylight hours only
Carports	<ul style="list-style-type: none"> • Maximum height 2.4m above ground level • Maximum roof pitch 15 degrees • Maximum area 40m² • Not in an environmental protection zone • To be located behind the building alignment
<p>Change of use from:</p> <p>(a) an industrial use to another industrial use, or</p> <p>(b) a light industrial use to another light industrial use</p>	<ul style="list-style-type: none"> • Existing approved industrial building • Located in an industrial zone • Does not involve offensive or hazardous industry • It does not involve any internal or external alterations • Storage of goods and materials is to be confined within the building or within approved areas • Development is to be maintained in a clean and tidy manner • 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

The erection and use or carrying out of the following:	Requirements
	<p>product or otherwise</p> <ul style="list-style-type: none"> • 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 • Vehicles and vehicle parts are only to be washed in a Council approved wash bay area • All chemicals, petrochemicals, liquids, waste materials and contaminated parts are to be stored within the building in appropriately bunded areas • 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 • 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 • 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
<p>Change of use from:</p> <p>(a) a shop to another shop, or</p> <p>(b) a commercial use to another commercial use (other than a brothel)</p>	<p>General</p> <ul style="list-style-type: none"> • Existing approved retail/commercial building • Located in a commercial zone • It does not involve any internal or external alterations • Storage of goods and materials is to be confined within the building or within approved areas • 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 • 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 <p>Food premises</p> <ul style="list-style-type: none"> • 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 Standard 3.2.3 (Food Premises and Equipment).

The erection and use or carrying out of the following:	Requirements
	Hairdressers, hair cutters, beauty salons and skin penetration businesses <ul style="list-style-type: none"> • Premises must be registered with the Council • 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
Clothes hoist or clothes lines	<ul style="list-style-type: none"> • Located behind principal dwelling • Installed to manufacturer's specifications
Cubby houses and playground equipment ancillary to a dwelling	<ul style="list-style-type: none"> • Maximum height 2.1m above ground level • Maximum area 9m² • Setback minimum 900mm
Decks attached to detached single dwellings (does not include decking associated with swimming pools)	<ul style="list-style-type: none"> • Maximum area 40m² • Finished surface level not greater than 1m above ground level • Maintain existing side boundary setbacks
Demolition of any structure: (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 (b) covering an area of not more than 40m ²	<ul style="list-style-type: none"> • Carried out in accordance with AS 2601—1991, <i>Demolition of structures</i>
Dog kennels or dog runs	<ul style="list-style-type: none"> • Maximum height 2m above ground level • Maximum area 2m² • No more than 2 kennels • Enclosure not exceeding 1.2m high (or 2m if enclosed) above ground level and dimensions 3m x 2m • Domestic use only • Located behind principal building
Erection and use of real estate sales signs	<ul style="list-style-type: none"> • Flush wall sign or pole or pylon sign • Only one sign per street/road frontage • Signs are to be removed no later than 7 days after settlement

The erection and use or carrying out of the following:	Requirements
	<p>Signs in commercial and industrial zones</p> <ul style="list-style-type: none"> • Maximum sign area 4m² • Maximum height 3m above ground level <p>Signs in zones other than commercial and industrial zones</p> <ul style="list-style-type: none"> • Maximum sign area 2.5m² • Maximum height 2m above ground level • Not illuminated • Not placed on or above any public place
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"> • Maximum height 2.4m above ground level (other than masonry or brick) <p>Boundary fences (not behind building line)</p> <ul style="list-style-type: none"> • Maximum height 1.2m above ground level (other than masonry or brick) • New materials only <p>Timber or lattice screen fences (other than boundary fences)</p> <ul style="list-style-type: none"> • Maximum height 2.4m above ground level • Minimum 500mm off side boundary • Located behind building line
Filling of land	<ul style="list-style-type: none"> • Maximum depth 300mm • Maximum area 100m² • Does not interfere with the natural flow of water from or onto surrounding properties • Involves only clean fill (natural excavated material) and not any contaminated material • No removal of native vegetation • Maximum of one application of fill per property
Flagpoles in commercial or industrial zones	<ul style="list-style-type: none"> • Maximum height 9m above ground level • Installed to manufacturer's specifications or engineering design
Flagpoles in residential zones	<ul style="list-style-type: none"> • Maximum height 6m above ground level • Installed to manufacturer's specifications or engineering

The erection and use or carrying out of the following:	Requirements
	design
Fountains, fish ponds, sun dials, bird baths, wishing wells and the like	<ul style="list-style-type: none"> • Water storage area no greater than 300mm deep • Not exceeding 1.5m high above ground level
Garages	<ul style="list-style-type: none"> • Maximum height 2.4m above ground level measured to the gutter of the garage • Maximum roof pitch 15 degrees • Maximum area 40m² • Not in an environmental protection zone • To be located behind the building alignment
Garden sheds	<ul style="list-style-type: none"> • Maximum area of a shed or sheds in total 16m² • Maximum height 2.1m above ground level • Non-reflective materials • Rear yard only • Installed to manufacturer's specifications or engineering design
Gas bottles for domestic purposes	<ul style="list-style-type: none"> • Maximum of 2 bottles
Gate structures and supporting wing walls	<ul style="list-style-type: none"> • Maximum 1.8m high above ground level • Maximum length 10m overall • Wholly within property boundary
Home occupation	<ul style="list-style-type: none"> • No customers will visit the site
Letter boxes	<ul style="list-style-type: none"> • Height and size to comply with Australia Post standards • Wholly within property boundary in residential areas
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"> • Non-structural work only, such as: <ul style="list-style-type: none"> • painting • replacement of doors, wall, ceiling or floor linings or deteriorated frame members with equivalent or improved quality materials • renovations of bathrooms, kitchens, inclusion of built-in fixtures such as vanities, cupboards and wardrobes • re-cladding of walls or roofs if existing materials are replaced with similar new materials • Alterations or renovations to previously completed building

The erection and use or carrying out of the following:	Requirements
	<p>only</p> <ul style="list-style-type: none"> • Does not include changes to the configuration of rooms whether by removal of existing walls, partitions or by other means • Does not cause reduced window arrangements for light and ventilation needs, reduced doorways for egress purposes or involve enclosure of open areas
Retaining walls	<ul style="list-style-type: none"> • Located no closer than 1m to any boundary • Maximum height 900mm above natural ground level • Complies with relevant Australian Standards in relation to structural integrity and construction materials • Constructed so that it does not prevent the natural flow of stormwater drainage or run-off • Does not interfere with the natural flow of water from or onto surrounding properties
Satellite dishes—ground mounted	<ul style="list-style-type: none"> • Maximum height 2.4m above ground level • Not visible from the street frontage
Satellite dishes—roof mounted	<ul style="list-style-type: none"> • Maximum diameter 1m • Maximum height not to exceed highest point of roof • Not visible from the street frontage • Colour to match existing roof colour
Skylight roof windows	<ul style="list-style-type: none"> • Comply with AS 3959—1999, <i>Construction of buildings in bushfire-prone areas</i> • Located not less than 900mm from property boundaries or walls separating attached dwellings • Structural integrity of the existing building not to be affected • Installed to manufacturer's instructions and waterproofed
Street signs comprising name plates, directional signs and advance traffic warning signals	<ul style="list-style-type: none"> • Construction by or for Council • Designed, fabricated and installed in accordance with relevant Australian Standards
Waste storage container in public place	<ul style="list-style-type: none"> • Maximum length of container 3m • Single container only • Container is to be located and designed in accordance with any requirements or guidelines of the Roads and Traffic Authority • Container is to be removed within 14 days of being placed in the public place

The erection and use or carrying out of the following:	Requirements
	<ul style="list-style-type: none"> • Each container is to be covered by public liability insurance to the value of \$10 million that protects the Council • Container is to be a light colour with the name and address of the owner of the container clearly marked
Water heaters	<ul style="list-style-type: none"> • Installed to manufacturer's specifications or requirements • Installed by licensed person • Work does not reduce structural integrity of the building or involve structural alterations • Openings created are water proofed
Water tanks in non-residential zones	<ul style="list-style-type: none"> • Not less than 10,000 and not more than 120,000 litres • No closer than 6m to adjoining boundary and buildings • Maximum height 2.4m above ground level • Fitted with 38mm Stortz fitting and non-return foot valve • Domestic draw-off to leave 10,000 litres for use by fire services in an emergency

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
- (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 significantly contaminated land within the meaning of the *Contaminated Land Management Act 1997*, 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

The erection and use or carrying out of the following:	Requirements
Boundary adjustments	<ul style="list-style-type: none"> • Affects no more than 2 lots • Not identified as bushfire prone land • The variation to either of the lot sizes must not exceed 20%

The erection and use or carrying out of the following:	Requirements
Covered decks	<ul style="list-style-type: none"> • Floor level no more than 1.2m above ground level • Attached to existing dwelling • Not in an environmental protection zone • Not identified as bushfire prone land
Industrial additions	<ul style="list-style-type: none"> • As for industrial buildings • Total area of all such additions does not exceed 1,000m²
Industrial buildings	<ul style="list-style-type: none"> • Area does not exceed 1,000m² • Maximum height 9m above ground level • Waste management plan approved in accordance with the <i>Hawkesbury Development Control Plan</i>
Retaining walls	<ul style="list-style-type: none"> • Maximum height between 900mm and 1,800mm above or below natural ground level • Maximum height 1.8m above ground level • No closer than 1m to adjoining boundary • Designed by a practising structural engineer and constructed in accordance with the engineer's design and specifications
Roofed pergolas	<ul style="list-style-type: none"> • Floor level no more than 1.2m above ground level • Attached to existing dwelling • Not in an environmental protection zone • Not identified as bushfire prone land
Rural sheds	<ul style="list-style-type: none"> • Not in a residential zone • Area does not exceed 170m² • No removal of native vegetation • Not used for commercial or industrial uses • No closer than 10m to adjoining boundary
Screen enclosures	<ul style="list-style-type: none"> • Area does not exceed 60m² • Not in an environmental protection zone • Not identified as bushfire prone land
Shop fit outs—internal partition walls only	<ul style="list-style-type: none"> • Existing floor area must not increase
Single storey dwellings and alterations and additions to single storey dwellings	<ul style="list-style-type: none"> • Residential zones only • Not on land for which the Australian Noise Exposure Forecast exceeds 25

The erection and use or carrying out of the following:	Requirements
	<ul style="list-style-type: none"> • Sewered • Floor level no more than 1.2m above ground level • On lots with an area greater than 450m² • Comply with AS 2021—2000, <i>Acoustics—Aircraft noise intrusion—Building siting and construction</i> • Waste management plan approved in accordance with the Hawkesbury Development Control Plan • Not identified as bushfire prone land
Swimming pools	<ul style="list-style-type: none"> • Ancillary to a dwelling that is used only for private purposes • Located behind the building line • The lot is to be sewered or have an area greater than 4,000m² • No more than 500mm above ground level if in residential zone

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.

Part 3 Special provisions

10 Subdivision—general

- (1) Land to which this plan applies may be subdivided, but only with development consent.
- (2) Land shall not be subdivided unless the boundaries of allotments so created correspond generally with the boundaries (if any) between zones as shown on the map.
- (3) Notwithstanding the provisions of subclause (4), the Council may consent to a plan of subdivision whereby the boundaries of allotments so created will not correspond

with the boundaries between different zones as shown on the map but which, in the opinion of the Council, depart therefrom only to a minor effect.

- (4) Where, on registration of a plan of subdivision referred to in subclause (3), the boundary between land is determined in a different position from that indicated on the map, land shall be deemed to be within the appropriate zone as determined by the Council.
- (5) All subdivision is prohibited on the Pitt Town Site 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 Lot Size Map and the number of lots created does not exceed the density control for the land shown on the Density Control Map.
- (6) *State Environmental Planning Policy No 1—Development Standards* does not apply to subclause (5).
- (7) In this clause:

Density Control Map means the map marked “State Environmental Planning Policy (Major Projects) Amendment (Pitt Town) 2008 Pitt Town Site Density Control Map”.

Lot Size Map means the map marked “State Environmental Planning Policy (Major Projects) Amendment (Pitt Town) 2008 Pitt Town Site Lot Size Map”.

Pitt Town Site means the land shown on the map marked “State Environmental Planning Policy (Major Projects) Amendment (Pitt Town) 2008 Pitt Town Site Land Application Map”.

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 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.

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 7 (a) or 7 (d) or in the Mixed Agriculture, Rural Living, Rural Housing, Environmental Protection—Agriculture Protection (Scenic) or Environmental Protection—Mixed Agriculture (Scenic) zone 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.

Column 1	Column 2	Column 3
Zone	Minimum allotment size if not lot averaging subdivision	Minimum allotment size if lot averaging subdivision
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
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
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

- (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 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.
- (5) Despite subclause (2), the Council may consent to a lot averaging subdivision of land in the Mixed Agriculture zone 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 in Zone No 7 (d) or in the Mixed Agriculture, Rural Living, Rural Housing, Environmental Protection—Agriculture Protection (Scenic) or Environmental Protection—Mixed Agriculture (Scenic) zone 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 in the Rural Village or Consolidated Land Holdings zone 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).
- (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.

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.

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

- (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.

13 Subdivision by adjustment or relocation of boundaries

- (1) Nothing in this plan prohibits consent being granted for a subdivision of land by adjustment or relocation of common boundaries provided that:
 - (a) no additional allotments are created, and
 - (b) no allotment becomes, as a consequence of the adjustment or relocation, capable of subdivision under this plan, and
 - (c) the number of undersized allotments resulting from the subdivision does not exceed the number of undersized allotments before the subdivision, and
 - (d) the number of dwelling-houses capable of being erected, as a consequence of the adjustment or relocation, does not exceed the total number permissible prior to that adjustment or relocation, and
 - (e) the number of additional allotments capable of being created, as a consequence of the adjustment or relocation, under this plan does not exceed the total permissible prior to that adjustment or relocation, and
 - (f) the land is not land shown on the map marked "State Environmental Planning Policy (Major Projects) Amendment (Pitt Town) 2008 Pitt Town Site Land Application Map".
- (2) Subclause (1) does not apply to land that includes or consists of allotments smaller than 450 square metres.
- (3) Subclause (1) does not apply to land that includes or consists of allotments derived from or forming the whole or part of land resulting from the closure of part or all of a road, irrespective of when that closure occurred.
- (4) Subclause (1) does not apply to land within Zone No 7 (e).
- (5) Subclause (1) does not prevent the subdivision of any allotment that was, prior to the adjustment or relocation of boundaries of other lots, capable of subdivision under this plan.

- (6) In determining an application for consent for a subdivision in accordance with this clause the Council must consider:
- (a) whether the size, shape, or topography of the land would restrict the erection of a dwelling on any of the lots created, and
 - (b) whether the land is capable of on-site effluent disposal where no reticulated sewerage system is available, and
 - (c) whether the proposed lots are similar in size to the surrounding lots, and
 - (d) whether the environment will be improved as a result of the subdivision, and
 - (e) whether appropriate environmentally sound, safe, low-cost access is available for the dwelling-house site proposed on each of the lots created by the subdivision, and
 - (f) whether the proposed lots will affect a historic subdivision pattern, and
 - (g) whether development that may occur as a result of the subdivision will affect a historically significant view or vista to or from a heritage item.
- (7) Nothing in this plan prohibits subdivision by the opening of a public road.

14 Open space in subdivisions

- (1) The Council shall not consent to a plan of subdivision of land where part of that land is in Zone No 6 (b) unless that part of the land is included in the plan of subdivision as a separate and single allotment.
- (2) Nothing in this plan (other than subclause (3)) shall require the Council to acquire or pay compensation for any land within Zone No 6 (b) where the land may be required to be provided as a condition of approval to the carrying out of development on land in the vicinity and in the same ownership.
- (3) The owner of any land included in Zone No 6 (b) may, by notice in writing, require the Council to acquire any part or parts of the land which may not be required to be provided without cost to the Council as a condition of its consent to the subdivision of other land in the same ownership, and on receipt of such notice, the Council shall acquire the land to which that notice relates.

15 Erection of dwelling-houses

- (1) A person shall not erect a dwelling-house on an allotment of land in Zone No 7 (d) or in the Mixed Agriculture, Rural Living, Rural Village, Rural Housing, Housing, Multi Unit Housing, Environmental Protection—Agriculture Protection (Scenic) or Environmental Protection—Mixed Agriculture (Scenic) zone unless that allotment:
 - (a) is an allotment created by a subdivision approved in accordance with clause 11, 12 or 13,
 - (b) is an allotment created after the appointed day in accordance with a subdivision approved before that day, or
 - (c) was an allotment of land in existence as a separate allotment at the appointed day (other than an allotment created by the closing of a road).

- (2) Notwithstanding subclause (1), the number of dwelling-houses erected on land subdivided under clause 13 shall not exceed the total number permissible prior to that adjustment.
- (3) Except as provided by clause 28, nothing in this plan prevents the erection of a dwelling-house on an allotment of land on which another dwelling-house (not being a heritage item) is erected if the use of the second dwelling-house does not commence until the dwelling-house first erected has been demolished.
- (4) Notwithstanding subclause (3), the Council may approve of the dwelling-house first erected being used for some other purpose permitted within the zone in which that building is erected, but not for the purposes of an additional dwelling-house.
- (5) A person shall not erect a dwelling-house on an allotment of land in Zone No 7 (d) or 7 (e) or in the Mixed Agriculture, Rural Living, Rural Village, Rural Housing, Environmental Protection—Agriculture Protection (Scenic) or Environmental Protection—Mixed Agriculture (Scenic) zone created by the closing of a road.
- (6) A single dwelling-house may be erected on an allotment of land within Zone No 7 (e), but only with the consent of the Council.
- (7) Despite subclause (1), a person must not erect a dwelling-house on an allotment of land 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 that was created by a subdivision for the purpose of agriculture approved in accordance with the exception in clause 11 (3) before the day on which *Hawkesbury Local Environmental Plan 1989 (Amendment No 136)* commenced.

15A (Repealed)

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.

17 Rural workers' dwellings

- (1) Notwithstanding clause 9, one dwelling-house for a rural worker may, with the consent of the Council, be erected on an allotment of land in Zone No 7 (d) or in the Mixed Agriculture, Rural Living, Environmental Protection—Agriculture Protection (Scenic) or Environmental Protection—Mixed Agriculture (Scenic) zone which can be subdivided in accordance with clause 11.
- (2) A dwelling-house to be erected on an allotment in accordance with subclause (1) must be sited so that a subdivision of land in accordance with clause 11 will not result in 2 dwellings being located on one allotment.

- (3) A dwelling-house erected on an allotment after the first dwelling-house has been erected thereon in accordance with subclause (1) shall be used only for the accommodation of a person engaged in the use of that allotment for the purposes of agriculture.

18 Provision of water, sewerage etc services

- (1) The Council shall not consent to any development on land to which this plan applies unless arrangements satisfactory to the Council have been made for the provision to the land of water, sewerage, drainage and electricity services.
- (2) (Repealed)

19 (Repealed)

20 Development below high-water mark etc

- (1) A person shall not carry out development, without the consent of the Council, on any land:
- (a) below high-water mark,
 - (b) between mean high-water mark and the bank of any tidal river,
 - (c) forming part of the bed of a river, creek, bay, lagoon or other natural watercourse shown unzoned on the map,
 - (d) in the bed of any non-tidal river,
 - (e) within 40 metres of the bank of a tidal or non-tidal river, or
 - (f) which has been reclaimed.
- (2) A person shall not construct a dam on any land that requires the removal of material from the site except with the consent of the Council.

21 (Repealed)

22 Development fronting a main or arterial road

- (1) In determining any application for consent to carry out development in any zone where the land has a frontage to a main or arterial road, the Council shall have regard, in addition to the matters specified in section 79C (1) of the Act, to the following principles:
- (a) Development should be of a type compatible with the maintenance and enhancement, as far as is practicable, of the existing scenic character of the locality.
 - (b) Development should not generate significant additional traffic or create or increase ribbon development directly along a main or arterial road, relative to the capacity and safety of the road.
 - (c) Any building should be sited and designed to be of an appropriate scale, so as to maintain the character of the area, to minimise disturbance to the landscape, not to intrude into the skyline and to maintain an overall pattern of building development that is consistent with the character of the area.

- (d) Any building should be set back, from the nearest alignment of the main or arterial road, the distance to be determined by the Council having regard to:
 - (i) the nature, scale and function of the building,
 - (ii) the maximisation of sight distances for drivers, including visibility of points of access,
 - (iii) the minimisation of distractions to drivers, and
 - (iv) any possible need to alter the road alignment in the future.
- (2) Notwithstanding clause 9, the Council shall not grant consent to the carrying out of development for the purpose of any of the following on land which is 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 and which has direct vehicular access to a main or arterial road:

bulky goods sales rooms or showrooms, car repair stations, caravan parks, commercial premises, general stores, hotels, junk yards, motor showrooms, produce stores, refreshment rooms, retail plant nurseries, roadside stalls, service stations, shops, transport terminals and warehouses.
- (3) Direct vehicular access from any land to a main or arterial road is prohibited. However, if, in the opinion of the Council, there is no reasonable alternative access to the land from another road, the Council may consent to access to a main or arterial road if such access will be located and designed so as to minimise potential traffic hazards.

