

**DRAFT HAWKESBURY LOCAL ENVIRONMENTAL PLAN 1989
(AMENDMENT No. 139)**

under the

Environmental Planning and Assessment Act 1979

I, the Minister Assisting the Minister for Infrastructure and Planning (Planning Administration), make the following local environmental plan under the *Environmental Planning and Assessment Act 1979*.

()
Minister Assisting the Minister for Infrastructure
and Planning (Planning Administration)

DRAFT HAWKESBURY LOCAL ENVIRONMENTAL PLAN 1989 (AMENDMENT No. 139)

under the

Environmental Planning and Assessment Act 1979

1. Name of plan

This plan is *Hawkesbury Local Environmental Plan 1989 (Amendment No. 139)*.

2. Aims of plans

The plan aims:

- a) to amend the schedules that relate to Exempt and Complying Development;
- b) to ensure that pools are complying development;
- c) to allow for more classes of development to become Exempt Development; and
- d) to increase the scope of Complying Development.

3. Land to which plan applies

This plan applies to land within the City of Hawkesbury under Hawkesbury Local Environmental Plan 1989.

4. Amendment of other environmental planning instruments

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

Schedule 1 Amendments

[1] Clause 5 Definitions

- a) Omit the definition of "structures ancillary to a dwelling" and the definition of "structures ancillary to uses other than dwellings";
- b) Insert in the appropriate alphabetical order the following definitions:

"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.

"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, aerals, 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, letter boxes, gates, portable gas bottles, sky lights, water heaters or the like.

"structures ancillary to uses other than dwellings" means minor structures or renovations that are ancillary to existing buildings that are not dwellings or residential uses and includes uses or works listed in Clause 9C where applicable.

[2] Clause 9

Delete Clause 9 and insert the following;

Carrying out of development

9.(1) Unless otherwise provided by this plan, the Land Use Matrix set out at the end of this clause specifies for each zone:

- (a) development that does not require consent, where "O" is shown for that development;
- (b) development that requires consent but may be exempt or complying development, where "■" is shown for that development;
- (c) development that requires consent where "□" is shown for that development; and
- (d) development that is prohibited where there is no symbol shown for that development.

(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 in clauses 9B and 9C that does not comply with the criteria column in these tables becomes development that requires development consent.

Land Use Matrix

Note

- ☐ Development that does not require consent
- ☒ Development that is either exempt or complying development see Clauses 9B or 9C
- ☐ Development that requires consent

Where no symbol appears, development is prohibited

Symbol	Zone
MA	Mixed Agriculture
RL	Rural Living
RV	Rural Village
C	Consolidated Land Holdings
H	Housing
MUH	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 - Agricultural 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	C	H	MUH	3A	3B	4A	4B	5A	6A	6B	6C	7A	7D	EPA	EPM	7E	9B
Access Ramps	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■
Advertisements	■	■	■	■	■	■	■	■	■	■					□	□	□	■		

	ZONES																			
DEVELOPMENT FOR THE PURPOSE OF THE FOLLOWING	MA	RL	RV	C	H	MUH	3A	3B	4A	4B	5A	6A	6B	6C	7A	7D	EPA	EPM	7E	9B
Advertising Structures							□	□	□	□										
Agriculture	○	○		□	□	□	□	□	□	□	□		□	□		○	○	○	□	□
Airline Terminals	□	□		□			□	□	□	□						□		□		
Animal Establishments	□	□		□	□	□	□	□	□	□						□	□	□		
Bed and Breakfast Accommodation	■	■	■	■	■	■	■	■								■	■	■	■	
Boarding Houses	□	□	□	□	□	□	□	□	□	□						□		□		
Bulky Goods Sales Rooms or Showrooms							□	□	□	□										
Bus Depots	□	□	□	□			□	□	□	□						□		□		
Bus Station	□	□	□	□	□	□	□	□	□	□						□		□		
Carnivals	○	○	○		□	□	○	○	○	○	○	○	○	○		○	○	○		○
Carports	■	■	■	■	■	■	■	■	■	■	□	□	□	□		□	□	□	□	
Car Repair Stations							□	□	□	□										
Child Care Centres	□	□	□	□	□	□	□	□	□	□	□	□	□	□		□		□	□	
Clearing Native Vegetation	□	□	□	□	○	○	○	○	○	○	□	□	□	□		□	□	□		■
Clubs	□	□	□	□	□	□	□	□	□	□				□		□		□	□	
Commercial Premises							□	□												
Community Facilities	□	□	□	□	□	□	□	□	□	□	□	□	□	□		□		□	□	
Dams	□	□	□	□	□	□	□	□	□	□	□	□	□	□	□	□	□	□	□	□
Demolition	■	■	■	■	■	■	■	■	■	■		■	■	■	■	■	■	■	■	■
Dual Occupancies Attached	□	□	□	□												□	□	□	□	
Dwelling Houses	□	□	□	□	■	■	□	□								□	□	□	□	
Educational Establishments	□	□	□	□	□	□	□	□			□					□	□	□	□	
Exhibition Homes					□	□	□	□												
Extractive Industries	□								□	□										
Farm gate sales outlet	□	□	□	□											□	□	□	□	□	
Fences	■	■	■	■	■	■	■	■	■	■	■	■	■	■	□	■	■	■	□	■
Flag Poles	■	■	■	■	■	■	■	■	■	■	■	■	■	■		■	■	■	■	

