

Proposed amendment to Clause 4.1E of Hawkesbury Local Environmental Plan 2012

4.1E *Variations of lot size without increasing lot yield at certain land at Grose Wold and Grose Vale*

- (1) The objective of this clause is to ensure the protection of threatened species, populations and ecological communities and land in an environmental constraint area within certain land at Grose Wold and Grose Vale.
- (2) This clause applies to land identified as "Area B" and edged heavy yellow on the Lot Size Map.
- (3) Despite clauses 4.1, 4.1AA, and 4.1A where land contains an environmental constraint area development consent must not be granted for the subdivision of the land unless:
 - (a) the number of lots to be created for a dwelling house by the subdivision plus the number of lots created for a dwelling house by any prior subdivision since 2 June 2000 of whole or part of the original lot will not in total exceed the area of the original lot for the land to be subdivided, in hectares, divided by 4, and
 - (b) any lot created for a dwelling house will contain at least one (1) hectare of land that is not in an environmental constraint area.
- (4) Where land does not contains an environmental constraint area development consent must not be granted for the subdivision of the land unless
 - (a) the minimum lot size provisions of 4.1, 4.1AA and 4.1A are complied with; and,
 - (b) the number of lots to be created for a dwelling house by the subdivision plus the number of lots created for a dwelling house by any prior subdivision since 2 June 2000 of whole or part of the original lot will not in total exceed the area of the original lot for the land to be subdivided, in hectares, divided by 4.
- (5) When considering a development application to which this clause relates, the consent authority must be satisfied that:
 - (a) the pattern of lots created by the proposed subdivision and the location of any proposed buildings on those lots will minimise the impact on any threatened species, populations or ecological communities, waterways and groundwater , and any land within an environmental constraint area, and
 - (b) a geotechnical assessment has been undertaken demonstrating the land is adequate for the on-site disposal of effluent in accordance with best practice, and

- (c) any land containing threatened species, populations or ecological communities and any land within an environmental constraint area is retained in one lot as much as possible, and
 - (d) there will be no significant adverse impacts on any threatened species, populations or ecological communities or land within any environmental constraint area located downstream or surrounding the proposed development.
- (6) When considering a development application to which this clause relates, the consent authority must have regard to the effect the development is likely to have on the following:
- (a) the water quality and water quantity in the Grose River and its tributaries,
 - (b) the scenic quality of the area,
 - (c) existing riparian vegetation, the rehabilitation of local native riparian vegetation located along the Grose River and along drainage lines and creeks.
- (7) In this clause:

threatened species, populations and ecological communities means species, populations and ecological communities specified in Schedules 1, 1A and 2 of Threatened Species Conservation Act 1995

environmental constraint area means land identified as "Environmental Constraint Area" on the Environmental Constraints Area Map.

original lot for land being subdivided means a lot that existed immediately before 2 June 2000 that included the land.