23 Advertising structures

- (1) This clause applies to land in Zone No 7 (d) or in the Mixed Agriculture, Rural Living, Rural Village, Rural Housing, Housing, Multi Unit Housing, Environmental Protection—Agriculture Protection (Scenic) or Environmental Protection—Mixed Agriculture (Scenic) zone.
- (2) Notwithstanding any other provision of this plan, the Council may consent to the erection on land to which this clause applies of an advertising structure displaying only notices relating to the purposes for which the land is used.
- (3) The Council may consent to the erection of an advertising structure on land to which this clause applies for the purpose of:
 - (a) directing the travelling public to tourist areas, or
 - (b) displaying private advertisements for tourist accommodation or other tourist facilities.

24 Development in certain environmental and other zones

- (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.

- (2) A person shall not erect a building on land to which this clause applies without the consent of the Council.
- (3) The Council shall not grant consent to the erection of a building on land to which this clause applies unless it has made an assessment as to whether it should impose conditions relating to:
 - (a) the height and siting of the building, and
 - (b) the colour of materials to be used in the erection of the building, so as to ensure that the building blends with the surrounding landscape and other development and preserves or enhances the scenic quality of the land.

25 Development of flood liable land

- (1) In this clause:

commencement day means the day on which *Hawkesbury Local Environmental Plan 1989 (Amendment No 86)* commenced.

flood compatible materials means building materials and surface finishes capable of withstanding prolonged immersion in water.

floodway means the channel of a river or stream and those portions of the flood plain adjoining the channel which constitute the main flow path for floodwaters.

- (2) A building shall not be erected on any land lying at a level lower than 3 metres below the 1-in-100 year flood level for the area in which the land is situated, except as provided by subclauses (4), (6) and (8).
- (3) Each habitable room in a building situated on any land to which this plan applies shall have a floor level no lower than the 1-in-100 year flood level for the area in which the land is located.
- (4) Notwithstanding subclauses (2), (3), (10) and (11), a building that was lawfully situated on any land at 30 June 1997 may, with the consent of the Council, be extended, altered, added to or replaced if the floor level of the building, after the building work has been carried out, is not more than 3 metres below the floor height standard for the land immediately before the commencement day.
- (5) The Council shall, in the assessment of a development application, consider the flood liability of access to the land and, if the land is within a floodway, the effect of isolation of the land by flooding, notwithstanding whether other aspects of this clause have been satisfied.
- (6) Minor structures such as outbuildings, sheds and garages may be erected on land below the 1-in-100 year flood level, with the consent of the Council. The Council shall, in the assessment of a development application for such a structure, consider the likely frequency of flooding, the potential flood damage and measures to be taken for the evacuation of the property.
- (7) Any part of a building below the 1-in-100 year flood level is to be constructed of flood compatible materials.

- (8) Notwithstanding subclauses (2) and (3), a dwelling or other building may, with the consent of the Council, be erected on an area of land which has a level not less than 3 metres below the floor height standard for the land immediately before the commencement day. However, the Council shall not grant consent for development pursuant to this subclause after 30 June 2002.
- (9) In subclause (8) *area of land* means an area of land at natural surface level or an area of land that has been filled with the consent of the Council.
- (10) Despite subclauses (2) and (3) but subject to subclause (4), a dwelling must not be erected on land lying below the 1-in-100 year flood level if the allotment of land on which it is to be erected was created by a subdivision approved under clause 11 on or after the commencement day.
- (11) Despite subclauses (2) and (3) but subject to subclause (4), a dwelling must not be erected on land lying below the floor height standard for the land immediately before the commencement day if the allotment of land on which it is to be erected was created by a subdivision approved under clause 11 before the commencement day.

25A Environmental constraint area

- (1) The objectives for the management of an environmental constraint area are:
- (a) to protect areas of threatened vegetation,
 - (b) to provide a buffer around areas of ecological significance,
 - (c) to protect environmentally sensitive land areas of high scenic value in the City, and
 - (d) to restrict development on land that is inappropriate for development by reason of its physical characteristics or bushfire risk.
- (2) The Council shall not consent to any development within an environmental constraint area unless it is satisfied, by means of detailed assessment of the landscape and environmental impact of the proposed development, that it is consistent with attaining the objectives for the management of environmental constraint areas.
- (3) Notwithstanding clause 9, consent is required for development for the purpose of agriculture in each environmental constraint area.

26 Conservation areas

- (1) A person shall not, in respect of a conservation area:
- (a) demolish or alter a building or work within the area,
 - (b) damage or move a relic, including excavation for the purpose of exposing or removing a relic, within the area,
 - (c) damage or despoil a place within the area, or
 - (d) erect a building on or subdivide land within the area,
- except with the consent of the Council.

- (2) The Council shall not grant consent to an application under subclause (1) unless it has taken into consideration the extent to which the carrying out of the proposed development would affect the heritage significance of the conservation area.
- (3) Nothing in clause 9 or 10 of *State Environmental Planning Policy No 4—Development Without Consent* authorises the carrying out of development referred to in subclause (1) without the need to obtain development consent.
- (4) The Council shall not grant consent as referred to in subclause (1), being an application to erect a new building or to alter the exterior of an existing building, unless the Council has made an assessment of:
 - (a) the pitch and form of the roof,
 - (b) the style, size, proportion and position of the openings for windows and doors, and
 - (c) whether the colour, texture, style, size and type of finish of the materials to be used on the exterior of the building are compatible with the materials used in the existing buildings within the conservation area.
- (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.

27 Heritage items

- (1) A person shall not, in respect of a building, work, relic, tree or place that is a heritage item:
 - (a) demolish or alter the building or work,
 - (b) damage or move the relic, including excavation for the purpose of exposing the relic,
 - (c) damage or despoil the place or tree,
 - (d) erect a building on or subdivide land on which the building, work or relic is situated or the land which comprises that place, or
 - (e) damage any tree on land which the building, work or relic is situated or on the land which comprises the place,except with the consent of the Council.

- (2) The Council shall not grant consent to a development application under subclause (1) unless it has taken into consideration the extent to which the carrying out of the proposed development would affect the heritage significance of the item and any stylistic or horticultural features of its setting.
- (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.

Note. The website of the Heritage Branch of the Department of Planning has publications that provide guidance on assessing the impacts of proposed development on the heritage significance of items (for example, *Statements of Heritage Impact*).

28 Development in the vicinity of heritage items

The Council shall not grant consent to an application to carry out development in the vicinity of a heritage item unless it has made an assessment of the effect the carrying out of that development will have on the heritage significance of the item and its setting.

29 Conservation incentives relating to heritage items

- (1) Nothing in this plan prevents the Council from granting consent to the use for any purpose of a building that is a heritage item or of the land on which that building is erected, if the Council is satisfied that:
 - (a) the use would have little or no adverse effect on the amenity of the area, and
 - (b) conservation of the building would be assisted by the granting of consent as referred to in this subclause.
- (2) The Council, when considering an application to erect a building on land on which there is a building which is a heritage item, may exclude from its calculation of the gross floor area of the buildings erected on the land the gross floor area of the heritage item:
 - (a) for the purpose of determining the floor space ratio, and
 - (b) for the purpose of determining the number of parking spaces to be provided on the site,

but only if the Council is satisfied that the conservation of the building which is a heritage item would be assisted by the Council granting consent as referred to in this subclause.

30 Heritage advertisements and notifications

- (1) Except as provided by subclause (2):
- (a) the provisions of sections 84, 85, 86, 87 (1) and 90 of the Act apply to and in respect of:
 - (i) the demolition of a building or work that is a heritage item,
 - (ii) the demolition of a building or work within a conservation area, and
 - (iii) the use of a building or land referred to in clause 29 for the purposes which, but for that clause, would be prohibited under this plan,in the same way as those provisions apply to and in respect of designated development, and
 - (b) (Repealed)
- (2) Subclause (1) does not apply to the partial demolition of a heritage item or a building or work within a conservation area if, in the opinion of the Council, the partial demolition will be of a minor nature and will not adversely affect the heritage significance of the heritage item, building or work in relation to the environmental heritage of the City of Hawkesbury.

31 Acquisition and use of reserved land

Note. Nothing in this clause is to be construed as requiring a public authority to acquire land - see section 27 (3) of the Act.

- (1) The owner of any land specified in Column 1 of the Table to this clause may, by notice in writing, require the public authority specified opposite that land in Column 2 of Part 1 of that Table to acquire that land.
- (2) On receipt of a notice referred to in subclause (1), the public authority concerned shall, subject to subclause (3) and (4) acquire the land.
- (3) The Council shall not be required to acquire land the subject of a notice referred to in subclause (1) if the land is required to be dedicated to the Council as a condition of development consent or subdivision approval.
- (4) The Roads and Traffic Authority is not required to acquire land the subject of a notice referred to in subclause (1) unless:
 - (a) a development application has, since the land last became subject to this clause, been made in respect of the land,
 - (b) the development the subject of the development application consists of development for a purpose for which development could have been carried out on the land (whether or not with development consent) immediately before that land last became subject to this clause, and
 - (c) the Council has refused its consent to the development application only on the basis that the Roads and Traffic Authority has not concurred in the development.

- (5) Until the land referred to in subclause (1) is acquired by the public authority concerned, development for any purpose may, with the consent of the Council, be carried out on that land.
- (6) The Council shall not grant consent as referred to in subclause (5) to the development of land to be acquired by the public authority specified in Column 1 of Part 2 of the Table to this clause, unless it has taken the following into consideration:
- (a) the effect of the proposed development on the costs of acquisition,
 - (b) the imminence of acquisition,
 - (c) the costs of reinstatement of the land for the purposes for which the land is to be acquired.
- (7) (Repealed)

Table

Column 1

Column 2

Part 1

Land within Zone No 6 (b)	Council
Land within Zone No 9 (b) where it involves an arterial or main road	Roads and Traffic Authority
Land within Zone No 9 (b) where it involves a local road	Council
Land within Zone No 5 (a) and marked "SCHOOL"	Minister for Education
Land within Zone No 5 (a) and marked "ELECTRICITY SUBSTATION"	Prospect County Council
Land within Zone No 5 (a) and marked "PARKING", "SANITARY" or "DRAINAGE RESERVE".	Council
Land within Zone No 5 (a) and marked "TREATMENT WORKS" or "PUMPING STATION" (being land within the area of operations of the Sydney Water Corporation)	Sydney Water Corporation
Land within Zone No 5 (a) and marked "TREATMENT WORKS" or "PUMPING STATION" (not being land within the area of operations of the Sydney Water Corporation).	Council

Part 2

Roads and Traffic Authority	Roads and Traffic Authority
Minister for Education	Director-General of Education
Prospect County Council	Chairman of the Prospect County Council
The Sydney Water Corporation	Chief Executive Officer of Sydney Water Corporation

32 Development for certain additional purposes

- (1) Nothing in this plan prevents a person, with the consent of the Council, from carrying out development on land referred to in Schedule 3 for a purpose specified in relation to that land in that Schedule, subject to such conditions (if any) as are so specified.

- (2) Subclause (1) does not affect the application, to or in respect of development to which that subclause applies, of such of the provisions of this plan as are not inconsistent with that subclause or with a consent granted by the Council in respect of the development.

32A Development for retail shopping and commercial centre purposes on certain land at Richmond

- (1) This clause applies to the land bounded by March, East Market, Lennox and Paget Streets, Richmond, as shown edged heavy black on the map marked "Hawkesbury Local Environmental Plan 1989 (Amendment No 47)".
- (2) Nothing in this plan prevents a person, with the consent of the Council, from carrying out development on land to which this clause applies for the purpose of a retail shopping and commercial centre. Subclauses (3) and (4) affect the grant of such a consent.
- (3) The council must not consent to the carrying out of development for the purpose of a retail shopping and commercial centre as referred to in subclause (2) unless the Council is satisfied that:
- (a) the gross floor space of all building will be at least 15,000 square metres, but not more than 25,000 square metres, and
 - (b) the development will include at least one comprehensive discount department store (having a gross floor space of at least 6,000 square metres) and at least one comprehensive supermarket (having a gross floor space of at least 3,500 square metres).
- (4) The Council must not consent to the carrying out of development referred to in subclause (2) after the third anniversary of the commencement of *Hawkesbury Local Environmental Plan (Amendment No 47)* or after such later date as the Minister may, before that third anniversary occurs, notify by order published in the Gazette.
- (5) Nothing in subclause (4) prevents the Council from consenting to the carrying out of alterations or extensions to a building or place being used for a purpose for which consent has been granted in accordance with this clause.
- (6) In this clause:

comprehensive discount department store means a department store containing a wide range of retail items including clothes and clothing accessories, shoes, homeware products, toys, sporting goods, hardware and home electrical products.

comprehensive supermarket means a supermarket containing a wide range of food and grocery items as well as a delicatessen, bakery and butchery.

gross floor space of a building does not include any public amenities or public parking or loading areas.

32B Development of land at Pitt Town (the Bona Vista property)

- (1) This clause applies to Lot 7, DP 979541, Bathurst Street, Pitt Town, as shown edged heavy red on the map marked "Hawkesbury Local Environmental Plan 1989 (Amendment No 53)".
- (2) Nothing in this plan prevents a person, with the consent of the Council, from subdividing the land to create 21 lots with the area of 20 of the lots so created to be each not less than 450 square metres nor more than 1 hectare. Subclauses (3), (4) and (5) affect the granting of such a consent.
- (3) The Council must not consent to the carrying out of the subdivision unless it is satisfied that adequate arrangements have been made for the supply of water and the disposal of effluent.
- (4) The Council must not consent to the carrying out of the subdivision if any of the lot boundaries encroach on the defined 2.109 hectare curtilage of "Bona Vista" as shown on the map titled "Plan of proposed curtilage area in Lot 1 DP 979541".
- (5) The subdivision is to allow the solar orientation of dwellings to the Council's satisfaction.

33 Certain development at Kurrajong Heights

- (1) This clause applies known as Little Island, Middle Island and Big Island, Kurrajong Heights, being lot 1, DP 184741 and lot 181, DP 701978.
- (2) Nothing in this plan prevents a person, with the consent of the Council, from subdividing the land to which this clause applies so as to create:
 - (a) 140 allotments of land at Middle Island, and
 - (b) 60 allotments of land at Little Island,where each allotment has an area of at least 2,000 square metres but not more than 5,000 square metres.
- (3) A person shall not carry out development referred to in subclause (2):
 - (a) on Middle Island, unless the Council is satisfied that development for the purposes of tourist facilities has substantially commenced on Big and Middle Island, or
 - (b) on Little Island, unless the subdivision of land on Middle Island has been completed in accordance with this clause and any conditions imposed by the Council on the grant of consent to that subdivision have been complied with.
- (4) The Council shall not grant consent to an application to carry out development referred to in subclause (2) on land to which this clause applies unless:
 - (a) the Council is satisfied that, in relation to the proposed development, adequate measures are proposed to reduce the likelihood of the spread of bushfires, soil erosion or pollution,
 - (b) the Council is satisfied that, in relation to the proposed development, adequate measures are proposed concerning traffic management both within the land and within the local road system, and

- (c) a buffer area, within which no development may be carried out other than development for the purpose of access from Middle Island to Big Island, will be provided along Big Island Creek within the land to the satisfaction of the Council.
- (5) The Council shall not grant consent to an application to carry out development referred to in subclause (2) after:
 - (a) 8 April 1992, or
 - (b) such later date as the Minister may, before the expiration of 4 years from the date referred to in paragraph (a), notify by Order published in the Gazette.
- (6) Nothing in subclause (5) prevents the Council from granting consent at any time to the carrying out of alterations or extensions to, or the rebuilding of, a building or place being used for a purpose for which consent has been granted in accordance with this clause.

33A Development of land at Yarramundi (Nepean Park)

- (1) This clause applies to the land shown edged heavy black on the map marked "Hawkesbury Local Environmental Plan 1989 (Amendment No 1)".
- (2) In considering an application to subdivide land to which this clause applies, the Council shall take into consideration the following matters:
 - (a) the reduction of bushfire hazards,
 - (b) the topography of the land,
 - (c) the areas of land suitable for the erection of dwelling-houses and associated structures with minimum risk of damage by bushfires,
 - (d) the susceptibility of the land to soil erosion and the measures to be taken to prevent such erosion,
 - (e) the amount of existing trees and other natural vegetation which would be removed as a result of the subdivision and any subsequent development of the allotment created by the subdivision,
 - (f) the effect on the Hawkesbury-Nepean River Valley of the subdivision and any subsequent development of any allotment created by the subdivision,
 - (g) whether the subdivision will result in significant alteration to the natural land form in any subsequent development by way of construction of access driveways, excavation, filling and the like,
 - (h) the effect of the subdivision on the visual quality of the area,
 - (i) the ratio of depth to frontage of each allotment to be created by the subdivision,
 - (j) the provision to the land of a water supply, facilities for sewage and waste disposal and drainage and electricity services.
- (3) The Council shall not grant consent to the subdivision of land to which this clause applies unless:
 - (a) the area of each separate allotment to be created by the subdivision is not less than 2700 square metres and not greater than 1 hectare, and

- (b) the total number of allotments which are created for rural-residential purposes by the subdivision does not exceed 122.
- (4) The Council shall not consent to the further subdivision of an allotment created in accordance with this clause.
- (5) The Council may consent to the erection of one, but not more than one, dwelling-house on each allotment created in accordance with this clause.
- (6) The Council shall not grant consent to the erection of a dwelling-house under subclause (5) unless it has made an assessment of the following matters:
 - (a) whether measures are to be taken to reduce the hazards of bushfires,
 - (b) the likely impact of the development on the visual amenity of the area,
 - (c) the amount of existing trees and other natural vegetation that would be removed as a result of the carrying out of the development,
 - (d) the likely disturbance to the landscape through clearing, earthworks, access roads and other construction works,
 - (e) whether landscape treatment is proposed to reduce the impact of buildings on their natural and rural settings,
 - (f) the provision to the land of a water supply, facilities for sewage and waste disposal and drainage and electricity services.
- (7) The land to which this clause applies shall not be cleared of vegetation except with the consent of the Council.
- (8) The Council shall not grant consent to the carrying out of development on the land to which this clause applies unless and until:
 - (a) (Repealed)
 - (b) if facilities for sewage disposal are not to be provided to the land by means of the Water Board's sewerage system—arrangements satisfactory to the Council have been made by the applicant (and, if the applicant is not the owner of the land, by the owner also) for the on-site disposal of sewage.

33B Certain development in the vicinity of the Richmond Railway Station

- (1) This clause applies to the land known as the Richmond Railway Station, Richmond, and adjoining land, being part of Section 12, Town of Richmond, as shown edged heavy black on the map marked "Hawkesbury Local Environmental Plan 1989 (Amendment No 6)".
- (2) The Council shall not grant consent to an application to carry out development on the land to which this clause applies unless the Council is satisfied that, in its opinion, provision is made for:
 - (a) adequate shopper and commuter car parking, and
 - (b) a bus/rail interchange, and
 - (c) the design of the development being compatible with the railway station and its surroundings, and

(d) sufficient curtilage in relation to and around the railway station.

33C (Repealed)

34 Suspension of certain laws etc

- (1) For the purpose of enabling development to be carried out in accordance with this plan (as in force at the time the development is carried out) or in accordance with a consent granted under the Act, the operation of any covenant, agreement or instrument imposing restrictions on the development, to the extent necessary to serve that purpose, shall not apply to the development.
- (2) Pursuant to section 28 of the Act, before the making of this plan the Governor approved of subclause (1).

35 Bush rock removal

A person shall not, on land to which this plan applies, remove bush rock.

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.

37 Land affected by aircraft noise

- (1) The Council must not grant consent to the carrying out of development on land within a 20 or higher ANEF contour for the purpose of a hospital, school, child care centre or for a residential purpose, unless the Council has taken into consideration the guidelines provided in AS2021 regarding noise reduction and construction requirements.
- (2) In this clause:

ANEF means the Australian Noise Exposure Forecast within the meaning of AS2021.

AS2021 means the Australian Standard AS2021–1994 (*Acoustics—Aircraft noise intrusion—Building siting and construction*) published on 21 February 1994

20 or higher ANEF contour means a noise exposure contour of 20 or higher ANEF as advertised by the Commonwealth Department of Defence (Air Office) in relation to Richmond RAAF Base.

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

(1) Consent usually required

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

Class of land as shown on Acid Sulfate Soils Planning Map **Works**

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

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

(2) For the purposes of the table to subclause (1), **works** includes:

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

(3) **Exception following preliminary assessment**

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

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

(4) **Considerations for consent authority**

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

- (a) the adequacy of an acid sulfate soils management plan prepared for the proposed development in accordance with the *Acid Sulfate Soils Assessment Guidelines*, and
- (b) the likelihood of the proposed development resulting in the discharge of acid water, and
- (c) (Repealed)

(5) **Public authorities not excepted**

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

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

38 Community use of school facilities and sites

- (1) If land to which this plan applies is used for the purposes of an educational establishment, the site and facilities of the establishment may, with the consent of the Council, be used for the purposes of meeting rooms, public halls, public libraries, entertainment, sport and recreation and for any other community purpose, whether or not any such use is a commercial use of the land.
- (2) Nothing in this clause requires development consent to be granted for the carrying out of development on any land if that development could, but for this clause, be carried out on that land pursuant to an environmental planning instrument without consent.