	ZONES																			
DEVELOPMENT FOR THE PURPOSE OF THE FOLLOWING	MA	RL	RV	C	H	MUH	3A	3B	4A	4B	5A	6A	6B	6C	7A	7D	EPA	EPM	7E	9B
Forestry	☐			☐	☐	☐	☐	☐	☐	☐		☐	☐			☐	☐	☐		
Garages	☒	☒	☐	☒	☒	☒	☒	☒	☒	☒	☐	☐	☐	☐		☐	☐	☐	☐	
General Stores	☐	☐	☐	☐	☐	☐	☐	☐	☐	☐						☐	☐	☐		
Generating Works	☐	☐	☐	☐			☐	☐	☐	☐						☐	☐	☐		
Helipads	☐	☐	☐	☐	☐	☐	☐	☐	☐	☐	☐	☐	☐	☐		☐	☐	☐	☐	
Heliports	☐	☐		☐			☐	☐	☐	☐						☐		☐		
Home Occupations	☒	☒	☒	☒	☒	☒	☒	☒	☒	☒	☒					☒	☒	☒	☒	
Home Industries	☐	☐	☐	☐	☐	☐	☐	☐	☐	☐	☐					☐	☐	☐	☐	
Hospitals	☐	☐	☐	☐	☐	☐	☐	☐	☐	☐	☐					☐		☐	☐	
Hotels	☐	☐	☐	☐			☐	☐	☐	☐						☐		☐		
Identified Land Use	☐	☐	☐	☐	☐	☐	☐	☐	☐	☐	☐				☐	☐	☐	☐	☐	
Industries									☐											
Institutions	☐	☐	☐	☐					☐	☐						☐		☐	☐	
Intensive Agriculture	☐	☐		☐												☐	☐	☐		
Junk Yards	☐								☐											
Landfilling	☐	☐	☐	☐	☐	☐	☐	☐	☐	☐	☐	☐	☐	☐	☐	☐	☐	☐	☐	☐
Light Industries								☐	☐	☐										
Liquid Fuel Depots									☐	☐										
Mines	☐								☐	☐										
Mineral Sand Mines	☐								☐	☐										
Motels	☐	☐	☐	☐		☐	☐	☐		☐						☐		☐	☐	
Motor Show Rooms							☐	☐	☐	☐										
Multi Unit Housing						☐	☐	☐												
Offensive or Hazardous Industries									☐											
Places of Assembly	☐	☐	☐	☐			☐	☐	☐	☐						☐	☐	☐	☐	
Places of Public Worship	☐	☐	☐	☐	☐	☐	☐	☐	☐	☐	☐					☐	☐	☐	☐	
Produce Stores	☐	☐	☐				☐	☐	☐	☐						☐	☐	☐		

