

1 DEVELOPMENT CONTROLS

1.1 Introduction

The EA report suggests that Hawkesbury LEP 1989 be amended to reflect the housing densities proposed as part of the Concept Plan application. The EA suggests that the amendment to HLEP can be made by the Minister gazetting either:

- a. an Order under Section 75P(2)(d) of the Environmental Planning & Assessment Act; or
- b. an amendment to Schedule 4 to the Major Project SEPP.

The amended HELP Map is attached to this Appendix and the following provisions of the Standard Instrument (Local Environmental Plans) Order 2006 are proposed to apply to development on the site. For matters not included below the provisions of Hawkesbury LEP 1989 will continue to apply to the land in the study area. Where there is any inconsistency the provisions below prevail.

1.2 Zone and Land Use Table

The following sets out the land use tables and zones to apply to the site, which are in the format consistent with Schedule 1 in the Standard Instrument (Local Environmental Plans) Order 2006. The land use zoning is indicated on the Plan attached to this Appendix.

Zone R2 Low Density Residential

1 Objectives of zone

- To provide for the housing needs of the community within a low density residential environment.
- To enable other land uses that provide facilities or services to meet the day to day needs of residents.

2 Permitted without consent

Exempt Development

3 Permitted with consent

Child care centres; Clearing native vegetation; Community facilities; Drainage; Dwelling houses; Group homes; Home based child care or family day care home; Home business; Home occupations; Permanent group homes; Rainwater tanks; Roads.

4 Prohibited

Any other development not otherwise specified in item 2 or 3.

Zone R5 Large Lot Residential

1 Objectives of zone

- To provide residential housing in a rural setting while preserving environmentally sensitive locations and scenic quality.
- To ensure that large residential allotments do not hinder the proper and orderly development of urban areas in the future.
- To ensure that development in the area does not unreasonably increase the demand for public services or public facilities.
- To minimise conflict between land uses within the zone and adjoining zones.

2 Permitted without consent

Exempt Development

3 Permitted with consent

Child care centres; Clearing native vegetation; Community facilities; Drainage; Dwelling houses; Home based child care or family day care home; Home business; Home occupations; Rainwater tanks; Roads.

4 Prohibited

Any other development not otherwise specified in item 2 or 3.

1.3 Subdivision

The following clauses of the Standard Instrument (Local Environmental Plans) Order 2006 are proposed to apply to the land.

15 Subdivision—consent requirements

- (1) Land to which this Plan applies may be subdivided, but only with consent.
- (2) However, consent is not required for a subdivision for the purpose only of any one or more of the following:
 - (a) widening a public road,
 - (b) making an adjustment to a boundary between lots, being an adjustment that does not involve the creation of a greater number of lots,
 - (c) a minor realignment of boundaries that does not create additional lots or the opportunity for additional dwellings,
 - (d) a consolidation of lots that does not create additional lots or the opportunity for additional dwellings,
 - (e) rectifying an encroachment on a lot,
 - (f) creating a public reserve,
 - (g) excising from a lot land that is, or is intended to be, used for public purposes, including drainage purposes, rural fire brigade or other emergency service purposes or public conveniences.

Note. If a subdivision is exempt development, the Act enables the subdivision to be carried out without consent.

19 Minimum subdivision lot size

- (1) This clause applies to a subdivision of any land shown on the Lot Size Map that requires consent and that is carried out after the commencement of this Plan.
- (2) The size of any lot resulting from any such subdivision of land is not to be less than the minimum size shown on the Lot Size Map in relation to that land.

1.4 Definitions

The dictionary in Schedule 1, in the Standard Instrument (Local Environmental Plans) Order 2006 is proposed to apply to the land.