39 Carrying out of development specified in Schedule 4

Nothing in this plan shall be construed as restricting or prohibiting or enabling the Council to restrict or prohibit the carrying out of development of any description specified in Schedule 4.

39A Bed & breakfast accommodation

- (1) Nothing in this plan prevents a person from using an existing dwelling-house for the purpose of bed and breakfast accommodation without the consent of the Council.
- (2) In this clause, *bed and breakfast accommodation* means an existing dwelling-house, with not more than 4 bedrooms, used to provide short-term accommodation which may include meals.

40 (Repealed)

40A Certain development at Windsor and Bosworth Streets, Richmond

- (1) This clause applies to land known as Lot 6, Section 1, corner of Windsor and Bosworth Streets, Richmond, as shown edged heavy black on the map marked "Hawkesbury Local Environmental Plan 1989 (Amendment No 13)".
- (2) A person shall not carry out development on land to which this clause applies for the purposes of motor vehicle display and sales.

40AA Vehicular access—Windsor Street, Richmond

- (1) This clause applies to Lots 14–16, DP 23504, and known as Nos 27, 29 and 31 Windsor Street, Richmond, as shown by distinctive colouring, edged red and lettered "4 (b)" on the map marked "Hawkesbury Local Environmental Plan 1989 (Amendment No 19)" deposited in the office of the Council.
- (2) Despite any other provision of this plan:
 - (a) vehicular access to or from the land to which this clause applies by means of Windsor Street is prohibited, and

- (b) vehicular access to or from the land is permissible only by means of Lukis Avenue.

40B Use of tyres for landfill prohibited

- (1) A person must not use land to which this plan applies for burying used motor vehicle tyres.
- (2) This clause does not prohibit a person from burying the remains of a motor vehicle tyre which has been shredded or otherwise treated in a manner satisfactory to the Council.

40C Classification and reclassification of public land as operational

- (1) The public land described in Schedule 5 is classified, or reclassified, as operational land for the purposes of the *Local Government Act 1993*, subject to this clause.
- (2) In accordance with section 30 of the *Local Government Act 1993*, a parcel of land described in Part 2 of Schedule 5, to the extent that it is a public reserve, ceases to be a public reserve on the commencement of the relevant amending plan and, by the operation of that plan, is discharged from any trusts, estates, interests, dedications, conditions, restrictions and covenants affecting the land or any part of the land, except for:
 - (aa) those trusts, estates, interests, dedications, conditions, restrictions and covenants (if any) specified in relation to the land in Part 2 of Schedule 5, and
 - (a) any reservations that except land out of a Crown grant relating to the land, and
 - (b) reservations of minerals (within the meaning of the *Crown Lands Act 1989*).
- (3) Before the relevant amending plan that inserted a parcel of land described in Part 2 of Schedule 5 was made, the Governor approved of subclause (2) applying to the land.
- (4) In this clause, the **relevant amending plan**, in relation to a parcel of land described in Part 2 of Schedule 5, is the local environmental plan that inserted the description of the parcel of land into that Part.
- (4A) Land described in Part 3 of Schedule 5:
 - (a) to the extent (if any) that the land is a public reserve, does not cease to be a public reserve, and
 - (b) continues to be affected by any trusts, estates, interests, dedications, conditions, restrictions or covenants by which it was affected before its classification, or reclassification, as the case requires, as operational land.
- (5) Land described in Part 1 of Schedule 5 is not affected by the amendments made by the *Local Government Amendment (Community Land Management) Act 1998* to section 30 of the *Local Government Act 1993*.

41 Development of certain land at Windsor

- (1) This clause applies to land within the City of Hawkesbury, being part Lot A, DP 90446, corner of Macquarie and Brabyn Streets, Windsor, as shown edged heavy

black on the map marked "Hawkesbury Local Environmental Plan 1989 (Amendment No 20) deposited in the office of the Council.

- (2) A person shall not carry out development on the land referred to in subclause (1) for the purposes of motor vehicle display and sales.

41A Certain development at Comleroy Road, Kurrajong

- (1) This clause applies to Lots 20 and 21, DP 748280, Comleroy Road, Kurrajong, as shown edged heavy black on the map marked "Hawkesbury Local Environmental Plan 1989 (Amendment No 14)".
- (2) The Council must not grant consent to the carrying out of development on the land to which this clause applies unless satisfactory arrangements have been made for the on-site disposal of sewage. Those arrangements must be made by the applicant. If the applicant is not the owner of the land, the arrangements must not be made without the agreement of the owner.
- (3) The Council must not grant consent to the subdivision of land to which this clause applies unless:
- (a) the Council has considered the matters referred to in subclause (4), and
 - (b) the area of each allotment to be created by the subdivision is not less than 5,000 square metres, and
 - (c) the total number of allotments to be created that the Council is satisfied will be used for rural-residential purposes does not exceed 35, and
 - (d) the Council is satisfied that development for the purpose of a golf course has substantially commenced on the land, and
 - (e) the Council is satisfied that an integrated system of waste water management will be implemented and maintained on that land, and that water discharges and run-off from that land will maintain or improve existing levels of water quality.
- (4) In considering an application for consent to the subdivision of land to which this clause applies, the Council must take the following matters into consideration:
- (a) the reduction of bushfire hazards,
 - (b) the topography of the land,
 - (c) the areas of land suitable for the erection of dwelling-houses and associated structures with minimum risk of damage by bushfires,
 - (d) the susceptibility of the land to soil erosion and the measures to be taken to prevent such erosion,
 - (e) the amount of existing trees and other natural vegetation which is likely to be removed as a result of the subdivision and any subsequent development of the allotments to be created by the subdivision,
 - (f) the effect on the water quality of the Hawkesbury River as a result of the subdivision and any subsequent development of the allotments to be created by the subdivision,

- (g) whether the subdivision will result in significant alteration to the natural land form in any subsequent development by way of construction of access driveways, excavation, filling and the like,
 - (h) the effect of the subdivision on the visual quality of the area,
 - (i) the ratio of depth to frontage of each allotment to be created by the subdivision,
 - (j) the provision to the land of a water supply, facilities for sewage and waste disposal and drainage and electricity services.
- (5) The Council must not consent to the further subdivision of an allotment created in accordance with this clause.
- (6) The Council may consent to the erection of one, but not more than one, dwelling-house on each allotment created in accordance with this clause.
- (7) The Council must not grant consent to the erection of a dwelling-house as referred to in subclause (6) unless it has made an assessment of the following:
- (a) whether measures are to be taken to reduce the hazards of bushfires,
 - (b) the likely impact of the development on the visual amenity of the area,
 - (c) the amount of existing trees and other natural vegetation that would be removed as a result of the carrying out of the development,
 - (d) the likely disturbance to the landscape through clearing, earthworks, access roads and other construction works,
 - (e) the provision to the land of a water supply, facilities for sewage and waste disposal and drainage and electricity services.
- (8) The land to which this clause applies must not be cleared of vegetation except with the consent of the Council.

41AA Certain development in the Grose Wold area

- (1) This clause applies to the Grose Wold area, being all the land shown edged in red on the map marked "Hawkesbury Local Environmental Plan 1989 (Amendment No 64)".
- (2) In this clause:

Cumberland Plain Woodland means the endangered ecological community with that name referred to in Part 3 of Schedule 1 to the *Threatened Species Conservation Act 1995*.

original allotment means an allotment in existence at the date on which *Hawkesbury Local Environmental Plan 1989 (Amendment 64)* was gazetted.

- (3) Notwithstanding clause 11, the Council may grant consent to subdivision of land to which this clause applies containing an environmental constraint area only if:
- (a) the number of allotments to be created for a dwelling-house by the proposed subdivision will not exceed the area of the original allotment, in hectares, divided by 4, and

- (b) any allotment created for a dwelling-house will have at least one hectare of land that is not within an environmental constraint area.
- (4) The Council may grant consent for the subdivision of land to which this clauses applies only if:
- (a) the pattern of allotments created by the proposed subdivision and the location of any proposed buildings on those allotments will minimise the impact on any Cumberland Plain Woodland, any land within an environmental constraint area and watercourses, and
 - (b) a geotechnical assessment has been undertaken to demonstrate the land is adequate for the on-site disposal of effluent in accordance with best practice, and
 - (c) the Cumberland Plain Woodland and any land within an environmental constraint area is retained as undivided as possible, and
 - (d) in the opinion of Council, there will be no significant adverse impacts on Cumberland Plain Woodland or land within any environmental constraint area located downstream or surrounding the proposed development.
- (5) A person shall not carry out development on land located within 50 metres of the Grose River apart from rehabilitation of degraded sites and recreational activities such as use of walking trails, board walks and the like.
- (6) In considering an application for consent to the subdivision of land to which this clause applies, the Council must take the following matters into consideration:
- (a) the effect on the water quality and water quantity in the Grose River and its tributaries,
 - (b) the effect on the scenic quality of the area, and
 - (c) the effect on the riparian vegetation located along the Grose River and the effect on vegetation along drainage lines and creeks or any other vegetation located downstream or surrounding the land to be subdivided.

41B Development of land at Nos 34–36 Macquarie Street, Windsor

- (1) This clause applies to land, being part Lot A and Part Lot B, DP 380111, being Nos 34–36 Macquarie Street, Windsor, as shown edged heavy black on the map marked “Hawkesbury Local Environmental Plan 1989 (Amendment No 58)”.
- (2) The provision of vehicular access directly to Macquarie Street from the land to which this clause applies is prohibited.

41C Certain development at Ebenezer

- (1) This clause applies to land, being Lot 1, DP 824014, off Coromandel Road, Ebenezer, as shown edged heavy black on the map marked “Hawkesbury Local Environmental Plan 1989 (Amendment No 70)”.
- (2) Despite any other provision of this plan, a person may, with the consent of the Council, carry out development for the purpose of a dwelling-house on the land to which this clause applies.

- (3) The Council must not grant such a consent unless, in its opinion, satisfactory arrangements will be or have been made for vehicular access to be provided to the land.

41D Certain development—corner of Argyle Street and Fairey Road, South Windsor

- (1) This clause applies to Lot 202, DP 801553 and Lot 1, DP 574043, on the corner of Argyle Street and Fairey Road, South Windsor, as shown edged red and lettered “4 (a)” on the map marked “Hawkesbury Local Environmental Plan 1989 (Amendment No 77)”.
- (2) Despite clause 25, a person may, with the consent of the Council, erect a building on the land to which this clause applies.

42 (Repealed)

42A Certain development at The Islands, Kurrajong

- (1) This clause applies to Lot 182 DP 701978 (Little Island), Lot 181 DP 701978 (Middle Island) and Lot 1 DP 184741 (Big Island), Heritage Road, Kurrajong, as shown edged heavy red on the map marked “Hawkesbury Local Environmental Plan 1989 (Amendment No 71)”.
- (2) The Council may, subject to subclause (3), grant consent to the subdivision of Lot 182 DP 701978 (Little Island) into a maximum of 32 allotments in accordance with the *Community Land Development Act 1989*.
- (3) In considering an application for consent to the subdivision of land to which this clause applies, the Council must take the following matters into consideration:
 - (a) the reduction of bushfire hazards,
 - (b) the topography of the land,
 - (c) the susceptibility of the land to soil erosion and the measures to be taken to prevent such erosion,
 - (d) the amount of existing trees and other native vegetation which is likely to be removed as a result of the subdivision and any subsequent development of the allotments created by the subdivision,
 - (e) the effect on the water quality of Little Island and Middle Island creeks,
 - (f) whether the subdivision will result in significant alteration to the natural land form in any subsequent development by way of construction of access driveways, excavation, filling and the like,
 - (g) the effect of the subdivision on the visual quality of the area,
 - (h) the provision to the land of a water supply, facilities for sewage and waste disposal and drainage and electricity services.
- (4) The Council must not consent to the subdivision of the land referred to in subclause (2) unless:

- (a) the total number of allotments to be created by the subdivision on each of which the erection of a dwelling-house is permissible does not exceed 30, and
 - (b) the Council is satisfied that an integrated system of waste water management will be implemented and maintained on that land, and that water discharges and run-off from that land will maintain or improve existing levels of water quality, and
 - (c) the Council is satisfied that water will not be extracted from Little Island Creek or any other adjoining or nearby creek unless, in the opinion of the Council, the extraction will not have an adverse impact on the waterway concerned.
- (5) If the Council consents to the subdivision of the land referred to in subclause (2), the Council must not consent, so far as land situated in Zone No 7 (d) is concerned, to:
- (a) the further subdivision of Lot 182 DP 701978 (Little Island), or
 - (b) the subdivision of Lot 181 DP 701978 (Middle Island) and Lot 1 DP 184741 (Big Island),
- except by a minor boundary adjustment where no further allotments are created.
- (6) The Council must not consent to the carrying out of the subdivision referred to in subclause (2) after the fifth anniversary of the commencement of *Hawkesbury Local Environmental Plan (Amendment No 71)* or such later date as the Minister may, before that fifth anniversary occurs, notify by order published in the Gazette.
- (7) The Council may consent to the erection of one, but not more than one, dwelling-house on each of the 30 allotments created in accordance with this clause for the purpose of erection of dwelling-houses.
- (8) The Council must not consent to the erection of a dwelling-house as referred to in subclause (7) unless it has made an assessment of the following:
- (a) whether measures are to be taken to reduce the hazards of bush fires,
 - (b) the likely impact of the development on the visual amenity of the area,
 - (c) the amount of existing trees and other native vegetation that would be removed as a result of the carrying out of the development,
 - (d) the likely disturbance to the landscape through clearing, earthworks, access roads and other construction works,
 - (e) the provision to the land of a water supply, facilities for sewage and waste disposal and drainage and electricity services.
- (9) Land within Zone No 7 (d) to which this clause applies must not be cleared of native vegetation except with the consent of the Council.

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
 - (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.

44 Intensive agriculture

- (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.

- (2) In this clause:

intensive agriculture means intensive animal production or intensive horticulture.

intensive animal production means the holding of goats, poultry or other livestock in a confined area to be reared or fattened wholly or substantially on prepared or manufactured feed and, without limiting the generality of the above, includes:

- (a) the use of a poultry farm,
- (b) the use of a feedlot,
- (c) fish farming (which may consist of or include farming of crustaceans), or
- (d) the use of a piggery.

intensive horticulture means the growing of plants or fungi involving any of the following:

- (a) hydroponics,
- (b) artificial housing,

- (c) crop protection structures,
 - (d) market gardening,
 - (e) orcharding, or
 - (f) the growing of field flowers.
- (3) Despite any other provision of this plan, a person may carry out development for the purpose of intensive agriculture on land to which this clause applies only with development consent. However, this subclause does not require consent for the growing of produce or the keeping of livestock or poultry that the Council is satisfied are grown or kept only for the personal consumption or enjoyment of the occupier of the building or place at which they are grown or kept.
- (4) The council, in determining an application for consent required by this clause shall take into consideration the following matters:
- (a) the need to protect the quality of downstream watercourses,
 - (b) the need to conserve native vegetation,
 - (c) the need to protect environmentally sensitive areas, such as wetlands, riparian zones, endangered ecological communities and threatened species within the meaning of the *Threatened Species Conservation Act 1995*,
 - (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
 - (e) the need to limit the impact of development on flood liable land.

45 Prohibited signs

A person must not erect any of the following signs:

- (a) signs mounted on motor vehicles or trailers (whether registered or unregistered) where the vehicle or trailer is parked in a location or position for a period of time such that its principal function is for the display of an advertisement and not for the transportation of goods or people,
- (b) any form of advertising sign attached to telegraph poles, trees, street posts or the like.

46 Erection of dwellings in industrial zones

Notwithstanding any other provisions in this plan, the Council may consent to the erection of a dwelling on land within Zone No 4 (a) or (b) which is to be used in conjunction with an industrial use of the land.

48 Certain development at Macquarie Street, Windsor

- (1) This clause applies to land being part of Lot 19, DP 1024573, No 94 Macquarie Street, Windsor, as shown edged red on the map marked "Hawkesbury Local Environmental Plan 1989 (Amendment No 127)".
- (2) Despite any other provision of this plan, a person may, with the consent of the Council, carry out development for the purposes of a motor showroom on the land to which this clause applies.

49 Certain development at Macquarie Street Windsor

- (1) This clause applies to land being Lot 30 9 DP 136234, No 10 Macquarie Street, Windsor, as shown edged red on the map marked "Hawkesbury Local Environmental Plan 1989 (Amendment No 118).
- (2) Despite any other provision of this plan, a person may, with the consent of the Council, carry out development for the purposes of a motor showroom on the land to which this clause applies.
- (3) The Council must not grant such a consent unless, in its opinion, satisfactory arrangements will be or have been made for vehicular access to be provided to the land.

50 Certain development on Lot 1 DP 838854, No 484 Terrace Road, Freemans Reach

- (1) This clause applies to Lot 1 DP 838854, No 484 Terrace Road, Freemans Reach as shown edged in red on the map marked "Hawkesbury Local Environmental Plan 1989 (Amendment No 119)".
- (2) Despite clause 11, the Council may consent to a subdivision of land to which this clause applies only if:
 - (a) the Council has considered the matters set out in subclause (3), and
 - (b) the number of allotments to be created by the subdivision does not exceed 6 (including any community allotment), and
 - (c) a geotechnical assessment has been undertaken and submitted to the Council that demonstrates that the land is adequate for on-site disposal of effluent in accordance with best practices, and
 - (d) in the opinion of the Council there are no significant adverse impacts on Cumberland Plain Woodland (within the meaning of clause 41AA) from any proposed or likely development on the land following the subdivision, and
 - (e) an assessment has been made and submitted to the Council of the impact on scenic quality of the area of any proposed or likely development on the land following the subdivision, and
 - (f) an assessment has been made and submitted to the Council of the impact on the escarpment area of any proposed or likely development on the land following the subdivision.
- (3) Before consenting to the subdivision of land to which this clause applies, the Council must consider the effect of any proposed or likely development following the subdivision on the following:
 - (a) water quality and water quantity in the Hawkesbury River and its tributaries,
 - (b) the scenic quality of the area,
 - (c) the escarpment area (including the likelihood of landslip along the escarpment),
 - (d) the landscape of the land and its surroundings (especially the impact of clearing, earthworks and other construction works),

- (e) any threatened species or endangered ecological community within the meaning of the *Threatened Species Conservation Act 1995*.
- (4) The Council may consent to the erection of one, but not more than one, dwelling-house on each allotment (excluding any community allotment) created by a subdivision made in accordance with this clause.
- (5) Clearing of native vegetation on land to which this clause applies may only be carried out with the consent of Council.

51 Service shops in industrial zones

- (1) Despite the other provisions of this plan, development may be carried out, with the consent of the Council, on land within Zone No 4 (a) or 4 (b) for the purpose of service shops that are primarily intended to serve people employed or engaged in activities that are permitted in either of those zones.
- (2) In this clause, **service shops** means banks, chemist shops, dry-cleaning establishments, hairdressing salons, newsagencies, photographic outlets, post offices and takeaway food outlets.

52 Development for the purpose of certain commercial premises or shops on land within Zone No 3 (b)

- (1) This clause applies to land within Zone No 3 (b).
- (2) Despite the other provisions of this plan, a person may, without the consent of the Council, carry out development for the purposes of business special commercial premises or business special shops on the land to which this clause applies.
- (3) In this clause:

business special commercial premises means commercial premises with a gross floor area of 1,000 square metres or less.

business special shop means a shop with a gross floor area of 200 square metres or less.

gross floor area does not include any public amenities, public parking or loading areas.

53 Recreation areas on land classified as community land

Development for the purpose of recreation areas may be carried out, in accordance with the plan of management applying to the land and without consent of the Council, on land classified as community land under the *Local Government Act 1993*.

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.

54 Pitt Town—heritage

- (1) This clause applies to development on all land shown on the map marked “State Environmental Planning Policy (Major Projects) Amendment (Pitt Town) 2008 Pitt Town Site Heritage Map”.
- (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) be satisfied that any necessary excavation permit required by the *Heritage Act 1977* has been granted.
- (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) of the

development application and take into consideration any comments received in response within 21 days after the notice was sent, and

- (c) be satisfied that any necessary consent or permission under the *National Parks and Wildlife Act 1974* has been granted.

(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.

55 Pitt Town—subdivision and regional transport infrastructure

- (1) This clause applies to development on all land shown pink or tan on the map marked “State Environmental Planning Policy (Major Projects) Amendment (Pitt Town) 2008 Pitt Town Site Land Zoning Map”.
- (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 18 August 2006, or

(b) 10 hectares, in the case of land that was in the Environmental Protection Agriculture Protection (Scenic) zone immediately before 18 August 2006,

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.

56 Savings in relation to development applications made before the commencement of State Environmental Planning Policy (Major Projects) Amendment (Pitt Town) 2008

If a development application is made before the commencement of *State Environmental Planning Policy (Major Projects) Amendment (Pitt Town) 2008* and is not finally determined before that commencement, the application is to be determined as if that policy had not been made.