	ZONES																			
DEVELOPMENT FOR THE PURPOSE OF THE FOLLOWING	MA	RL	RV	C	H	MUH	3A	3B	4A	4B	5A	6A	6B	6C	7A	7D	EPA	EPM	7E	9B
Public Buildings	☐	☐	☐	☐	☐	☐	☐	☐	☐	☐	☐		☐	☐		☐		☐	☐	
Public Utility Undertakings	☐	☐	☐	☐	☐	☐	☐	☐	☐	☐	☐	☐	☐	☐	☐	☐	☐	☐		☐
Professional and Commercial Chambers	☐	☐	☐	☐	☐	☐	☐	☐	☐	☐						☐		☐	☐	
Real Estate Sales Signs	☒	☒	☒	☒	☒	☒	☒	☒	☒	☒	☒					☒	☒	☒	☒	
Recreation Areas	☐	☐		☐	☐	☐	☐	☐	☐	☐	☐	☐	☐	☐	☐	☐	☐	☐	☐	
Recreation Facilities	☐	☐	☐	☐	☐	☐	☐	☐	☐	☐		☐	☐	☐		☐		☐	☐	
Recreation Vehicle Areas	☐	☐	☐				☐	☐	☐	☐		☐	☐	☐		☐		☐		☐
Recreational Establishments	☐	☐	☐	☐	☐	☐	☐	☐	☐	☐		☐	☐	☐		☐		☐	☐	
Refreshment Rooms	☐	☐	☐	☐			☐	☐	☐	☐		☐	☐	☐		☐	☐	☐		
Renovations	☒	☒	☒	☒	☒	☒	☒	☒	☒	☒	☒	☒	☒	☒	☒	☒	☒	☒	☒	☒
Retail Plant Nurseries	☐	☐	☐				☐	☐	☐	☐						☐	☐	☐		
Retaining Walls	☒	☒	☒	☒	☒	☒	☒	☒	☒	☒	☒	☒	☒	☒		☒	☒	☒	☒	☒
Roadside Stalls	☐	☐	☐	☐												☐	☐	☐		
Road Transport Terminals	☐			☐					☐	☐										
Rural Industries	☐								☐	☐						☐	☐	☐		
Rural Sheds	☒	☒	☐	☒	☐						☒	☒	☒	☒		☐	☒	☒	☐	
Rural Tourist Facility	☐	☐		☐												☐	☐		☐	
Rural Workers' Dwellings	☐			☐												☐	☐	☐		
Satellite Dishes	☒	☒	☒	☒	☒	☒	☒	☒	☒	☒	☒	☒	☒	☒		☒	☒	☒	☒	☒
Sawmills	☐								☐							☐	☐	☐		
Service Stations							☐	☐	☐	☐										
Shops							☐	☐												
Shop Fit Outs							☒	☒												
Stock and Sale Yards	☐								☐	☐						☐	☐	☐		
Structures Ancillary to Dwellings	☒	☒	☒	☒	☒	☒	☒	☒	☒	☒	☒					☒	☒	☒	☒	
Tourist Facilities	☐	☐	☐	☐	☐	☐	☐	☐	☐	☐						☐		☐	☐	
Transport Terminals									☐	☐						☐				

	ZONES																			
DEVELOPMENT FOR THE PURPOSE OF THE FOLLOWING	MA	RL	RV	C	H	MUH	3A	3B	4A	4B	5A	6A	6B	6C	7A	7D	EPA	EPM	7E	9B
Truck Depots	□							□	□	□								□		
Units for Aged Persons					□	□	□	□	□	□										
Utility Installations	○	○		○	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○	□
Warehouses							□	□	□	□										
Waste Storage Containers	■	■	■	■	■	■	■	■	■	■	■	■	■	■		■	■	■	■	■

[3] Clause 9B

Delete Clause 9B and insert the following:

9B What can be carried out as 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~~ all deemed-to-satisfy provisions of the Building Code of Australia relevant to the development; and
- (b) it meets the requirements listed for it in the Table to this Clause; and
- (c) it complies with ~~any~~ all relevant standards set for the development by this plan or by Council's development control plan titled "Hawkesbury Development Control Plan, Part B ", ~~as adopted by the Council on {insert date}~~ as adopted by the Council on {insert date}; and
- (d) it does not contravene any condition of consent applying to the land; and
- (e) it does not obstruct drainage of the site on which it is carried out; and
- (f) it is carried out at least one metre from the zone of influence of any easement or public sewer ~~main and complies with the building over sewer requirements~~ of Sydney Water Corporation or the Council, applying to the land;
- (g) it does not affect a threatened species, population or endangered ecological community, or it's habitat as identified under the Threatened Species Conservation Act 1995.

