



The Hills Local Environmental Plan 2012

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4.1AA Minimum subdivision lot size for community title schemes

- (1) The objectives of this clause are as follows:
- (a) to ensure that land to which this clause applies is not fragmented by inappropriate subdivisions that would create additional dwelling entitlements,
 - (b) to encourage rural cluster subdivision that will ensure the land is developed, managed and conserved in a holistic and sensitive manner where affected by biodiversity.
- (2) This clause applies to a subdivision (being a subdivision that requires development consent) under the Community Land Development Act 1989 of land in any of the following zones:
- (a) Zone RU1 Primary Production,
 - (b) Zone RU2 Rural Landscape,
 - (c) Zone RU6 Transition,
 - (d) Zone R1 General Residential,
 - (e) Zone R2 Low Density Residential,
 - (f) Zone R3 Medium Density Residential,
 - (g) Zone R4 High Density Residential,
 - (h) Zone SP3 Tourist,
 - (i) Zone E3 Environmental Management,
 - (j) Zone E4 Environmental Living.
- (3) The size of any lot resulting from a subdivision of land to which this clause applies (other than any lot comprising association property within the meaning of the Community Land Development Act 1989) is not to be less than the minimum size shown on the Lot Size Map in relation to that land.
- (3A) Despite subclause (3), the size of any lot resulting from a subdivision of land in Zone RU2 Rural Landscape may be less than the minimum size shown on the Lot Size Map in relation to that land if:
- (a) the land to be subdivided under the community plan is not less than 10 hectares, and
 - (b) the land to be subdivided under the community plan includes land identified as “Biodiversity” on the Terrestrial Biodiversity Map or a suitably qualified professional has assessed the relevant land and certified that the development will provide a better biodiversity outcome, and
 - (c) after the subdivision, there will be no more than 1 lot (other than a lot comprising association property within the meaning of the Community Land Development Act 1989) for each 2 hectares subdivided, and

- (d) the size of any lot resulting from the subdivision (other than a lot comprising association property within the meaning of the *Community Land Development Act 1989*) is not less than 0.4 hectares or greater than 1 hectare.
- (3B) The consent authority must not grant consent to development on land that has been subdivided under subclause (3A) unless it is satisfied that:
- (a) appropriate management measures will be in place that will ensure the protection of the landscape, biodiversity and rural setting of the land, and
 - (b) productive agricultural land will not be lost.

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