57 Certain development on Lot 1, DP 827148, Richmond Road, Clarendon

(1) This clause applies to Lot 1, DP 827148, Richmond Road, Clarendon, as shown coloured purple on the map marked "Hawkesbury Local Environmental Plan 1989 (Amendment No 153)".

(2) Despite any other provision of this plan, the Council must not grant consent to the carrying out of development on the land to which this clause applies unless, after consultation with the Department of Defence, it has considered the effect of the proposed development on the aircraft operations of the RAAF Base Richmond with respect to:

- (a) the height of any proposed building, having regard to any Obstruction Clearance Surfaces (OCS) applying to the land as determined by the Department of Defence from time to time, and
- (b) the reflectivity of materials used on any proposed building, and
- (c) any proposed building to be erected satisfying the provisions of Australian Standard AS 2021-2000, *Acoustics-Aircraft noise intrusion-Building siting and construction*, and
- (d) birdlife attraction, and
- (e) any other requirements of the Department of Defence.

Schedule 1 Heritage items

(Clause 5 (1))

Proposed notation

1 Richmond**Bosworth Street:**

Nos 19–21, part lot 6, Section 1, DP 75881. (1)

No 24, lot 1, DP 598169, vol 13795, fol 138. (2)

Nos 25–29, lots 7, 8 and 9, Section 2, DP 5905. (3)

No 35, lot 2, DP 518997. (4)

No 42, lot 1, DP 564874. (5)

Nos 49–51, lot B, Section 3, DP 153561. (6)

No 55, Victorian Residence, lot 18, DP 770857. (486)

Bourke Street:

“The Presbytery”, No 1A, lot 1, DP 874822. (7)

Former railway cottage, lot 1, DP 836577. (8)

Stable Square, Blacksmith Shop and Administrative Block, Hawkesbury Agricultural College, lot 182, DP 39768. (9)

Grandstand, Hawkesbury Agricultural College, lot 182, DP 39768. (10)

East Richmond Railway Station. (11)

No 35, lots 4 and 5, DP 210175. (12)

Burgess Street:

No 8, lot B, Section 15, DP 158162. (13)

Castlereagh Road:

“Hobartville” (including outbuildings), lots 206, 207, 208, 211, 212, DP 260361, lots 1, 2 and 3 DP 596558. (14)

Chapel Street:

“Josieville”, No 2, corner lot 1, DP 634986. (15)

"Inew Cottage", No 7, lot 1, DP 564060. (16)

No 9, lot 1, DP 199910. (17)

Avenue of trees east and west side of street. (18)

Conrad Street:

No 13, lot 1, DP 734068. (19)

No 15, lot 1, DP 742918. (20)

Dight Street:

"Clarendon", Dight Street (Servants Quarters), lot 8, M.P.S. (R.P.) 1485, lot 2, DP 542738.
(21) Cemetery, lot 1, DP 724131, corner Jersey Street. (22)

East Market Street:

Richmond Railway Station, part of Section 12, Town of Richmond, Richmond. (22)

Edwards Road:

Hawkesbury Agricultural College River Farm, Portion 19 Parish of Ham Common. (23)

"The Pines" residence and trees, No 149, lot 21, DP 659030. (24)

Georgian Farmhouse, No 216, lots 1 and 2, DP 229549. (25)

Francis Street:

No 5, lot 9, DP 863991. (26)

No 7, lot 8, Section 26, DP 758881. (27)

No 13, lot 5, DP 329624. (28)

"Tara", No 21, lot 17, DP 525067, vol 10624, fol 93. (29)

No 26, lot 1, DP 549235. (30)

No 60, lot 2, DP 508876. (31)

"Benson House", No 61, lots 1 and 2, DP 212262. (32)

No 87, lot 570, DP 859752. (33)

No 119, lot 3, DP 563230. (34)

No 128, lot 1, DP 568122. (35)

"Kialla", No 130, lot B, DP 157489 (previously lot 3, resub part lot 1, Section 4). (36)

“Zeta”, No 132, lot 1, DP 513769. (37)

“Clear Oaks”, (Moxey’s Farm House), No 135, lot 100, DP 789415. (38)

No 142, lot 1, DP 112529. (39)

Inalls Lane:

“Mountain View”, (Farm House), No 22, lot 12, DP 588270. (40)

Residence, No 34, lot 1, DP 605143. (41)

Lennox Street:

No 35, Cottage, lot 3, DP 862014. (484)

No 56, Lot 2, DP 511504. (42)

No 63, lot 21, DP 872925. (43)

No 67, Cottage, lot 21, DP 872925. (480)

No 72, lot 1, DP 160850. (44)

No 74, lot A, resub part lot 1, Section 14. (45)

No 80, Cottage, lot 221, DP 864634. (491)

“Carsisle”, No 82, lot 21, DP 567749. (46)

No 88, lot 5, Section 10, DP 758881. (47)

No 90, lot 1, DP 198910. (48)

No 102, lot 2, DP 207974. (49)

No 112, lot 2, DP 802849. (50)

Nos 114 and 116, lot 3, Section 6A and lot 1, DP 802849. (51)

No 122, lot 1, DP 995974. (52)

March Street:

No 8, Cottage, lot 1, DP 745386. (481)

No 9, lot 12, DP 828171. (54)

No 16, part lot 2, Section 22, DP 758881. (55)

No 20, lot 3, Section 22, DP 758881. (56)

No 22, corner lot 4, DP 997295. (57)

No 52, Cottage, part lot 5, Section 17, DP 758881. (487)

No 56, corner lot 1, DP 196963. (58)

No 64, lot 21, DP 872925. (59)

No 66, lot 21, DP 872925. (60)

No 70, lot 21, DP 872925. (61)

No 78, Cottage, lot 21, DP 872925. (488)

No 80, lot 21, DP 872925. (62)

No 82, Cottage, lot 21, DP 872925. (489)

No 102, lot A, Section 9. (64)

No 104, lot 9, DP 560756. (63)

No 106, lot 7, DP 519019. (65)

“Pangelis”, No 118, lot 6, DP 558573. (66)

No 120, lot 2, DP 567636. (67)

No 130, corner lot 1, DP 528719. (68)

“Rutherglen”, Nos 154–158, lot A, DP 405514, Section 6. (69)

Former Richmond Council Chambers, corner West Market Street, lot A, DP 313725. (70)

No 155, lot 1, DP 774156. (71)

No 160, Cottage, lot 101, DP 700887. (482)

No 162, Cottage, lot 2, Section 6, DP 151321. (483)

No 190, lot 1, DP 199860. (72)

Moray Street:

No 21, part lot 4, Section 16. (74)

No 24, lot B, DP 161177. (75)

Paget Street:

Residence and Iron Works. No 3, lot 7, DP 3770 and part lot 8, Section 11. (76)

No 9, lot 4, Section 11, DP 3770. (77)

No 10, Former Methodist Church, part lot 1, Section 15, lot 1, DP 995840. (492)

No 59, lot 9, DP 634613. (78)

Pitt Street:

No 31, corner Bowman Street, lot A, DP 337953. (79)

Teviot Street:

No 34, lots 1 and 2, DP 803737. (80)

No 46, part lot 1, Section 19, book 1759, no 526. (81)

The Driftway:

McMahon Homestead, No 26, lot 1, DP 737688. (82)

Toxana Street:

No 12, lot 22, DP 4906. (83)

West Market Street:

School of Arts, No 26, corner lot 1, DP 113087. (84)

Former Richmond Rest Home, No 27, lot 1, DP 313724 and part lot 9, Section 5, DP 975360. (85)

Hall, rear of Masonic Temple, lot A, DP 182902. (86)

Masonic Temple, lot A, DP 182902. (87)

St Andrews Uniting Church Hall, lot 1, DP 196617. (88)

St Andrews Uniting Church, lot 1, DP 196617. (89)

No 2, Cottage, lot 11, Section 7. (478)

No 11, (shop, former barn), lot 1, DP 770613. (90)

No 30, lot 1, DP 198726, (part lots 6 and 7, DP 964222). (91)

No 38, lot 2, DP 38231. (92)

Windsor Street:

Avenue of plane trees along eastern approach to Richmond. (93)

- No 61, lot 3, DP 527542. (94)
- No 63, lot 13, DP 547659. (95)
- No 65, lot 2, DP 513998. (96)
- No 67, lot C, DP 372517. (97)
- No 70, lot A, DP 375626. (98)
- No 82, Cottage, lots D and E, DP 164971. (490)
- No 89, lot 6, DP 519411. (99)
- Gate Post at "Kamilario" at entrance to Richmond Public School, No 93. (100)
- "Vicky's House", No 106, lot 3, SP 42964. (101)
- No 117, lot 1, DP 71437. (102)
- Nos 122–124, lot 3, DP 18586. (103)
- No 125, corner lot 3, Section 11, DP 3770. (104)
- No 126, lot 21, DP 713157. (105)
- No 127, lot 2, Section 11, DP 3770. (106)
- No 129, lot 1, Section 11, DP 3770. (107)
- No 131, lot 25, DP 4906. (108)
- No 133, lot 24, DP 4906. (109)
- No 135, corner lot 23, DP 4906. (110)
- "Regent Theatre", No 145, lot 2, DP 514053. (111)
- No 179, part lot 4, Section 7, no 454, book 1894. (112)
- Shops, No 189, lot 1, DP 544317. (113)
- "The Commercial Hotel", Nos 191–193, lot 1, DP 577982. (114)
- Shops, Nos 201–205, lot 1, DP 232921 and lots 11 and 12, DP 609265. (115)
- Westpac Bank, No 237, lot A, DP 83011. (116)
- Nos 239–243, corner lot 1, DP 770613. (117)
- No 245, lot 30, DP 811849. (118)

Shop, Nos 255 and 257–259, lot 1, DP 714745 and lot 1, DP 798313. (119)

Post and telegraph office and stables, No 286, lot 180, DP 41869. (120)

Court House and Police Station, No 290, corner unnumbered lot, Section 8, DP 758881. (121)

No 295, corner Bosworth Street, lot 1, SP 33332. (122)

No 312, lot 1, DP 67973. (123)

No 315, lot 2, DP 817350. (124)

“Eltham”, No 317, lot 1, DP 817350. (125)

No 335, corner lot B, DP 744729. (126)

No 337, lot A, DP 743154. (127)

No 339, lot 1, DP 738701. (128)

Anglican Church Hall and Cemetery, St Peters Church, unnumbered lot, lot 8, DP 238149 and lot 2, DP 547256. (129)

Former “Black Horse Inn” lots A and B, DP 335179 and lot A, DP 154628. (130)

“Royal Hotel” No 167, corner lot 1, DP 123560. (131)

St Monica’s Roman Catholic Church, lot 1, DP 874822. (132)

Richmond Park Pavilion and Statue, corner East Market Street and March Street, part lot 8, DP 238149. (133)

St Peter’s Anglican Church and Rectory. (134)

“Toxana”, No 147, lot C, DP 330610. (135)

Former Commercial Banking Company of Sydney Ltd. bank and stables, No 294, lot 1, DP 905037. (136)

“Bowman House”, Nos 368–370, lots A and B, DP 161485, Section 2, book 1973, no 507. (137)

2 Windsor

Anschau Crescent:

“Anschau House”, No 1, lot 2, DP 31098. (138)

Baker Street:

“Uralla”, No 3, lot 1, DP 135466. (139)

No 9, lot 1, DP 572611. (140)

No 11, lot 1, DP 111632. (141)

Brabyn Street:

Nos 1–3, 2 cottages, lot A, DP 157660 and lot 2, DP 741816. (142)

No 9, lot D, DP 162851. (143)

No 15, lot 5, DP 520176. (144)

No 18, lot C, DP 419588. (145)

No 21, Railway Cottage, lot 1, DP 736139. (146)

Bridge Street:

No 20, lot 2, DP 420926. (147)

“Lock Up” Ruin, lots 10 and 11, Section 10. (148)

Stables at rear of Police Station, lots 10 and 11, Section 10. (149)

The Toll House, lot 1, DP 583229. (150)

“The Windsor Tavern”, lot 2, DP 731080 and lot 1, DP 84858. (151)

Catherine Street:

Nos 2–4, lots 371 and 372, DP 813236. (152)

Nos 5–7, lot 1, DP 573726 and part C, part Portion 21, Parish of St Matthew. (153)

“The Bell Inn”, corner Little Church Street, lots 1 and 2, SP 56964. (154)

Church Street:

Windsor Presbyterian Cemetery, part Section E. (155)

Claremont Crescent:

“Claremont Cottage”, lot 11, DP 816462. (156)

Court Street:

Old Barrack Wall, lots 10 and 11, Section 10. (157)

Day Street:

“Trevallyn”, lot 9, DP 544842. (158)

Dight Street:

Public School, lot 1, DP 724345. (159)

Fitzgerald Street:

No 1, lot 1 and part lots 2 and 3, DP 731707. (160)

“Sunny Brae”, (Paine House), No 12, lot 21, DP 603166. (161)

“Mackenzie House”, No 29, lot 2, DP 580289. (162)

Uniting Church and Hall, corner Macquarie Street, lot 1, DP 34642. (163)

Forbes Street:

No 12, lot 1, DP 199020. (164)

No 16, lot 1, DP 572164. (165)

George Street:

No 27, lot 2, DP 212542. (166)

No 31, lot 3, DP 411. (167)

No 32, part lot 15, DP 411. (168)

No 34, lot 34, DP 742262. (169)

No 35, lot 2, DP 411 and lot 2, DP 770964. (170)

No 40, lot 1, DP 713478. (171)

No 41, unnumbered lot, Section 11, DP 759096, (lot 1, DP 995355). (172)

No 45, unnumbered lot, Section 11, DP 759096. (173)

No 43, part lots 1 and 6, Section 11, DP 759096, (lot 1, DP 203668). (174)

No 48, lot 3, Section 10, DP 759562. (175)

Shops, Nos 111–113, lots 111 and 112, DP 739120. (176)

Nos 115–119, lot 101, DP 737270. (177)

No 123, part lot C, Section 5, vol 1848, fol 272. (178)

“Loder House”, No 126, lot 1, DP 580752. (179)

No 127, lot 8, DP 607128. (180)

Nos 129–131, lot B, DP 32825. (181)

- Nos 133–135, lot A, DP 32825. (182)
- Nos 134–136, corner lot 2, DP 659668. (183)
- No 137, corner lot 1, DP 448270. (184)
- Former Commercial Banking Company of Sydney Ltd., No 141, lot A, DP 160933. (185)
- Former Bank of New South Wales, No 146, lot 4, DP 558970. (186)
- No 156, Commonwealth Bank, lot 3, DP 558970. (187)
- “Fitzroy Hotel”, Nos 157–161, lot 1, DP 83287. (188)
- Nos 158–160, lot 1, DP 742050 and lot 2, DP 537539. (189)
- Nos 162–166, lot X and N, DP 161323 and lot 3, DP 259300. (190)
- Shop, Nos 167–169, lots 56 and 57, book 1367, no 341. (191)
- Shops, Nos 153–155, lot C, DP 394938. (192)
- Nos 181–187, lot 1, DP 227084. (193)
- No 189, lot 11, DP 876951. (194)
- Nos 194–196, corner part Portion 20, Parish of St Matthew, vol 1585, fol 276. (195)
- Nos 198–202, part Portion 20, DP 75108, Parish of St Matthew. (196)
- Nos 199–201, corner part Portion 20, Parish of St Matthew. (197)
- Nos 204–206, lot 1, DP 596806. (198)
- “Royal Exchange Hotel”, Nos 205–209, corner part Portion 20, DP 335111, Parish of St Matthew. (199)
- Shop, Nos 226–228, DP 60840. (200)
- No 242, lot 1, DP 566382. (201)
- Former inn, No 265, corner lot 25, DP 82467. (202)
- Former “The Royal Theatre”, No 266, corner lot 1, DP 435895. (203)
- No 267, lot 2, DP 602252, book 927, no 891. (204)
- No 268, corner part lot 2, DP 67626. (205)
- No 271, part Portions 20 and 21, Parish of St Matthew. (207)
- No 275, lot B, DP 155672. (208)

No 279, lot 1, DP 702967. (209)

No 285, lot 1, DP 784340. (210)

No 287, DP 70337 (residence and surgery). (211)

No 291, lot 2, DP 226437. (212)

Well structure, No 300, lot 50, DP 875355. (514)

No 301, lot 2, book 638, no 744. (213)

No 303, lot 3, DP 702966. (214)

No 307, lot 1, DP 198135. (215)

No 308, Lot A DP 159779. (516)

No 310, Lot B DP 159779. (517)

Shop No 319, lot 3, DP 535804. (216)

“Mrs. Cope’s Cottage” No 312, DP 605013. (217)

Bandstand Rotunda, McQuade Park, corner George and Tebbutt Streets, lot 1, DP 556829. (218)

Former Windsor Council Chambers, No 325, lot 4, Section 12, DP 759096. (219)

“Tates Hotel”, No 335, (corner Tebbutt Street), lot A, DP 84001. (220)

“The Reverend Turner Cottage” (formerly “Oxalis Cottage”), No 360, part lots 54–59, Section C, vol 1916, fol 192. (221)

No 393, lots 8 and 9, Section 9, DP 1093. (222)

No 394, Shop, lot 2, DP 499865. (223)

No 396, Cottage, lot 73, Section K, DP 759096. (477)

No 440, lot 6, DP 38768. (224)

No 450, Cottage, corner lot 1, DP 38768. (471)

No 456, lot 1, DP 838389. (225)

No 458, lot A, DP 162585. (226)

No 464, Workman’s Cottage, lot 5, Section P, DP 759096. (472)

“Glenroy”, No 465, lots 15 and 16 and part lot 17, Section O, DP 759096 and lot 1, DP 195535. (227).

Nos 482–486, 3 Cottages, lots 1, 2 and 3, DP 736578. (228)

“Railway Hotel”, No 419, lot 1, Section D, DP 1093. (229)

No 540, lot 2, DP 400616, Section V. (230)

No 546, lot 1, SP 36706. (231)

No 550, lot B, DP 421200, Section V. (232)

No 607 (former Windsor Grammar School), lot 1, DP 546895. (233)

War Memorial, McQuade Park. (234)

Former Windsor Post Office, No 180, lot 1, DP 771874. (235)

Windsor Railway Station, lot 2, DP 736139. (236)

Greenway Crescent:

Nos 29–29A, (formerly Cornwallis Road), lot 2, DP 816755. (237)

Johnston Street:

Nos 23–27, lot 1, DP 800664. (238)

Kable Street:

Masonic Temple, No 22, lot 1, DP 998061. (239)

Little Church Street:

Nos 1–3, lot B and part lots 9 and 10, book 1885, no 642 and part lot 9, Section 13, book 3197, no 630. (240)

No 17, lot 16, Section 13, DP 759096. (241)

No 21, part lots 14 and 15, Section 13, DP 759096. (242)

Nos 23–25, part lots 13 and 14, Section 13, (lot 1, DP 743317). (243)

Macquarie Street:

“Elourea”. No 33, Cottage, lot 3, DP 2995. (476)

No 49 (former Methodist Parsonage), lot 1, DP 593611, vol 13689, fol 176. (244)

No 95, Shop and dwelling, unnumbered lot. (246)

Dedication Stone, Hawkesbury Hospital, corner Christie Street, lot 104, DP 759096. (245)

Ashlar Morgue Building, main hospital block and brick fence, Hawkesbury Hospital, corner Christie Street, lot 104, DP 759096. (513)

No 202, Semi-detached Cottage, lot 1, DP 225681. (474)

No 204, Semi-detached Cottage, lot 2, DP 225681. (475)

No 205, lot 1, DP 511364. (516)

No 209, Workman's Cottage, lot 20, Section P, DP 759096. (473)

Mileham Street:

No 8, lot B, Section A, DP 373884. (247)

"Woodside", (former Melville Cottage), No 39, lot 18, Section L, DP 998546. (248)

Moses Street:

St Matthew's Anglican Church and Cemetery, lot 1, DP 556829. (249)

St Matthew's Rectory and Stables, lot 17, DP 37952. (250)

New Street:

No 1, lot 1, DP 783338. (251)

Anglican Church Hall, No 7, lot 1, DP 194342. (252)

North Street:

North Street Conservation Area including the following heritage items: (253)

House No 25, lot 201, DP 593790.

House No 28, lot 1, DP 749299.

House Nos 31–33, lot 19, DP 745851.

House No 35, lot 181, DP 593791.

House Nos 37–39, lot 182, DP 593791.

Court House, No 34, lot 16, DP 759096.