(3) Development is not exempt development if it is carried out on land that:

- (a) is or is part of a wilderness area (under the Wilderness Act 1987); or
- (b) is subject to an order under the Heritage Act 1977; or
- (c) is an Aboriginal place or known Aboriginal relic under the National Parks and Wildlife Act 1974; or

- (d) is land identified in an environmental planning instrument as a wetland or is within 20 metres of land so identified as a wetland; or
- (e) is an aquatic reserve under the Fisheries Management Act 1994; or
- (f) is a site of a heritage item or is in a conservation area, unless in the opinion of Council, the proposed development:
- (i) is of a minor nature or consists of maintenance of the heritage item or of a building, work, archaeological site, tree or place within a heritage conservation area; and
- (ii) would not adversely affect the significance of the heritage item or heritage conservation area; and
- (iii) the proponent has notified the consent authority in writing of the proposed development and the consent authority 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.
- (g) is prohibited development under this plan or any other environmental planning instrument.

TABLE

<i>The erection and use or carrying out of the following:</i>	<i>Requirements</i>
Access ramps for the disabled	- Maximum height 1m above ground level - Maximum grade 1:14 and otherwise in compliance with AS 1428.1 - 1998
Advertisements	<i>General</i> - Excluding above awning and roof signs - Not exceeding 4m² in area - Not illuminated <u>Not exceeding one advertisement per property / unit</u> <i>Sandwich Boards/A Frame (private business property)</i> - Located in Commercial zones - The sign is wholly contained within the leased area for the business and restricted to a maximum signage area of 2.4m² on each of the two faces - Signage of this type shall be restricted to one sign per business <i>Sandwich Boards/A Frame (public places and upon Council property)</i> - Signs shall have a maximum signage area of 1.2m² for each of the two faces - Each sign shall be registered with the Council. A registration plate issued by Council shall be permanently affixed to the sign for identification purposes - Each sign shall be covered by a \$5 million insurance indemnity, protecting both the owner of the sign and Council jointly. This shall be renewed annually with evidence of insurance to be provided on an annual basis - Signs shall not obstruct pedestrian access or line of sight for vehicular

	- traffic - Signs shall be located adjacent to the premises gaining advantage from the sign, that is, not outside an extended line from the side boundaries to the gutter or where no gutters exist a distance of 5m from the shop or business front wall - Signage of this type shall be restricted to one sign per business
Aerials / Antennae / Microwave Antennae	- Maximum height above roof of 6m - Domestic use only
Air conditioning units for dwellings (attached to external wall or ground mounted)	Noise from the source represented by L_{Aeq}, measured over a 15-minute period does not exceed the background noise level measured in the absence of the source by more than 5 dB.
Ancillary structures to a dwelling including awnings, shade canopies, storm blinds, open pergolas, cabanas/ gazebos, barbeques, greenhouses	- Maximum area 40m² - Maximum height 2.4m above ground level - Non-reflective materials - Located within property boundaries - To be located behind the building alignment - No removal of native vegetation - Awnings not to be used for garaging/storage of vehicles. - Located a minimum of 900mm from adjoining allotment boundaries.
Bed and Breakfast Accommodation	4 bedrooms or less located within existing dwelling - Compliance with BCA for Class 1b building
Bird Aviaries and Domestic Pet Enclosures (excluding poultry)	- Maximum area 9m² (total aggregate) - Maximum height 1.8m above ground level - Domestic use only - Rear yard only
Carnivals	- No more than 4 events per calendar year - No amplified noise - Daylight hours only
Carports	- Height not exceeding 2.4m above ground level <u>to the gutter or adjoining property boundary</u> <u>Not exceeding a roof pitch of 15°</u> - Area not exceeding 40m² - Not in Environmental Protection Zone - Behind the building alignment - Not located over or within the <u>angle-of-repose-zone of influence</u> of a sewer line or easement
Change of use from: an industry to another industry; or a light industry to another light industry	- Existing approved industrial building - Located in an industrial zone - Does not involve (i) offensive/hazardous industry (ii) designated development - Any internal or external alterations being the subject of a separate development application - Compliance with the provisions of the Environmental Planning and Assessment (Amendment) Act 1979, and the Building Code of Australia - Submission of a Fire Safety Certificate, in accordance with Schedule of Fire Safety Measures, to Council - Storage of goods or materials shall be confined within the building or approved areas - Development is to be maintained in a clean and tidy manner - Any waste generated must be disposed of in accordance with the requirements of the Protection of the Environment Operations Act 1997 and associated Regulations - The use of the site shall be conducted in such a manner so as not to interfere with the amenity of the neighbourhood in respect to noise, vibration, odour, dust, waste water, waste product or otherwise - All vehicles being serviced, repaired, stored or displayed for sale shall be contained within the subject property and not on adjacent footpaths or roadways - Vehicles 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 banded areas - Used oil and other lubricants, hydraulic fluid and coolants shall be