Palmer Street:

"Peninsula House" and Observatory, lot 1, DP 731655. (254)

Percival Street:

“Jonlyn”, No 144, lots 12 and 13, DP 563483. (255)

Richmond Road:

No 42, lot 5, DP 17635. (318)

“Fairfield House”, lot 8, DP 556639. (256)

No 52, Fairfield House Gateway, lot 1, DP 243057. (257)

No 22, lot 6, DP 16626. (258)

Windsor Roman Catholic Cemetery, corner George Street, Richmond Road and Macquarie Street, part lots 1 and 3, Section K, DP 759096. (259)

Tebbutt Street:

“Fitzroy Cottage”, No 2, lot 1, DP 734005. (260)

No 4, part lots 12 and 14, Section 13, book 112, no 48. (261)

No 6, Victorian Villa, lot 1, DP 124494. (470)

St Matthew’s Roman Catholic Church, lot 1, DP 872759. (262)

The Terrace:

No 74, lot 2, DP 816331. (263)

“Crescentville”, No 80, lot 1, DP 816331. (264)

“Riverview Cottage”, No 86, lot A, DP 162170. (265)

“Hill Crest”, No 88, lot 2, DP 153216. (266)

“Lindfield House”, No 94, part Portion 20, Parish of St Matthew, lot 16, 51 (N). (267)

No 98, lot 1, DP 745516. (268)

No 100, lot 1, DP 712383. (269)

No 92, Lot 15, Section 13. (271)

No 105, Lot 2, DP 12710. (272)

Thompson Square:

Thompson Square Conservation Area including the following heritage item: (273)

“The Doctor’s House”, 1–3 Thompson Square, lot B, DP 161643 and lot 1, DP 196531.

No 5, Thompson Square, lot 1, DP 745036.

Museum, No 7, Thompson Square, lot 1, DP 60716.

Thompson Square, part George Street, part The Terrace, and part Bridge Street.

Macquarie Arms Hotel, lot 1, DP 864088.

Public Reserve, Thompson Square, lot 345, DP 752061.

House No 4, Bridge Street, lot 10, DP 666894.

House No 6, Bridge Street, lot 1, DP 995391.

House No 10, Bridge Street, corner part lot A, DP 381403.

Former School of Arts, Bridge Street, Lot C, DP 379996, lot 10, Section 10, DP 759096 and lot 1, DP 996417.

No 17, Bridge Street, part lot 1, DP 555685.

Nos 62–68, George Street, lots 1 and 2, DP 555685 and unnumbered lot.

Nos 70–72, George Street, lot 1, DP 87241.

“AC Stearn Building”, No 74, George Street, lot 11, DP 630209.

Shops, Nos 80–82 George Street, lot 10, DP 630209.

No 88, George Street, lots 1 and 2, DP 233433.

Nos 92–98 George Street, lot 1, DP 730435 and part lot 2, DP 730435.

Windsor/Wilberforce Road:

“Bridgeview”, No 27, part lot A, DP 370895, (corner Freemans Reach Road). (274)

Lot 616, DP 863291. (275)

Windsor Bridge, MR 182 Hawkesbury River. (276)

3 Pitt Town

Bathurst Street:

No 22, lot 1, DP 986055. (277)

“Samuel Cox’s House”, rear No 24, lot 1, DP 708230. (278).

No 81, (former “Bird in the Hand Inn”), lot 1, DP 786863. (279)

Scots Uniting Church, lots D and F, DP 392264. (281)

St James Anglican Church, No 110, part Portion 7, Parish of Pitt Town. (283)

No 126, part Portion 42, Parish of Pitt Town. (284)

“Vine House”, No 132, lot 1, DP 211941, part Portion 42, Parish of Pitt Town. (285)

No 96, lot 1, DP 719885. (287)

Slab barn, No 85, lot 3, DP 627983. (280)

“Macquarie Arms Inn” complex (former inn and slab barn), No 104, part lot 2, DP 515997. (282)

“Bona Vista” House and slab barns 10A, 10B, 10C and 10D, and a curtilage area of 2.109 hectares in a rectangle shown edged red, lot 7, DP 979541. (286)

Slab barn and house No 142, lot 2602, DP 1003585. (288) (CH2)

Slab cottage and slab barn, No 134, part Portion 42, DP 798866, Parish of Pitt Town and lot 1, DP 735426. (468)

Slab barn, No 89, lot 1, DP 627983. (469)

Slab barn No 140, lot 1, DP 779079. (CH1)

Buckingham Street:

“Strathmore”, No 22, Cottage and slab barn, lots 1 and 2, DP 550651. (290)

Pitt Town Public School and Residence, lot 55, DP 851875. (291)

Chatham Street:

Slab barn, lot 4, DP 746764. (292)

House and slab barn, No 8, lot 1, DP 785736. (293)

Grenville Street:

“Royville”, No 1, lot 1, DP 777853. (294)

No 10, lot 1, DP 741079. (296)

Hall Street:

“Cleary’s House”, Nos 14–18, lots 11 and 12, Section 1, DP 997997. (297)

“Wilbows Stone Cottage”, No 94, lot 1141, DP 635489. (298)

Hawkesbury Street:

“Lone Acre”, No 4, lots 1–15, Section 2, DP 979242. (299)

Old Stock Route Road:

Cemetery, lot 2, DP 544186. (301)

Old Pitt Town Road:

Cemetery. (302)

Pitt Town Road:

“Lynwood”, No 253, lot 3, DP 54695. (303)

“Huxley’s Blacksmith Shop”, No 292, lot 11, DP 10192. (304)

Pitt Town Bottoms Road:

No 217, house and barn, lot 22, DP 730868. (305)

No 293, slab barns, lot 1, DP 202281. (307)

No 343, slab barns, lot 3, DP 618213. (309)

No 163, slab barn, lot 33, DP 752050. (270)

No 283, slab barn, lot 2, DP 202281. (306)

No 333, house and slab barn, lot 1, DP 774609. (308)

No 231, house and two slab barns, lot 21, DP 730863. (461)

No 251, house and slab barn, lot 16, DP 776017. (462)

No 259, house and slab barn, lot 17, DP 776017. (463)

No 265, slab barn, lot A, DP 161126. (464)

No 303, slab barn, lot 26, DP 752050. (465)

No 313, house and slab barn, lot 1, DP 778704. (466)

No 353, slab barn, lot 1, DP 569711. (467)

Punt Road:

Former Manse Farm house, lot 101, DP 635129. (310)

4 McGraths Hill

Beddeck Street:

“Spring Hill Farm”, house and barn, part Portions 249 and 250, Parish of Pitt Town, lot 1, DP 743108. (311)

Charles Street:

Cemetery, part Portion 249, DP 752050, Parish of Pitt Town. (312)

Clare Crescent:

“Killarney Homestead”, (Clare House), No 23, lot 4, DP 247391. (313)

Pitt Town Road:

No 96, lot 3, DP 242319, (corner Wolseley Road). (314)

Windsor Road:

“McGraths Hill Inn”, corner lot 1, DP 702263. (315)

Pair of cottages, lot 1, DP 986076. (316)

5 Clarendon

Racecourse Road:

Clarendon Railway Station. (317)

Richmond Road:

No 211, lot 1, DP 745143. (319)

No 221, part Portion 63, Parish of St Matthew. (320)

“Rhodesia”, No 210, lot B, DP 160847. (321)

“Prestonville”, No 162, lots 2 and 3, DP 700263. (322)

6 Cattai

Main Cattai Road:

“Ukamurra”, adjacent to Cattai Public School, No 439, part Portion 258, Parish of Pitt Town, DP 752050. (323)

Pebble Hill Road:

No 268, lot 3, DP 226309, (corner Mitchell Park Road). (324)

Threlkeld Drive:

“Macquarie Retreat”, Lot 16, DP 259650. (325)

7 Bowen Mountain

Carters Road:

“Pleasant Way”, No 62, lot 2, DP 734587. (326)

Lt Bowen Drive:

“Bowen Hut”, Nos 110–112, lots 476 and 477, DP 210305. (327)

Serpentine Lane:

“Jolimont”, Lot 2, DP 619270. (328)

8 Ebenezer

Coromandel Road:

Uniting Church (former Presbyterian Church) and Old Schoolhouse, lot 2A, DP 740305.
(329)

Uniting Church Cemetery, lot 2A, DP 740305. (330)

Grono Farm Road:

“Stoneleigh”, lot 23, DP 250464. (331)

Port Erringhi Road:

“Port Erringhi”, No 2, lot 54, DP 232576. (332)

Portland Head Road:

“Portland Head Farm”, No 103, lot B, DP 161016. (333)

Sackville Road:

“Coromandel”, part Portion 2 and Portions 127 and 2, Parish of Wilberforce. (334)

“Rockleigh”, No 695, lot 1, DP 733075. (335)

No 368, lot 2, DP 576358. (336)

“Kinlew”, lot 5, DP 253783. (337)

“Pickwick Park”, No 799, lot 2, DP 807449. (338)

No 812, lot 10, DP 581198. (339)

Former Public School, No 664, lot 12, DP 603763. (340)

Stannix Park Road:

“Stannix Park”, No 103, lot 11, DP 789975. (341)

Tizzana Road:

“Ebenezer Villa”, No 105, lot 1, DP 997974. (342)

Residence, No 75, lot 1, DP 77255. (343)

9 Freemans Reach

Blacktown Road:

War Memorial in Public Reserve, corner Gorricks Lane. (344)

Freemans Reach Road:

Residence, corner Gorricks Lane, No 718, book 3019, no 72, book 3025. (345)

Residence, Lot A, DP 325440. (346)

Residence, DP 77950. (347)

Smith Lane:

“Reibycroft”, Nos 90–94, lots 5 and 6, DP 247874, (lot 4, DP 847231). (348)

10 Kurrajong

Baileys Lane:

“Beechwood”, No 41, lot 5, DP 2844. (349)

Bells Line of Road:

Residence, No 968, lot 1, DP 582139, (corner Hermitage Road). (350)

Greggs Road:

“Arthona”, Lot 1, DP 562514. (351)

Grose Vale Road:

St Stephen the Martyr Anglican Church, Lot 133, DP 603158. (352)

Cemetery and Manse, Lot 133, DP 603158. (353)

“Ridgeacre”, No 941, lot 1, DP 502131. (354)

“Curraweena”, No 1027, Lot B DP 416222. (515)

No 1040, lot 1, DP 745040. (355)

Heritage Road:

“Sunnyside”, No 49, lot 12, DP 634076. (356)

Old Bells Line of Road:

“Goldfinders”, former inn, No 164, part Portion 123, Parish of Kurrajong, DP 751649. (357)

“The Collectors Theatre”, Lot B, DP 349803. (358)

Springrove Lane:

“Springrove”, Lot 1, DP 205531. (359)

11 Kurrajong Heights**Bells Line of Road:**

“Ivy Cottage”, (“Ivy Lodge”—“Lochiel”), No 1259, lot 1, DP 558605. (360)

Post Office and Store, No 1255, lot 2, DP 706131. (361)

Former St David’s Uniting Church, (former Presbyterian Church), lot 100, DP 807610. (362)

St James Anglican Church, No 1235, lot 1, DP 723931. (363)

Residence, No 1229, lot 1, DP 576199, (corner Queen Street). (364)

“Allambie”, No 1256, Former Guesthouse, lots A and B, DP 14931. (504)

Bellbird Avenue:

No 36, Lot 101, DP 806616. (365)

Burralow Road:

“The Hermitage”, (“Fernmount”) No 89, lot 221, DP 837749. (366)

Warks Hill Road:

“Surinam”, (“Belmore Lodge”), No 9, lot 2, DP 785631. (367)

“Rainridge”, Lot C, DP 164492. (368)

Shop and residence, No 3, lot 204, DP 889938. (369)

“Patricks Pressoir”, part lots 28, 29 and 30, DP 192247, (corner Bells Line of Road). (370)

12 North Kurrajong**Kurrajong North School Road:**

Public School, part Portion 195, Parish of Kurrajong. (371)

13 Sackville**Holmes Drive:**

Monument to Aborigines in the public recreational reserve off Holmes Drive. (372)

Sackville Road:

Residence and barn, No 897, lot 1, DP 616167. (373)

Tizzana Road:

St Thomas Anglican Church, No 591, lot 1, DP 575400. (374)

Tizzana Winery, No 518, lot 5, DP 227211. (375)

St Thomas Anglican Cemetery, Portion 500, Parish of Wilberforce. (376)

Residence, lot 241, DP 616673. (377)

West Portland Road:

“Lilburndale”, No 403, lot 1 DP 2177. (512)

14 Wilberforce

Argyle Reach Road:

No 223, lot 23, DP 856258. (378)

George Road:

No 14, Lot B, DP 334004. (379)

No 43, Cottage, lot 4, DP 568208. (499)

No 66, lot 31, DP 816015. (380)

Grono Farm Road:

“Milby Grange”, No 127, lots 272 and 276, DP 751665, (Ebenezer Wharf Road). (381)

King Road:

No 9, part lot 2, Section 18, book 2588, no 64, lot 1, DP 195883. (382)

No 43, lot 2, DP 703055. (383)

Residence, DP 603382 (corner Singleton Road). (384)

No 24, Cottage, lot 1, DP 834561. (497)

No 74, The Butcher’s Shop, lot 1, DP 552802. (496)

Macquarie Road:

St John's Anglican Church and Schoolhouse, lot 1, DP 771362. (385)

War Memorial in Wilberforce Park, Portion 346, DP 751665, Parish of Wilberforce. (386)

Old Sackville Road:

St John's General Cemetery (former Anglican Cemetery). (387)

Pitt Town Ferry Road:

"Harmony Farm", lot 1, DP 555128. (388)

Rose Street:

Australiana Village, lot 22, DP 829589. (389)

"Rose Cottage", No 18, lot 21, DP 829589. (390)

Residence, Lot 3, DP 706517. (391)

Salters Road:

"Barrabadeen", No 52, Portion 287, DP 751665. Parish of Wilberforce. (392)

Singleton Road:

"Pareora", No 7, Lot 1, DP 505696. (393)

Residence, No 5, lot 1, DP 799507. (394)

Uworra Road:

"Rocky Hall", Lot 1, DP 245757. (395)

Windsor/Wilberforce Road:

Former Police Station, part lot 6, Section 21, DP 759090. (396)

"Karooa", lot 5, DP 791448. (397)

Uniting Church (formerly Methodist Church), corner part Lot 7A, Section 21, vol 971, fol 5. (398)

Residence, No 543, lot 1, Section 19. (399)

No 446, Cottage, lot 2, DP 595299. (498)

15 Mulgrave

Mulgrave Road:

Residence, "Tall Trees", lot 13, DP 736138. (405)

Railway Stationmaster's residence. (403)

Railway Station. (404)

16 North Richmond**Bells Line of Road:**

Former Police Station and residence, No 39, lot 5, DP 748866. (406)

Seventh Day Adventist Church, unnumbered lot. (407)

St Phillips Anglican Church and Cemetery, No 151, lot 103, DP 712158. (408)

"Hill Crest", No 219, Portion 87, Parish of Kurrajong, DP 751649, (corner Redbank Road). (409)

No 51, Cottage, lot 1, DP 577444. (494)

No 101, Cottage, lot 1, DP 784469. (493)

Charles Street:

No 12, lot 130, DP 803011. (410)

Crooked Lane:

"Rouse Farm", No 266, lot 9, DP 595333. (411)

Grose Vale Road:

St John of God Hospital, (former "Belmont Park" mansion, garden building, gatehouse and curtilage), No 177, lot 1, DP 569215. (412)

No 15, Cottage, lot 12, DP 719031. (495)

Pitt Lane:

"Sunnyside", No 1, (former O'Dea's dairy), lot 1, DP 749146. (413)

Slopes Road:

"Coonawarra Lodge", No 86, Lot 11, DP 556607. (414)

Terrace Road:

"The Terraces", No 227, lot 410, DP 715738, (corner Brahma Road). (415)

17 Berambing

Berambing Crescent:

“Bulga Matta”, No 32B, part Portion 16, Parish of Bilpin, DP 751626. (416)

18 Central MacDonald**Main Road 181:**

St Jude’s Cemetery, No 1231, lot 1, DP 633910. (417)

Wooden Mile Post, adjacent to Portion 81, Parish of Wonga, DP 753828. (418)

Upper MacDonald Road:

Ruin of “Our Lady of Loretto” Chapel and Cemetery, part Portion 36, Parish of MacDonald, DP 753793 (part lot 1, DP 562121). (419)

Fernance Property Graves, Portion 35, Parish of MacDonald, DP 753793, (part lot 1, DP 574341). (420)

19 Upper MacDonald**Upper Macdonald Road:**

Higher MacDonald Church, Portion 1, Parish of Womerah, DP 753827. (421)

Slab-built dwelling, No 1349, Portion 16, Parish of Womerah, DP 753827. (422)

Slab-built dwelling, Portion 11, Parish of Auburn. (423)

20 Wrights Creek**Settlers Road:**

Slab-built dwelling, No 320, lot 1, DP 789303. (424)

21 Wisemans Ferry**Settlers Road:**

Davidson’s Dairy, No 177, lot 9, DP 996029. (425)

22 Parish of Wonga

Disused section of Main Road 181, adjacent to lots 32 and 34, DP 753828. (426)

Ruins of St Joseph’s Catholic Church, part Portion 1, lot 1, DP 605173. (427)

St Joseph’s Cemetery, part Portion 1, lot 2, DP 605173. (428)

23 Parish of Lockyer

Slab-built dwelling, part Portion 3, Parish of Lockyer, Main Road No 181, Mogo Creek. (429)

24 Parish of St Albans

Settlers Road:

Jurd's Private Cemetery, part Portion 17, Parish of St Albans, Book's Farm. (430)

"Penrose" ruins, Portions 13 and 14, Parish of St Albans, Book's Ferry. (431)

25 St Albans**Wharf Street:**

St Albans Anglican Church, part lot 1, Section 3, DP 758924. (432)

Main Road No 151:

"Industrial Settler" Group, "Bailey's" Homestead Grave Site, slab-built dwelling (Aaron Walter's Cottage), Portion 50, Parish of St Albans. (433)

St Albans New General Cemetery, lots 1–16, Section 10, DP 758924. (434)

Main Road No 181:

"The Glen" Homestead and "Governor Bailey's" Burial Ground, lots 53 and 54, DP 740571. (435)

Settlers Arm Inn, lots 3–7, DP 710647. (436)

Slab-built dwelling, Portion 3, Parish of Wallambine. (437)

St Albans Permanent Common. (438)

Settlers Road:

Old General Cemetery, (Settlers Cemetery), Portion 72, Parish of St Albans, DP 755258. (439)

Upper MacDonald Road:

Gaol, courthouse and stables, No 19, Portion 55, Parish of MacDonald, DP 753793. (440)

Slab-built dwelling, (Price Morris' Cottage), Portion 26, Parish of MacDonald, DP 753793. (441)

St Albans' Conservation Area. (442)

Old Northern Road, closed road and public road. (443)

26 Agnes Banks**Castlereagh Road:**

No 2, Cottage, lot 1, DP 593577. (500)

"Bronte", Portion 46, Parish of Ham Common, DP 752032. (444)

Residence, No 333, lot 5, DP 236076. (445)

No 354, Cottage lot 1, DP 383981. (501)

Yarramundi Lane:

“Blue Gardens”, No 254, lot 220, DP 808633. (446)

27 Blaxlands Ridge

Blaxlands Ridge Road:

Blaxlands, Ridge Public School, No 231, Portions 72 and 73, Parish of Merroo, DP 751658. (447)

“Kooroowal”, No 173, Cottage, lot 4, DP 738221. (505)

28 East Kurrajong

Singleton Road:

Residence, No 829, lot 773, DP 787251. (448)

28 Grose Vale

Bowen Mountain Road:

“Buena Vista”, No 5, lot 1, DP 546192, (corner Carters Road). (449)

Carters Road:

“Calool”, lot 201, DP 707842. (450)

Grose Vale Road:

No 663, lot 3, DP 803879. (451)

“Cooraba”, No 816, lot 1, DP 828723. (452)

No 767, Cottage, lot 1, DP 808258. (503)

No 774, Cottage and Shop, DP 959018. (502)

Westbury Road:

“La Tosca”, part lot 1, DP 655672, (corner Horans Lane). (453)

“Westbury”, No 15, lot 3, DP 232606. (454)

30 Kurmond

Bells Line of Road:

“Inverary”, No 340, lot 16, DP 218801. (455)

Comleroy Road:

No 114 DP 72843. (456)

“Vanay”, No 112, lot 4, DP 253841. (457)

Longleat Lane:

“Longleat”, No 74, lot 3, DP 747089. (458)

31 Vineyard

“Rosemont”, DP 59145, Level Crossing Road. (459)

32 Tennyson

Residence, Lot 2, DP 563819, corner Murrays Road and Tennyson Road. (460)

33 Kurrajong Hills**Hermitage Road:**

“Bernilla”, No 93, Cottage, lot 1, DP 512483 and part Portion 166, Parish of Kurrajong.
(507)

“The Hermitage”, No 150, lot 1, DP 543262. (506)

34 Lower Portland**Greens Road:**

“Hawkesbury Retreat”, Stone Cottage, Lot 1, DP 862897. (511)

West Portland Road:

“Ventiaville”, No 1235, Lot 101, DP 739219. (518)

“Riverside”, No 1281, Slab-barn, Lot 1, DP 586231. (508)

Wheelbarrow Ridge Road:

Lower Portland Public School, No 1930, Lot 1, DP 794605. (509)

St Johns Anglican Church, No 1932, part Portion 19, Parish of Hawkesbury. (510)

Schedule 2 Professionally qualified practitioners

(Clause 5 (1))

Accountant
Acupuncturist
Archaeologist
Architect
Auctioneer
Biologist
Chiropractor
Clinical psychologist
Dentist
Economist
Engineer
Geologist
Homeopath
Hypnotherapist
Insurance broker
Legal practitioner (solicitor or barrister)
Medical practitioner (General practitioner or specialist)
Naturopath
Optician
Optometrist
Orthodontist
Osteopath
Physiotherapist
Podiatrist (chiropodist)
Quantity surveyor
Speech therapist
Surveyor
Town planner
Valuer
Veterinary surgeon

Schedule 3 Development for certain additional purposes

(Clause 32)

Lot B, part Portion 20 and 21, Parish of St. Matthew, known as 275 George Street, Windsor—offices.

Part lot 6, 6A, 7, 8, 9 and 10, DP 16626V, Richmond Road, Windsor motel.

Lot B, DP 158512, No 54 Bells Line of Road, North Richmond—professional offices for solicitors, accountants, surveyors, draftsmen, real estate agents and the like.

Lots 4 and 5, DP 31098, Anschau Crescent, Windsor—parking, washing and cleaning of motor vehicles in conjunction with an adjacent car sales yard but only if access is prohibited to Anschau Crescent.

Lot 4, DP 507956, No 87 Windsor Street, Richmond—3 offices if the offices are used only for the practice of professions.

Part lot 2, DP 202288, East Market Street, Richmond—water slides and associated commercial activities.

Portion 69, Parish of Colo, County of Hunter, Singleton Road, Colo Heights—holiday and recreation complex comprising a service station, restaurant, caravan park and holiday cabins and associated amenities blocks, parking and picnic area, including the erection of new buildings for any such purpose, if the council has, before granting consent, made an assessment of:

- (a) whether adequate means have been incorporated in the development proposal to protect the environment in relation to the risk of bushfires on the land and the spread of bushfires to adjoining land,
- (b) the extent to which the development will be likely to cause harm to the environment by the erection of new buildings, and
- (c) the effect of the development on the traffic flow on Singleton Road and whether adequate means have been incorporated in the development proposal to minimize any resultant problem.

Part Portion 67, Parish of Nepean—extractive industry for the removal of alluvial soil only, and the subdivision of the residue of the land into lots of not less than 10 hectares in area after:

- (a) dedication of an area of 5.6 hectares at the northern end of the land as public reserve as shown edged by broken black line on the map marked “Hawkesbury Local Environmental Plan No 65”, and
- (b) the regrading of the land and removal of surplus material.

Part Portion 119 Portions 230 and 339, Parish of St. Matthew and lot 1, DP 634652, Richmond Road, Clarendon—motel, where:

- (a) no building shall be within 20 metres of the alignment of Richmond Road, and
- (b) access to the land is provided by way of Racecourse Road only.

Lot 1, DP 222419, Windsor Road, Vineyard—bulk storage of stock feed and supplies.

Part Portion 5, Parish of Bilpin, Bells Line of Road, Bilpin—the subdivision of the land into 2 allotments and the erection of a dwelling-house on each allotment so created.

Portion 23, Parish of Wheeny, Mountain Lagoon Road, Mountain Lagoon—the subdivision of the land into 2 allotments and the erection of a dwelling-house on each allotment so created.

Land in the vicinity of Richmond Road, Racecourse Road and Rickaby Street, Clarendon—animal establishment and accommodation in conjunction with animal establishment.

Lot 2, DP 613586, Warks Hill Road, Kurrajong Heights—subdivision of the land into allotments each having an area of not less than 4 000 square metres.

Portions 86, 87, 88, 89, 90, 91, pt 93, pt 94, 143, 144, 145, part lot 1, DP 117801 and lot 1 DP 58769, Parish of St Matthew, Richmond/Blacktown Road, South Windsor:

- (a) subdivision of the land so as to create not more than 350 allotments each having an area of at least 1,500 square metres, and
- (b) the erection of a dwelling-house on each allotment so created.

Portions 110, 111, 178, 179 and part Portion 109, Hermitage Road, Kurrajong:

- (a) rural residential subdivision containing not more than 40 allotments and 28 hectares of land to be dedicated to the Council as open space as indicated on the map, and
- (b) if the Council is satisfied that there will be no adverse consequences as a result of the development in relation to its effect on water quality, traffic on the local road system and landscape.

Part Lots 1 and 2, Section 19, No 539 Wilberforce Road, Wilberforce, as shown edged heavy black on the map marked “Hawkesbury Local Environmental Plan 1989 (Amendment No 9)”—service station.

Lot 1, DP 730903, No 244 Richmond Road, Clarendon, as shown edged heavy black on the map marked “Hawkesbury Local Environmental Plan 1989 (Amendment No 21)”—service station and convenience store only in conjunction with a tourist facility located on the same property, if the Council has, before granting consent, taken into consideration:

- (a) the visual aesthetics of the development, and
- (b) the extent to which the carrying out of the development would affect the local traffic network.

Lot 13, DP 700834, Lot 1, DP 609449 and part Lots 11 and 12, DP 977347, being Nos 81–87 Bells Line of Road, North Richmond, as shown edged heavy black on the map marked

“Hawkesbury Local Environmental Plan 1989 (Amendment No 23)”—service station and convenience store.

Lot 5, DP 753811 being No 6127 Singleton Road, near Tinda Creek—mushroom composting or mushroom growing, or both.

Part Portion 382, DP 751665, Creek Ridge Road, Glossodia, as shown edged red on the map marked “Hawkesbury Local Environmental Plan 1989 (Amendment No 29)”—construction of a rural workers’ dwelling.

Land fronting Windsor Street, opposite Suffolk Street, Windsor, as shown edged red on the map marked “Hawkesbury Local Environmental Plan 1989 (Amendment No 16)”—motor showroom.

Land on the corner of Windsor Road and Mulgrave Road, McGraths Hill, being Lot B, DP 411701, McGraths Hill as shown edged red on the map marked “Hawkesbury Local Environmental Plan 1989 (Amendment No 37)”—motor showroom.

Land, being Lot 1, DP 815214, bounded by George, Macquarie and Brabyn Streets, Windsor, as shown edged red and lettered “3 (b)” on the map marked “Hawkesbury Local Environmental Plan 1989 (Amendment No 36)”—banks, building societies and credit unions, beauty salons, bread, cake and pastry manufacture and sales, butcher shops, chemist shops, delicatessens, dry cleaning and dyeing services, florist shops, fruit and vegetable shops, general stores, grocery and health food shops, hairdressing salons, newsagencies, refreshment rooms, self-service coin-operated laundries, take-away food shops, and video sales and hire premises, but only if the Council is satisfied that all vehicular access to the land will be denied to and from Macquarie Street.

Land at Tizzana Road, Ebenezer, as shown edged red and lettered “7 (d1)” on the map marked “Hawkesbury Local Environmental Plan 1989 (Amendment No 84)”—subdivision into no more than 20 allotments with each allotment having an area of not less than 1 hectare, but only if:

(a) the Council is satisfied that:

- (i) each allotment so created will be capable of the on-site disposal of sewage and will not adversely impact on the water quality of the Hawkesbury-Nepean River, and
- (ii) adequate measures will be implemented to prevent soil erosion and control sediment, and
- (iii) no rare or endangered species of fauna or flora will be adversely affected, and

(b) the Council has made an assessment of:

- (i) the extent to which the development will result in the disturbance or destruction of any relics or Aboriginal places within the meaning of the *National Parks and Wildlife Act 1974*, and
- (ii) the extent to which the development will affect the habitat of koalas, and
- (iii) a total water cycle management study, if it is proposed to supply water for non-potable purposes from the Hawkesbury River or, if no water is to be supplied from that River, an effluent disposal study.

Land fronting Macquarie Street, opposite Suffolk Street, Windsor, as shown edged red on the map marked “Hawkesbury Local Environmental Plan 1989 (Amendment No 94)” — motor showroom.

Lot 1, DP 508894, and known as 1387 Bells Line of Road, Kurrajong Heights, as shown edged red on the map marked “Hawkesbury Local Environmental Plan 1989 (Amendment No 114)” — 3-lot rural residential subdivision subject to all vehicular access being denied from Bells Line of Road.

Lot 2, DP 1015308, Chapel Street, Richmond — nursing home, aged care facility or similar land use.

Lot 194, DP 823986 and Lot 192, DP 729625, The Driftway, South Windsor, as shown edged in red and lettered “5 (a) Waste Management” on the map marked “Hawkesbury Local Environmental Plan 1989 (Amendment No 124)” — extractive industries, industries, junk yards, rural industries and waste management facilities.

Lots 12 and 11, DP 1003591, respectively known as Nos 77 and 79 Old Bells Line of Road, Kurrajong — shop or refreshment room (or both).

Part of Lot G, DP 164771, being land with frontage to Richmond Road, Clarendon, as shown edged heavy red on the map marked “Hawkesbury Local Environmental Plan 1989 (Amendment No 144)” — motel.

Schedule 4

(Clause 39)

1 Development required in connection with the improvement, maintenance or repair of watercourses or drainage works and the construction by the Water Board of any stormwater channel commenced before the appointed day, where the Board gives to the Council reasonable notice of its intention to construct the stormwater channel.

2 Development carried out by the Water Board in connection with the provision, improvement, maintenance and repair of sewers (other than sewerage treatment works) upon, below or above the surface of the ground, where the Board gives to the Council reasonable notice of its intention to carry out such development.

Schedule 5 Classification and reclassification of public land as operational

(Clause 40C)

Part 1 Land classified, or reclassified, under original section 30 of Local Government Act 1993

Locality	Description
Ebenezer	
Manns Road	Lot 15, DP 39350, as shown edged heavy red on the map marked "Hawkesbury Local Environmental Plan 1989 (Amendment No 109)".
Richmond	
Castlereagh Road	So much of Lot 1070, DP 241457 as is shown edged red and lettered "2 (a)" on the map marked "Hawkesbury Local Environmental Plan 1989 (Amendment No 43)".
Windsor	
Corner of George Street and Rifle Range Road	So much of part of Lot 1, DP 582018 as is shown edged red and lettered "6 (c)" on the map marked "Hawkesbury Local Environmental Plan 1989 (Amendment No 76)".
Corner of George Street, Woods Road and Bradley Road	So much of Lots 25 to 30 inclusive and Lot 175 DP 32260 and an unformed laneway as is shown edged red and lettered "2 (a)" on the map marked "Hawkesbury Local Environmental Plan 1989 (Amendment No 100)".

Part 2 Land classified, or reclassified, under amended section 30 of Local Government Act 1993—interests changed

Locality	Description
Glossodia	
No 28 Boomerang Drive	Lot 42, DP 217499— <i>Hawkesbury Local Environmental Plan 1989 (Amendment No 112)</i> .
No 15 Chestnut Drive	Lot 524, DP 214758— <i>Hawkesbury Local Environmental Plan 1989 (Amendment No 112)</i> .
No 132 Mitchell Drive	Lot 274, DP 217501— <i>Hawkesbury Local Environmental Plan 1989 (Amendment No 112)</i> .
No 188 Spinks Road	Lot 315, DP 214758— <i>Hawkesbury Local Environmental Plan 1989 (Amendment No 112)</i> .
Lower Portland	
Peat Place	Lots 4 and 7, DP 252546— <i>Hawkesbury Local Environmental Plan</i>

1989 (Amendment No 120).

Part 3 Land classified, or reclassified, under amended section 30 of Local Government Act 1993—interests not changed

Locality	Description
McGraths Hill	
No 14 Havelock Street	Lot 11, DP 861071
Richmond	
Richmond Road	Part of Lot 133, DP 752032, as shown edged heavy red on Sheet 3 of the map marked "Hawkesbury Local Environmental Plan 1989 (Amendment No 138)"
South Windsor	
No 2 Stewart Street	Lot 3, DP 816809
No 16 Stewart Street	Lot 4, DP 816809
Wilberforce	
No. 496 Wilberforce Road	Lot 22 DP829589
Windsor	
Nos 292–296 George Street	Lots X and Y, DP 163621
No 320 George Street	Lot 50, DP 1035291
No 21 Johnston Street	Lot 2, DP 788531

Schedules 6, 7 (Repealed)

Historical notes

The following abbreviations are used in the Historical notes:

Am	amended	LW	legislation website	Sch	Schedule
Cl	clause	No	number	Schs	Schedules
Cll	clauses	p	page	Sec	section
Div	Division	pp	pages	Secs	sections
Divs	Divisions	Reg	Regulation	Subdiv	Subdivision
GG	Government Gazette	Regs	Regulations	Subdivs	subdivisions
Ins	inserted	Rep	repealed	Subst	substituted

Table of amending instruments

Hawkesbury Local Environmental Plan 1989 published in Gazette No 124 of 22.12.1989, p 11445 and amended in Gazettes No 74 of 8.6.1990, p 4647, No 85 of 6.7.1990, p 6318, No 152 of 23.11.1990, p 10343, No 77 of 10.5.1991, p 3629, No 116 of 16.8.1991, p 6913, No 142 of 11.10.1991, p 8811, No 151 of 25.10.1991, p 9120, No 157 of 8.11.1991, p 9432, No 180 of 20.12.1991, p 10623, No 58 of 8.5.1992, p 3233, No 140 of 27.11.1992, p 8532, No 144 of 11.12.1992, p 8731, No 19 of 26.2.1993, pp 791, 793, No 24 of 12.3.1993, p 1120, No 26 of 19.3.1993, p 1256, No 80 of 16.7.1993, p 3937, No 91 of 20.8.1993, p 4712, No 106 of 1.10.1993, p 6088, No 65 of 6.5.1994, p 2042, No 68 of 13.5.1994, p 2257, No 71 of 20.5.1994, p 2353, No 73 of 27.5.1994, p 2483, No 76 of 3.6.1994, p 2651, No 88 of 1.7.1994, p 3354, No 50 of 28.4.1995, p 2138, No 77 of 23.6.1995, p 3333, No 88 of 21.7.1995, p 3802, No 99 of 18.8.1995, p 4307, No 105 of 1.9.1995, p 6192, No 135 of 3.11.1995, p 7616, No 141 of 17.11.1995, p 7878, No 152 of 15.12.1995, pp 8562, 8563, No 20 of 16.2.1996, pp 623, 624, No 35 of 22.3.1996, pp 1233, 1235, No 71 of 14.6.1996, p 3051, No 74 of 21.6.1996, p 3138, No 77 of 28.6.1996, p 3544, No 81 of 5.7.1996, p 3875, No 84 of 12.7.1996, p 4050, No 89 of 26.7.1996, p 4422, No 119 of 25.10.1996, p 7166, No 126 of 8.11.1996, p 7432, No 146 of 13.12.1996, pp 8360, 8362, 8363, No 150 of 20.12.1996, p 8660, No 15 of 7.2.1997, p 498, No 18 of 14.2.1997, p 582, No 20 of 21.2.1997, pp 863, 866, No 22 of 28.2.1997, p 1302, No 31 of 27.3.1997, pp 1753, 1754, No 47 of 2.5.1997, p 2534, No 104 of 26.9.1997, p 8291, No 109 of 10.10.1997, p 8522, No 159 of 24.12.1997, p 10380, No 4 of 9.1.1998, p 201, No 25 of 13.2.1998, p 727, No 79 of 15.5.1998, p 3474, No 87 of 29.5.1998, p 3988, No 97 of 26.6.1998, p 4958, No 105

of 10.7.1998, p 5381, No 132 of 11.9.1998, p 7476, No 148 of 16.10.1998, p 8289, No 4 of 8.1.1999, p 46, No 10 of 22.1.1999, p 208, No 22 of 19.2.1999, p 853, No 53 of 30.4.1999, pp 2972, 2974, No 61 of 21.5.1999, pp 3519, 3520, No 63 of 28.5.1999, p 3718, No 86 of 30.7.1999, p 5403 and No 88 of 6.8.1999, p 5633 and as follows:

- Hawkesbury Local Environmental Plan (Amendment 118) (GG No 22 of 11.2.2000, p 881)
 Hawkesbury Local Environmental Plan 1989 (Amendment No 116) (GG No 29 of 25.2.2000, p 1483)
 Hawkesbury Local Environmental Plan 1989 (Amendment No 114) (GG No 46 of 14.4.2000, p 3294)
 Hawkesbury Local Environmental Plan 1989 (Amendment No 97) (GG No 66 of 2.6.2000, p 4690)
 Hawkesbury Local Environmental Plan No 64 (GG No 68 of 9.6.2000, p 4875)
 Hawkesbury Local Environmental Plan 1989 (Amendment No 122) (GG No 143 of 3.11.2000, p 11551)
 Hawkesbury Local Environmental Plan 1989 (Amendment No 110) (GG No 60 of 30.3.2001, p 1696)
 Hawkesbury Local Environmental Plan 1989 (Amendment No 121) (GG No 86 of 18.5.2001, p 2672)
 Hawkesbury Local Environmental Plan 1989 (Amendment No 112) (GG No 89 of 25.5.2001, p 2906)
 Hawkesbury Local Environmental Plan 1989 (Amendment No 120) (GG No 113 of 20.7.2001, p 5536)
 Hawkesbury Local Environmental Plan 1989 (Amendment No 119) (GG No 127 of 17.8.2001, p 6057)
 Hawkesbury Local Environmental Plan 1989 (Amendment No 127) (GG No 54 of 1.3.2002, p 1357)
 Hawkesbury Local Environmental Plan 1989 (Amendment No 19) (GG No 92 of 31.5.2002, p 3417)
 Hawkesbury Local Environmental Plan 1989 (Amendment No 131) (GG No 92 of 31.5.2002, p 3420)
 Hawkesbury Local Environmental Plan 1989 (Amendment No 124) (GG No 102 of 21.6.2002, p 4549)
 Hawkesbury Local Environmental Plan 1989 (Amendment No 135) (GG No 133 of 23.8.2002, p 6479)
 Hawkesbury Local Environmental Plan 1989 (Amendment No 134) (GG No 170 of 11.10.2002, p 8739)
 Hawkesbury Local Environmental Plan 1989 (Amendment No 137) (GG No 170 of 11.10.2002, p 8741)
 Hawkesbury Local Environmental Plan 1989 (Amendment No 136) (GG No 104 of 27.6.2003, p 6376)
 Hawkesbury Local Environmental Plan 1989 (Amendment No 125) (GG No 179 of 14.11.2003, p 10539)
 Hawkesbury Local Environmental Plan 1989 (Amendment No 126) (GG No 179 of 14.11.2003, p 10542) (On 11 March 2004 the Land and Environment Court in *Hawkesbury City Council v NSW Minister for Infrastructure & Planning & Anor* [2004] NSWLEC 188 declared that “Hawkesbury Local Environmental Plan 1989 (Amendment No 126), as published in the NSW Government Gazette No 179 of 14 November 2003, is void and of no effect”)
 Hawkesbury Local Environmental Plan 1989 (Amendment No 141) (GG No 83 of 14.5.2004, p 2825)
 Hawkesbury Local Environmental Plan 1989 (Amendment No 140) (GG No 92 of 28.5.2004, p 3344)
 Hawkesbury Local Environmental Plan 1989 (Amendment No 142) (GG No 112 of 2.7.2004, p 5652)
 Hawkesbury Local Environmental Plan 1989 (Amendment No 144) (GG No 112 of 2.7.2004, p 5654)
Statute Law (Miscellaneous Provisions) Act (No 2) 2004 No 91. Assented to 10.12.2004. Date of commencement of Sch 2.38, assent, sec 2 (2).
 Hawkesbury Local Environmental Plan 1989 (Amendment No 138) (GG No 25 of 11.2.2005, p 352)
 Hawkesbury Local Environmental Plan 1989 (Amendment No 126) (GG No 36 of 24.3.2005, p 899)
2005 (143) Hawkesbury Local Environmental Plan 1989 (Amendment No 147). GG No 42 of 8.4.2005, p 1287.
 Date of commencement, on gazettal.
 (664) Hawkesbury Local Environmental Plan 1989 (Amendment No 143). GG No 129 of 21.10.2005, p 8893.
 Date of commencement, on gazettal.
2006 (114) Hawkesbury Local Environmental Plan 1989 (Amendment No 149). GG No 35 of 17.3.2006, p 1432.
 Date of commencement, on gazettal.
 (472) Hawkesbury Local Environmental Plan 1989 (Amendment No 108). GG No 103 of 18.8.2006, p 6407.
 Date of commencement, on gazettal.
 (473) Hawkesbury Local Environmental Plan 1989 (Amendment No 145). GG No 103 of 18.8.2006, p 6446.
 Date of commencement, on gazettal.
 No 120 Statute Law (Miscellaneous Provisions) Act (No 2) 2006. Assented to 4.12.2006.
 Date of commencement of Sch 2, assent, sec 2 (2).
2007 (436) Hawkesbury Local Environmental Plan 1989 (Amendment No 151). GG No 108 of 31.8.2007, p 6665.
 Date of commencement, on gazettal.
2008 (302) State Environmental Planning Policy (Major Projects) Amendment (Pitt Town) 2008. GG No 88 of 18.7.2008, p 7227.
 Date of commencement, on gazettal.
 (484) Hawkesbury Local Environmental Plan 1989 (Amendment No 153). GG No 138 of 31.10.2008, p 10563.
 Date of commencement, on gazettal.

- No 114 Statute Law (Miscellaneous Provisions) Act (No 2) 2008. Assented to 10.12.2008.
Date of commencement of Sch 2.11 [1], 18.7.2008, Sch 2.11; date of commencement of Sch 2.11 [2] and [3], assent, sec 2 (2).
- (571) State Environmental Planning Policy (Repeal of Concurrence and Referral Provisions) 2008.
GG No 157 of 12.12.2008, p 11946.
Date of commencement, 15.12.2008, cl 3.
- 2009** No 56 Statute Law (Miscellaneous Provisions) Act 2009. Assented to 1.7.2009.
Date of commencement of Sch 2.22, 1.7.2009, Sch 2.22 and 2009 (253) LW 26.6.2009.

Table of amendments

- CI 3 Am 23.11.1990. Subst 2006 (472), Sch 1 [1].
- CI 4 Rep 2006 (472), Sch 1 [1].
- CI 5 Am 6.7.1990; 23.11.1990; 10.5.1991; 16.8.1991; 11.10.1991; 25.10.1991; 8.11.1991;
20.12.1991; 8.5.1992; 11.12.1992; 12.3.1993; 19.3.1993; 16.7.1993; 20.8.1993; 1.10.1993;
6.5.1994; 20.5.1994; 1.7.1994; 21.7.1995; 3.11.1995; 17.11.1995; 15.12.1995; 16.2.1996;
22.3.1996; 21.6.1996; 28.6.1996; 5.7.1996; 12.7.1996; 26.7.1996; 25.10.1996; 13.12.1996;
7.2.1997; 14.2.1997; 21.2.1997; 28.2.1997; 27.3.1997; 2.5.1997; 26.9.1997; 10.10.1997;
9.1.1998; 13.2.1998; 29.5.1998; 26.6.1998; 16.10.1998; 22.1.1999; 19.2.1999; 30.4.1999;
21.5.1999; 28.5.1999; 6.8.1999; 25.2.2000; 2.6.2000; 9.6.2000; 30.3.2001; 25.5.2001;
17.8.2001; 31.5.2002; 21.6.2002; 23.8.2002; 11.10.2002; 14.11.2003; 14.5.2004; 28.5.2004;
2.7.2004; 2005 (664), Sch 1 [1]; 2006 (114), cl 4; 2006 (472), Sch 1 [2]–[4]; 2006 (473),
Sch 1 [1] [2]; 2006 No 120, Sch 2.37 [1]; 2008 (302), Sch 1 [1]; 2008 (484), Sch 1 [1] [2].
- CI 6 Am 8.11.1996. Subst 2.6.2000; 30.3.2001. Am 11.10.2002; 2006 (472), Sch 1 [5].
- CI 8 Am 8.5.1992; 2.5.1997; 9.1.1998. Subst 2.6.2000; 2006 (472), Sch 1 [6].
- CI 9 Subst 30.3.2001; 2006 (472), Sch 1 [7]. Am 2008 (484), Sch 1 [3].
- CI 9, table Am 8.5.1992; 11.12.1992; 2.5.1997; 9.1.1998; 2.6.2000. Subst 30.3.2001. Am 14.11.2003.
Subst 2006 (472), Sch 1 [7]. Am 2006 (473), Sch 1 [3]–[7].
- CI 9A Ins 30.3.2001.
- CI 9A, table Ins 30.3.2001. Am 2006 (472), Sch 1 [8] [9]; 2006 (473), Sch 1 [8].
- CI 9B Ins 30.3.2001. Subst 2006 (472), Sch 1 [10].
- CI 9C Ins 2006 (472), Sch 1 [10]. Am 2009 No 56, Sch 2.22.
- CI 9D, 9E Ins 2006 (472), Sch 1 [10].
- CI 10 Am 30.3.2001; 2006 (473), Sch 1 [9]; 2008 (302), Sch 1 [2] [3].
- CI 11 Am 20.5.1994; 2.5.1997; 9.1.1998; 22.1.1999; 27.6.2003. Subst 24.3.2005. Am 2006 (472),
Sch 1 [11]–[19]; 2006 (473), Sch 1 [10]–[14].
- CI 12 Am 8.5.1992; 2.6.2000. Subst 2006 (472), Sch 1 [20]. Am 2006 (473), Sch 1 [15].
- CI 13 Am 11.12.1992; 2.5.1997. Subst 8.1.1999. Am 18.5.2001; 2006 (473), Sch 1 [16]; 2008
(302), Sch 1 [4].
- CI 15 Am 2.5.1997; 9.1.1998; 2.6.2000; 27.6.2003; 2006 (472), Sch 1 [21]–[23]; 2006 (473), Sch 1
[17].
- CI 15A Ins 30.7.1999. Rep 2006 (472), Sch 1 [24].
- CI 16 Subst 2.6.2000; 2006 (472), Sch 1 [24].
- CI 17 Am 2006 (472), Sch 1 [25].
- CI 18 Am 2.6.2000; 2008 (571), Sch 3.85 [1].
- CI 19 Am 2.6.2000. Rep 2006 (472), Sch 1 [26].
- CI 21 Rep 2006 (472), Sch 1 [26].
- CI 22 Am 11.12.1992. Subst 11.9.1998. Am 2006 (472), Sch 1 [27].
- CI 23 Am 2.6.2000; 2006 (472), Sch 1 [28]; 2006 (473), Sch 1 [18].
- CI 24 Am 2006 (472), Sch 1 [29].
- CI 25 Am 11.12.1992; 20.5.1994. Subst 22.1.1999. Am 27.6.2003.
- CI 25A Ins 9.6.2000.
- CI 26 Am 2006 (472), Sch 1 [30].
- CI 27 Am 2006 (472), Sch 1 [31]; 2008 (571), Sch 3.85 [2].
- CI 30 Am 2008 (571), Sch 3.85 [3].

CI 31	Am 2008 (571), Sch 3.85 [4] [5].
CI 31, table	Am 2.6.2000.
CI 32A	Ins 1.9.1995.
CI 32B	Ins 15.12.1995.
CI 33A	Ins 8.6.1990. Am 2008 (571), Sch 3.85 [6] [7].
CI 33B	Ins 11.10.1991.
CI 33C	Ins 22.3.1996. Rep 2006 (472), Sch 1 [26].
CI 36	Subst 2006 (472), Sch 1 [32].
CI 37	Subst 30.3.2001.
CI 37A	Ins 14.5.2004. Am 2008 (571), Sch 3.85 [8].
CI 39A	Ins 15.5.1998.
CI 40	Rep 2.6.2000.
CI 40A	Ins 25.10.1991.
CI 40AA	Ins 31.5.2002.
CI 40B	Ins 28.4.1995.
CI 40C	Ins 13.12.1996. Am 25.5.2001; 11.2.2005.
CI 41	Ins 10.5.1991.
CI 41A	Ins 23.6.1995. Am 2008 (571), Sch 3.85 [9].
CI 41AA	Ins 9.6.2000.
CI 41B	Ins 22.3.1996.
CI 41C	Ins 14.6.1996.
CI 41D	Ins 13.12.1996.
CI 42	Ins 8.11.1991. Rep 3.11.2000.
CI 42A	Ins 2.5.1997.
CII 43, 43A	Ins 2006 (472), Sch 1 [33].
CI 44	Ins 10.7.1998. Am 2006 (472), Sch 1 [34] [35].
CI 45	Ins 2.6.2000. Am 2004 No 91, Sch 2.38 [1].
CI 46	Ins 30.3.2001.
CI 48	Ins 1.3.2002.
CI 49	Ins 11.2.2000.
CI 50	Ins 17.8.2001.
CII 51–53	Ins 28.5.2004.
CII 53A, 53B	Ins 2006 (472), Sch 1 [36].
CI 54	Ins 2006 (473), Sch 1 [19]. Am 2008 (302), Sch 1 [5]; 2008 (571), Sch 3.85 [10] [11].
CI 55	Ins 2006 (473), Sch 1 [19]. Am 2008 (302), Sch 1 [6]–[8]; 2008 No 114, Sch 2.11 [1].
CI 56	Ins 2008 (302), Sch 1 [9].
CI 57	Ins 2008 (484), Sch 1 [4].
Sch 1	Am 11.10.1991; 11.12.1992; 21.7.1995; 28.6.1996; 25.10.1996; 13.12.1996; 20.12.1996; 27.3.1997. Subst 2.6.2000. Am 30.3.2001; 23.8.2002; 2004 No 91, Sch 2.38 [2]; 2005 (664), Sch 1 [2] [3]; 2006 (473), Sch 1 [20] [21]; 2008 No 114, Sch 2.11 [2] [3].
Sch 2	Am 2006 No 120, Sch 2.37 [2].
Sch 3	Am 27.11.1992; 26.2.1993; 13.5.1994; 27.5.1994; 3.6.1994; 18.8.1995; 17.11.1995; 10.10.1997; 24.12.1997; 14.4.2000; 31.5.2002; 21.6.2002; 11.10.2002; 2.7.2004.
Sch 5	Ins 13.12.1996. Am 26.9.1997; 30.4.1999; 21.5.1999; 25.5.2001; 20.7.2001; 11.2.2005; 2005 (143), cl 4; 2007 (436), cl 4.

ENVIRONMENTAL PLANNING AND ASSESSMENT MODEL PROVISIONS, 1980 under the ENVIRONMENTAL PLANNING AND ASSESSMENT ACT, 1979 (current as at 1 February 2001) INCLUDES AMENDMENTS (SINCE DATE OF REPRINT) BY Gazette No. 19 of 12.2.1999, p. 644

(Cl. 6)

PART 1—PRELIMINARY

Citation

1. These provisions may be cited as the Environmental Planning and Assessment Model Provisions 1980.

Division into Parts

2. These Provisions are divided as follows:

PART 1—PRELIMINARY—cll. 1–3

PART 2—DEFINITIONS—cl. 4

PART 3—CONSENTS—cll. 5, 6

PART 4—GENERAL AMENITY AND CONVENIENCE—cll. 7, 8

PART 5—SPECIAL PROVISIONS—cll. 9–34

PART 6—GENERAL—cll. 35, 36

SCHEDULE

Definitions

3. In these provisions, except in so far as the context or subject matter otherwise indicates or requires:

“**local environmental plan**” means the local environmental plan which in accordance with section 33 (1) of the Act adopts wholly or partially by reference these provisions;

“**zone**” has the meaning ascribed to it in the local environmental plan.

PART 2—DEFINITIONS

Definitions

4. (1) Except in so far as the context or subject matter of the local environmental plan otherwise indicates or requires:

“**airline terminal**” means a building or place used for the assembly of passengers and goods prior to the transport of those passengers and goods either to or from an airport or an aerodrome;

“**boarding-house**” includes a house let in lodgings or a hostel but does not include a motel;

“**bus station**” means a building or place used as in a terminal for the assembly and dispersal of passengers travelling by bus;

“**car repair station**” means a building or place used for the purpose of carrying out repairs to motor vehicles or agricultural machinery not being:

- (a) body building;
- (b) panel beating which involves dismantling; or
- (c) spray painting other than of a touching-up character;

“**child care centre**” means a building or place which is used (whether or not for profit) for the purpose of educating, minding or caring for children (whether or not any of the children are related to the owner or operator), but only if the following conditions are satisfied:

- (a) the children number 6 or more, are under 6 years of age, and do not attend a government school, or a registered non-government school, within the meaning of the Education Reform Act 1990; and
- (b) the building or place does not provide residential care for any of the children (other than those related to the owner or operator);

“**church**” means any place of public worship, whether in the Christian tradition or otherwise.

“**club**” means a building used by persons associated, or by a body incorporated, for social, literary, political, sporting, athletic or other lawful purposes whether of the same or of a different kind and whether or not the whole or a part of such building is the premises of a club registered under the Registered Clubs Act 1976;

“**commercial premises**” means a building or place used as an office or for other business or commercial purposes, but does not include a building or place elsewhere specifically defined in this clause or a building or place used for a purpose elsewhere specifically defined in this clause;

“**Department**” means the Department of Urban Affairs and Planning;

“**development**” has the meaning ascribed to it in section 4 of the Act;

“**dwelling**” means a room or suite or suite of rooms occupied or used or so constructed or adapted as to be capable of being occupied or used as a separate domicile;

“**dwelling-house**” means a building containing 1 but not more than 1 dwelling;

“**educational establishment**” means a building used as a school, college, technical college, academy, lecture hall, gallery or museum, but does not include a building used wholly or principally as an institution or child care centre;

“**extractive industry**” means:

- (a) the winning of extractive material; or
- (b) an undertaking, not being a mine, which depends for its operations on the winning of extractive material from the land upon which it is carried on, and includes any washing, crushing, grinding, milling or separating into different sizes of that extractive material on that land;

“**floor**” means that space within a building which is situated between one floor level and the floor level next above or if there is no floor above, the ceiling or roof above;

“**forestry**” includes arboriculture, silviculture, forest protection, the cutting, dressing and preparation, other than in a sawmill, of wood and other forest products and the establishment of roads required for the removal of wood and forest products and for forest protection;

“generating works” means a building or place used for the purpose of making or generating gas, electricity or other forms of energy;

“gross floor area” means the sum of the areas of each floor of a building where the area of each floor is taken to be the area within the outer face of the external enclosing walls as measured at a height of 1 400 millimetres above each floor level excluding:

- (a) columns, fin walls, sun control devices and any elements, projections or works outside the general line of the outer face of the external wall;
- (b) lift towers, cooling towers, machinery and plant rooms and ancillary storage space and vertical air-conditioning ducts;
- (c) car-parking needed to meet any requirements of the council and any internal access thereto;
- (d) space for the loading and unloading of goods;

“health care professional” means a person who provides professional health services to members of the public, and includes:

- (a) a podiatrist registered under the Podiatrists Act 1989; and
- (b) a chiropractor or osteopath or chiropractor and osteopath registered under the Chiropractors and Osteopaths Act 1991; and
- (c) a physiotherapist registered under the Physiotherapists Registration Act 1945; and
- (d) an optometrist registered under the Optometrists Act 1930;

“helipad” means an area or place not open to public use which is authorised by the Department of Transport and which is set apart for the taking off and landing of helicopters;

“heliport” means an area or place open to public use which is licensed by the Department of Transport for use by helicopters and includes terminal buildings and facilities for the parking, servicing and repair of helicopters;

“home industry” means an industry carried on in a building (other than a dwelling-house or a dwelling in a residential flat building) under the following circumstances:

- (a) the building does not occupy a floor space exceeding 50 square metres and is erected within the curtilage of the dwelling-house or residential flat building occupied by the person carrying on the industry or on adjoining land owned by that person; and
- (b) the industry does not:
 - (i) interfere with the amenity of the locality by reason of the emission of noise, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products or grit, oil or otherwise;
 - (ii) involve exposure to view from any adjacent premises or from an public place of any unsightly matter; or
 - (iii) require the provision of any essential service main of a greater capacity than that available in the locality;

“home occupation” means an occupation carried on in a dwelling-house or in a dwelling in a residential flat building by the permanent residents of the dwelling-house or dwelling which does not involve:

- (a) the registration of the building under the Factories, Shops and Industries Act 1962;
- (b) the employment of persons other than those residents;
- (c) interference with the amenity of the neighbourhood by reason of the emission of noise, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products or grit, oil or otherwise;
- (d) the display of goods, whether in a window or otherwise;

- (e) the exhibition of any notice, advertisement or sign (other than a notice, advertisement or sign exhibited on that dwelling-house or dwelling to indicate the name and occupation of the resident); or
- (f) the sale of items (whether goods or materials) or the exposure or offer for sale of items, by retail;

“hospital” means a building or place (other than an institution) used for the purpose of providing professional health care services (such as preventative or convalescent care, diagnosis, medical or surgical treatment, care for people with developmental disabilities, psychiatric care or counselling and services provided by health care professionals) to people admitted as in-patients (whether or not out-patients are also cared for or treated there), and includes:

- (a) ancillary facilities for the accommodation of nurses or other health care workers, ancillary shops or refreshment rooms and ancillary accommodation for persons receiving health care or for their visitors; and
- (b) facilities situated in the building or at the place and used for educational or research purposes, whether or not they are used only by hospital staff or health care workers, and whether or not any such use is a commercial use;

“hotel” means the premises to which a hotelier’s licence granted under the Liquor Act 1982 relates;

“institution” means a penal or reformatory establishment;

“junk yard” means land used for the collection, storage, abandonment or sale of scrap metals, waste paper, rags, bottles or other scrap materials or goods used for the collecting, dismantling, storage, salvaging or abandonment of automobiles or other vehicles or machinery or for the sale of parts thereof;

“liquid fuel depot” means a depot or place used for the bulk storage for wholesale distribution of petrol, oil, petroleum or other inflammable liquid;

“major road frontage” in relation to land, means the frontage of that land to:

- (a) a main or arterial road; or
- (b) a road connecting with a main or arterial road, if the whole or any part of the frontage is within 90 metres (measured along the road alignment of the connecting road) of the alignment of the main or arterial road;

“map” means the map which supports the local environmental plan;

“mine” means any place, open cut, shaft, tunnel, pit, drive, level or other excavation, drift, gutter, lead, vein, lode or reef whereon, wherein or whereby any operation is carried on for or in connection with the purpose of obtaining any metal or mineral by any mode or method and any place on which any product of the mine is stacked, stored, crushed or otherwise treated, but does not include a quarry;

“mineral sand mine” means a mine for or in connection with the purpose of obtaining ilmenite, monazite, rutile, zircon or similar minerals;

“motel” means a building or buildings (other than a hotel, boarding-house or residential flat building) substantially used for the overnight accommodation of travellers and the vehicles used by them whether or not the building or buildings are also used in the provision of meals to those travellers or the general public;

“motor showroom” means a building or place used for the display or sale of motor vehicles, caravans or boats, whether or not motor vehicle accessories, caravan accessories or boat accessories are sold or displayed therein or thereon;

“**offensive or hazardous industry**” means an industry which, by reason of the processes involved or the method of manufacture or the nature of the materials used or produced, requires isolation from other buildings;

“**parking space**” includes any garage or court available for use by vehicles;

“**place of assembly**” means a public hall, theatre, cinema, music hall, concert hall, dance hall, open-air theatre, drive-in theatre, music bowl or any other building of a like character used as such and whether used for the purposes of gain or not, but does not include a place of public worship, an institution or an educational establishment;

“**place of public worship**” means a building or place used for the purpose of religious worship by a congregation or religious group, whether or not the building or place is also used for counselling, social events, instruction or religious training.

“**public building**” means a building used as offices or for administrative or other like purposes by the Crown, a statutory body, a council or an organization established for public purposes;

“**recreation facility**” means a building or place used for indoor recreation, a billiard saloon, table tennis centre, squash court, swimming pool, gymnasium, health studio, bowling alley, fun parlour or any other building of a like character used for recreation and whether used for the purpose of gain or not, but does not include a place of assembly;

“**refreshment room**” means a restaurant, cafe, tea room, eating house or the like;

“**residential flat building**” means a building containing 2 or more dwellings;

“**retail plant nursery**” means a building or place used for both the growing and retail selling of plants, whether or not ancillary products are sold therein;

“**road transport terminal**” means a building or place used for the principal purpose of the bulk handling of goods for transport by road, including facilities for the loading and unloading of vehicles used to transport those goods and for the parking, servicing and repair of those vehicles;

“**roadside stall**” means a building or place not exceeding 20 square metres in floor space or area respectively where only primary products produced on the property on which the building or place is situated are exposed or offered for sale or sold by retail;

“**rural industry**” means handling, treating, processing or packing of primary products and includes the servicing in a workshop of plant or equipment used for rural purposes in the locality;

“**rural worker’s dwelling**” means a dwelling which is on land upon which there is already erected a dwelling and which is occupied by persons engaged in rural occupation on that land;

“**sawmill**” means a mill handling, cutting and processing timber from logs or baulks;

“**service station**” means a building or place used for the fuelling of motor vehicles involving the sale by retail of petrol, oil and other petroleum products whether or not the building or place is also used for any one or more of the following purposes:

- (a) the sale by retail of spare parts and accessories for motor vehicles;
- (b) washing and greasing of motor vehicles;
- (c) installation of accessories;
- (d) repairing and servicing of motor vehicles involving the use of hand tools (other than repairing and servicing which involves top overhaul of motors, body building, panel beating, spray painting, or suspension, transmission or chassis restoration);

“**shop**” means a building or place used for the purpose of selling, exposing or offering for sale by retail, goods, merchandise or materials, but does not include a building or place elsewhere specifically defined in this clause, a building or place used for a purpose elsewhere specifically defined in this clause;

“**site area**” means the area of land to which an application for consent under the Act relates, excluding therefrom any land upon which the development to which the application relates is not permitted by or under the local environmental plan;

“**stock and sale yard**” means a building or place used for the purpose of offering animals for sale and includes a public cattle market;

“**the Act**” means the Environmental Planning and Assessment Act 1979;

“**transport terminal**” means a building or place used as an airline terminal, a road transport terminal, a bus station or a bus depot;

“**units for aged persons**” means a residential flat building used to house aged persons as defined in the Aged or Disabled Persons Homes Act 1954, as amended, of the Parliament of the Commonwealth, erected or to be erected by an eligible organisation as defined in that Act, the Department of Housing or any other Department or instrumentality of the Crown;

“**utility installation**” means a building or work used by a public utility undertaking, but does not include a building designed wholly or principally as administrative or business premises or as a show-room;

“**warehouse**” means a building or place used for the storage of goods, merchandise or materials pending their sale and distribution to persons engaged in the retail trade.

(2) A reference in this clause to a building or place used for a purpose includes a reference to a building or place intended to be used for the purpose.

(3) The substitution or amendment of a definition in this clause does not have the effect of prohibiting the carrying out of development that was being lawfully carried out immediately before the definition was substituted or amended.

PART 3—CONSENTS

Consideration of certain applications

5. (1) The consent authority shall, in respect of an application under the Act for its consent or approval to the development of land within view of any waterway or adjacent to any main or arterial road, railway, public reserve or land zoned as open space, take into consideration the probable aesthetic appearance of the proposed building or work or that land when used for the proposed purpose and viewed from that waterway, main or arterial road, railway, public reserve or land zoned for open space.

(2) The consent authority shall, in respect of an application under the Act for its consent or approval to development for the purposes of commercial premises, shop, residential flat building, hotel, motel, service station, car repair station, place of assembly, industrial premises or caravan park or to the carrying out of any other development likely to cause increased vehicular traffic on any road in the vicinity of that development, take into consideration:

- (a) whether adequate vehicular exits from and entrances to the sites have been provided so that vehicles using those exits and entrances will not endanger persons and vehicles using those roads;

- (b) the provision of space on the site or on land adjoining the site, other than a public road, for the parking or standing of such number of vehicles as the council may determine;
- (c) whether any representations made by the Roads and Traffic Authority have been met; and
- (d) whether adequate space has been provided within the site of the building or development for the loading, unloading and fuelling of vehicles and for the picking up and setting down of passengers.

(3) The consent authority shall, in respect of an application under the Act for its consent or approval to development for the purpose of a transport terminal, consult with the Roads and Traffic Authority and shall take into consideration:

- (a) any representations made to it by the Roads and Traffic Authority;
- (b) the standard of the roads in the locality in relation to the size and the weight of the vehicles likely to use the transport terminal;
- (c) traffic conditions and facilities generally in the vicinity of the approaches to the transport terminal;
- (d) the means of ingress and egress;
- (e) the provision on land (other than a public road) of space for the parking or standing of vehicles; and
 - (i) the layout of buildings on the site in relation to:
 - (ii) the provision of space for the parking and standing of vehicles;
 - (iii) the provision of space for the loading, unloading or fuelling of vehicles; and
 - (iv) the traffic facilities within the site.

(4) The consent authority shall, in respect of an application under the Act for its consent or approval to development for the purpose of an extractive industry or mine, take into consideration the advisability of imposing conditions to secure the reinstatement of the land, to facilitate the removal of waste material or refuse, to secure public safety in the neighbourhood and to protect the amenity of the neighbourhood.

(5)

- (a) the consent authority shall, in respect of an application under the Act for its consent or approval to development for the purpose of a mineral sands mine or mines, consult with the Department and shall not grant or refuse consent nor attach conditions to a consent unless the Department gives its concurrence.
- (b) the Department referred to in subclause (5) (a) shall take into consideration in deciding whether concurrence should be granted, the impact of the development on the environment and any implications therefrom.

6. *****

PART 4—GENERAL AMENITY AND CONVENIENCE

Foreshore building line

7. (1) The council may, by resolution, fix a line (in this clause called a “foreshore building line”) in respect of any land fronting any bay, river, creek, lake, lagoon, harbour or ocean.

(2) A foreshore building line shall, when fixed in accordance with subclause (1), be marked upon a plan or clearly described in the resolution and the plan or resolution shall be available for inspection by the public during the office hours of the council.

(3) The council may alter or abolish any foreshore building line, where the levels, depth or other exceptional features of the site make it necessary or expedient to do so.

(4) A building shall not be erected between a foreshore building line and a bay, river, creek, lake or lagoon in respect of which the line is fixed.

Preservation of trees

8. (1) Where it appears to the council that it is expedient for the purpose of securing amenity or of preserving existing amenity, it may, for that purpose and by resolution, make an order (hereinafter referred to as a “tree preservation order”) and may, by like resolution, rescind or vary any such order.

(2) A tree preservation order may prohibit the ring-barking, cutting down, topping, lopping, removing, injuring or wilful destruction of any tree or trees specified in the order except with the consent of the council and any such consent may be given subject to such conditions as the council thinks fit.

(3) A tree preservation order may relate to any tree or trees or to any specified class, type or description of trees on land described particularly or generally by reference to the Local Government area or any divisions thereof.

(4) The council shall forthwith upon the making of a tree preservation order cause notice of the making of the order to be published in the Gazette and in a newspaper circulating in the area in which the land described in the order is situated.

(5) A person who contravenes or causes or permits to be contravened a tree preservation order shall be guilty of an offence.

(6) It is a sufficient defence to proceedings under this clause relating to the ring-barking, cutting down, topping, lopping, removal, injury or wilful destruction of a tree to prove:

- (a) that the tree was dying or dead or had become dangerous; or
- (b) that taking the action was reasonably necessary to protect human life, buildings or other property from imminent danger from a bush fire burning in the vicinity of the land on which the tree was situated; or
- (c) that written notice about the proposed action was given to the council of the area in which the tree was situated and the council, before the action was taken, confirmed in writing:
 - (i) that the tree was in a fuel free zone within the meaning of the document entitled “Planning for Bush Fire Protection” published by the Department of Bush Fire Services; and
 - (ii) that, if the council has classified species of trees as being likely to present a significant fire hazard, the tree was of such a species; or
 - (iii) that written notice about the proposed action was given to that council, a period of not less than 14 days occurred after the notice was given (and before the action was taken) and the council did not advise the person during that period that it opposed the action being taken. In this subclause, “notice” means a notice that includes the name and address of the person who gives it and that explains that a tree of a named species situated in a specified position on land described in the notice is intended to be ring-barked, cut down, topped, lopped, removed, injured or wilfully destroyed for the purpose of bush fire hazard reduction.

(7) The powers conferred on the council in pursuance of this clause shall not apply to trees in a State forest or on land reserved as a timber reserve within the meaning of the Forestry Act 1916, or to trees required to be trimmed or removed under section 48 of the Electricity Supply Act 1995.

PART 5—SPECIAL PROVISIONS

Division 1—Roads

Relocation of major roads

9. The consent authority shall not, without the approval of the Department cause to be aligned or realigned any main road or any other roads which the Roads and Traffic Authority has notified as a proposed main road.

Opening of public road

10. (1) A road or other means of access which forms a junction or intersection with a main road shall not be opened without the consent of the consent authority.

(2) In respect of any application for consent to open a public road or other means of access forming a junction or intersection with a main road, the consent authority shall consult with the Roads and Traffic Authority and shall take into consideration:

- (a) the treatment of the junction or the intersection and its location having regard to town and country planning principles and to the safety and convenience of the public;
- (b) the effect of opening the road or other means of access on the development of the locality; and
- (c) any representations by the Roads and Traffic Authority.

Subdivision—new roads

11. Where the land is zoned for the purpose of a proposed new road, the consent authority shall not consent to a subdivision of land of which the proposed road forms part unless the subdivision makes provision for the opening of a road in reasonable conformity with the proposed road.

Land used for commercial or industrial purposes

12. (1) This clause shall apply to all land having a frontage to a main or arterial road used or to be used for commercial or industrial purposes, whether or not it forms the site of a building.

(2) If:

- (a) there is no building on the land or the only building thereon is of a minor character—the land; or
- (b) the land forms the site of a building other than one of a minor character—the land between the road frontage and the buildings, shall not be used for the storage, sale or display of goods or for advertising purposes without the consent of the consent authority.

Off street loading etc. facilities

13. (1) Subject to this clause, the consent authority shall not consent to the erection or use of any building on land zoned for commercial or industrial purposes unless provision is

made within the site area for loading and unloading facilities satisfactory to the consent authority.

(2) If a building referred to in subclause (1) has access to a rear lane, the loading and unloading facilities shall be provided from that lane unless the consent authority is satisfied that the lane is inadequate for the purpose.

(3) This clause does not apply to development being minor alterations to an existing building if, in the opinion of the consent authority, the size and shape of the land having regard to existing buildings render the provision of facilities in accordance with this clause impracticable.

(4) Where in the opinion of the consent authority provision cannot be made in subclause (1) for loading and unloading, the consent authority may consent to the erection or use of a building subject to any conditions it may impose.

Development on public road

14. (1) A person shall not carry out development on a public road shown uncoloured on the map or part of such road lawfully closed without the consent of the consent authority.

(2) The consent authority shall only grant its consent under subclause (1) for a purpose which may be carried out either with or without the consent of the consent authority on land adjoining that road.

Division 2—Residential Development

Conversion of buildings

Restriction on excavations

18. Where immediately before the appointed day, any land within a residential zone was used for the purpose of winning extractive materials, no excavation for that purpose shall be made, opened or extended within 15 metres of adjoining land which is within a residential zone, and was not immediately prior to the appointed day in the same ownership.

Division 3—Certain Development

Service stations or car repair stations

19. A building or work shall not be erected or used and land shall not be used for the purpose of a service station unless:

- (a) the site is more than 90 metres from the junction or intersection of a main or arterial road, with another main or arterial road;
- (b) where the site has frontage to a main or arterial road:
 - (i) the Roads and Traffic Authority has been consulted; and
 - (ii) where the site is not a corner lot, the frontage to the road is not less than 38 metres, or, where the site is a corner lot, the frontage to the road is not less than 30 metres;

- (c) where the site has frontage to a road other than a main or arterial road, the frontage is not less than 30 metres;
- (d) the width of a vehicular crossing over a footpath is not more than 9 metres;
- (e) any vehicular crossing over a footpath is not closer than 6 metres to a road intersection;
- (f) separate entrances to and exits from the site are provided and those entrances and exits are separated by physical barriers constructed on the road alignment and so identified by suitable signs readily visible to persons using the adjoining road or entering;
- (g) where the site is a corner lot and the council so requires, separate entrances and exits are provided to and from each of the adjoining roads and a physical barrier is erected so that a vehicle entering the site must, when leaving it, use an exit leading only to the road from which entrance was gained;
- (h) inlets to bulk fuel storage tanks are so situated on the site as to ensure that tankers, while discharging fuel into such tanks, shall stand wholly within the site;
- (i) fuel pumps are within the site and not closer than 3 metres to the road alignment;
- (j) the layout of the site is such as to facilitate the movement of vehicles entering into or leaving the site with the flow of traffic on the adjoining road;
- (k) vehicular access to or from the site from or to an adjoining road is situated not less than 24 metres to any traffic lights on the roads; and
- (l) the site is suitably landscaped to the satisfaction of the consent authority.

Drive-in theatre

20. (1) A drive-in theatre shall not be erected or used unless the following conditions are complied with:

- (a) a vehicular entrance to or exit from the drive-in theatre shall not be located within 90 metres of a main or arterial road;
- (b) a vehicular drive-way, at least 60 metres in length and 21 metres in width, leading from the entrance to the site to the location of the ticket office, shall be located within the site of the drive-in theatre; and
- (c) the screen of the drive-in theatre shall be so located or protected that no image projected thereon shall be visible and identifiable from a main or arterial road.

(2) Where an application is made for the purpose of a drive-in theatre, the consent authority shall, before determining the application, consult with the Roads and Traffic Authority and take into consideration any representations made by that Authority

Drive-in take-away food shops

21. A drive-in take-away food shop shall not be erected or used unless the following conditions are complied with:

- (a) the site area is not less than 1 000 square metres;
- (b) where the site has a frontage to a main or arterial road:
 - (i) the frontage is not less than 27 metres; and
 - (ii) there is provided on the site parking space for not less than 30 motor vehicles;
- (c) where the site has a frontage to any other road:
 - (i) that frontage is not less than 21 metres; and
 - (ii) there is provided on the site parking space for so many motor vehicles as the consent authority may determine;
- (d) any vehicle crossing is not:
 - (i) less than 6 metres wide;

- (ii) closer than 9 metres to another vehicular crossing on the site; or
- (iii) closer than 7.6 metres to a road intersection;
- (e) the site is landscaped to the satisfaction of the consent authority; and
- (f) not more than 2 advertising structures are displayed outside the shop.

Motor showrooms

22. A person shall not carry out development for the purposes of a motor showroom on any land unless:

- (a) where the land has a frontage to a main or arterial road, vehicular access to the site where alternative access is available is only by way of a road, other than the main or arterial road; and
- (b) where the site is a corner lot, the council is satisfied that the layout and placement of caravans, boats or motor vehicles (as the case may be) will not obstruct the vision of drivers using the intersection.

Industrial use of land

23. A person shall not, within a business zone erect or use a building or use land for the purposes of an industry other than a service station or car repair station if:

- (a) the total floor space of the building or the part of the building so used or proposed to be used or the total area of the land so used or proposed to be used exceeds 500 square metres; or
- (b) the allotment of land upon which the proposed development is to be established exceeds 1 000 square metres.

Division 4—Miscellaneous Development

Railway sidings

24. Nothing in the local environmental plan shall operate to prohibit the construction and use of any railway siding designed to serve lands in an industrial zone.

Liquid fuel depots

25. (1) A person shall not establish, enlarge or use a liquid fuel depot having an above ground storage capacity of 500 kilolitres or more of inflammable liquid without the prior consent of the consent authority and the concurrence of the Department for the time being engaged in the administration of the Dangerous Goods Act 1975.

(2) The Department referred to in subclause (1) shall take into consideration in deciding whether concurrence should be granted the provisions of the Act referred to in subclause (1) and any other matters relating to safety.

Junkyards and offensive or hazardous industries

26. Development for the purposes of a junkyard or an offensive or hazardous industry:

- (a) shall not be carried out within 90 metres of a main or arterial road; and
- (b) shall be screened from view to the satisfaction of the consent authority.

Sawdust and sawmill waste

27. Except with the consent of the consent authority sawdust or sawmill waste shall not be:

- (a) deposited on any land, whether by way of filling or otherwise; or

(b) burnt:

- (i) except in an incinerator of a type approved by the consent authority; or
- (ii) where the sawmill is isolated from urban development, except in a manner approved by the consent authority.

General store

28. (1) A person shall not erect or use a building for the purposes of a general store on an allotment of land within a rural zone, where such allotment has a frontage to a main or arterial road or is less than 800 metres from any other allotment of land on which is erected a shop or a general store.

(2) A person shall not erect or use a building for the purposes of a general store in any zone referred to in subclause (1) of this clause closer to the alignment of a road other than the building line fixed in respect of any adjoining premises or, where no such building line has been fixed, closer to such alignment than the distance generally applying in respect of other premises having frontage to such road.

Construction of dams

29. A person shall not construct a dam on any land except with the consent of the consent authority.

Division 5—General

PART 6—GENERAL

Savings

35. Nothing in the local environmental plan shall be construed as restricting or prohibiting or enabling the consent authority to restrict or prohibit:

- (a) the carrying out of development of any description specified in Schedule 1;
- (b) the use of existing buildings of the Crown by the Crown; or
- (c) home occupations carried on in dwelling-houses.

36. *****

SCHEDULE 1

(Cl. 35)

1. The carrying out by persons carrying on railway undertakings on land comprised in their undertakings of:

- (a) any development required in connection with the movement of traffic by rail, including the construction, reconstruction, alteration, maintenance and repair of ways, works and plant; and
- (b) the erection within the limits of a railway station of buildings for any purpose, but excluding:
- (c) the construction of new railways, railway stations and bridges over roads;
- (d) the erection, reconstruction and alteration of buildings for purposes other than railway undertaking purposes outside the limits of a railway station and the reconstruction or alteration so as materially to affect the design thereof of railway stations or bridges;
- (e) the formation or alteration of any means of access to a road; and
- (f) the erection, reconstruction and alteration of buildings for purposes other than railway purposes where such buildings have direct access to a public place.

2. The carrying out by persons carrying on public utility undertakings, being water, sewerage, drainage, electricity or gas undertakings, of any of the following development, being development required for the purpose of their undertakings, that is to say:

- (a) development of any description at or below the surface of the ground;
- (b) the installation of any plant inside a building or the installation or erection within the premises of a generating station or substation established before the appointed day of any plant or other structures or erections required in connection with the station or substation;
- (c) the installation or erection of any plant or other structures or erections by way of addition to or replacement or extension of plant or structures or erections already installed or erected, including the installation in an electrical transmission line of substations, feeder-pillars or transformer housing, but not including the erection of overhead lines for the supply of electricity or pipes above the surface of the ground for the supply of water, or the installation of substations, feeder-pillars or transformer housings of stone, concrete or brickworks;
- (d) the provision of overhead service lines in pursuance of any statutory power to provide a supply of electricity;
- (e) the erection of service reservoirs on land acquired or in process of being acquired for the purposes thereof before the appointed day, provided reasonable notice of the proposed erection is given to the council; or
- (f) any other development except:
 - (i) the erection of buildings, the installation or erection of plant or other structures or erections and the reconstruction or alteration, so as materially to affect the design or external appearance thereof, of buildings; or
 - (ii) the formation or alteration of any means of access to a road.

3. The carrying out by persons carrying on public utility undertakings, being water transport undertakings, on land comprised in their undertakings, of any development required in connection with the movement of traffic by water, including the construction, reconstruction, alteration, maintenance and repair of ways, buildings, wharves, works and plant required for that purpose, except:

- (a) the erection of buildings and the reconstruction or alteration of buildings so as materially to affect the design or external appearance thereof; or
- (b) the formation or alteration of any means of access to a road.

4. The carrying out by persons carrying on public utility undertakings, being wharf or river undertakings, on land comprised in their undertakings, of any development required for the purposes of shipping or in connection with the embarking, loading, discharging or transport of passengers, livestock or goods at a wharf or the movement of traffic by a railway forming part of the undertaking, including the construction, reconstruction, alteration, maintenance and repair of ways, buildings, works and plant for those purposes, except:

- (a) the construction of bridges, the erection of any other buildings, and the reconstruction or alteration of bridges or of buildings so as materially to affect the design or external appearance thereof; or
- (b) the formation or alteration of any means of access to a road.

5. The carrying out by persons carrying on public utility undertakings, being air transport undertakings, on land comprised in their undertakings within the boundaries of any aerodrome, of any development required in connection with the movement of traffic by air, including the construction, reconstruction, alterations, maintenance and repair of ways, buildings, wharves, works and plant required for that purpose, except:

- (a) the erection of buildings and the reconstruction or alteration of buildings so as materially to affect the design or external appearance thereof; or
- (b) the formation or alteration of any means of access to a road.

6. The carrying out by persons carrying on public utility undertakings, being road transport undertakings, on land comprised in their undertakings, of any development required in connection with the movement of traffic by road, including the construction, reconstruction, alteration, maintenance and repair of buildings, works and plant required for that purpose, except:

- (a) the erection of buildings and the reconstruction or alteration of buildings so as materially to affect the design or external appearance thereof; or
- (b) the formation or alteration of any means of access to a road.

7. The carrying out by the owner or lessee of a mine (other than a mineral sands mine), on the mine, of any development required for the purposes of a mine, except:

- (a) the erection of buildings (not being plant or other structures or erections required for the mining, working, treatment or disposal of minerals) and the reconstruction, alteration or extension of buildings, so as materially to affect the design or external appearance thereof; or
- (b) the formation or alteration of any means of access to a road.

8. The carrying out of any development required in connection with the construction, reconstruction, improvement, maintenance or repair of any road, except the widening, realignment or relocation of such road.

9. The carrying out of any forestry work by the Forestry Commission, School Forest Trust or Community Forest Authorities empowered under relevant Acts to undertake afforestation, roading, protection, cutting and marketing of timber, and other forestry purposes under such Acts or upon any Crown land temporarily reserved from sale as a timber reserve under the Forestry Act 1916.

10. The carrying out by a rural lands protection board of any development required for the improvement and maintenance of travelling stock and water reserves, except:

- (a) the erection of buildings and the reconstruction or alteration of buildings so as materially to affect the design or purposes thereof;
- (b) any development designed to change the use or purpose of any such reserve.

11. The carrying out or causing to be carried out by a council engaged in flood mitigation works or by the Department of Land and Water Conservation of any work for the purposes of soil conservation, irrigation, afforestation, reforestation, flood mitigation, water conservation or river improvement in pursuance of the provisions of the Water Act 1912, the Irrigation Act 1912, the Farm Water Supplies Act 1946 or the Rivers and Foreshores Improvement Act 1948, except:

- (a) the erection of buildings, the installation or erection of plant or other structures or erections and the reconstruction or alteration of buildings so as materially to affect the design or external appearance thereof;
- (b) the formation or alteration of any means of access to a road.