	collected and stored for the purposes of recycling or disposing at a waste facility with approval to accept these substances - Oil, lubricant, coolant and hydraulic fluid spills or stains shall be removed by an appropriate absorbent material and disposed of at an waste facility with approval to accept these substances. The absorbent material should be kept in good supply at all times - In the event of a pollution incident that is likely to cause material harm to the environment, notification is required to Hawkesbury City Council in accordance with Section 148 of the Protection of the Environment Operations Act 1997 - The relevant sewer authority (Hawkesbury City Council or Sydney Water) must be consulted regarding acceptable discharge limits to the sewerage system. A Trade Waste Agreement must be entered into with the relevant authority prior to discharge of trade waste from the premises
Change of use from; a shop to another shop; or a commercial premise to another commercial premise (except for a Brothel)	- Existing approved retail/commercial building - Located in a Commercial zone <i>General</i> - Storage of goods or materials shall be confined within the building or approved areas - Any lighting on the site is to be directed in such a manner so that no nuisance is caused to adjoining properties or to drivers on surrounding streets - Any internal or external alterations being the subject of a separate development application - All waste materials to be stored and disposed of at regular intervals. - Submission of an annual Fire Safety Certificate in accordance with the Schedule of Fire Safety Measures to Council - The relevant sewer authority (Hawkesbury City Council or Sydney Water) must be consulted regarding acceptable discharge limits to the sewerage system. A Trade Waste Agreement must be entered into with the relevant authority prior to discharge of trade waste from the premises <i>Food Premises</i> - Premises that will be serving, preparing or storing food shall be constructed and maintained in accordance with Council's "Code for the Construction and Fit-out of Food Premises", and ANZFA's Food Safety Standard 3.2.3 - The relevant sewer authority (Hawkesbury City Council or Sydney Water) must be consulted regarding acceptable discharge limits to the sewerage system. A Trade Waste Agreement must be entered into with the relevant authority prior to discharge of trade waste from the premises <i>Hairdressing/Beauty Salon / Skin Penetration and Hair Cutting</i> - The relevant sewer authority (Hawkesbury City Council or Sydney Water) must be consulted regarding acceptable discharge limits to the sewerage system. A Trade Waste Agreement must be entered into with the relevant authority prior to discharge of trade waste from the premises - The premises are to be constructed, maintained, and operated in accordance with Public Health (Skin Penetration) Regulation 2000, NSW Health Skin Penetration Guidelines, and is to have impervious floor coverings with coving where necessary - Premises are to be registered with Council - The relevant sewer authority (Hawkesbury City Council or Sydney Water) must be consulted regarding acceptable discharge limits to the sewerage system. A Trade Waste Agreement must be entered into with the relevant authority prior to discharge of trade waste from the premises
Clothes Hoist / Lines	- Located behind the principal dwelling - Installed to manufacturer's specifications
Cubby Houses and Playground Equipment	- 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)	- Maximum area 40m² - Finished surface level not greater than 1m above existing ground level - Maintain existing side boundary setbacks
Demolition of any structure, the erection of which would be: (a) exempt development	- Carried out in accordance with AS 2601-1991 - Waste, including all asbestos and lead contaminated material, must be disposed of in accordance with the requirements of the Protection of the Environment Operations Act 1997 and associated Regulations.

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	
Dog Kennels / Dog Runs	• Not exceeding 2m² and 2m high • No more than 2 kennels • Runs Enclosure not exceeding 1.2m high (or 2 metres if enclosed) above ground level and dimensions 3m x 2m • Domestic use only • Located behind principal building
Erection and use of Real Estate Sales Sign (commercial and industrial zones) - (limited to a flush wall sign, pole or pylon sign)	• One sign per street/road frontage • Maximum sign area 4m² • Maximum height of 3m above finished ground level • Signs removed within 7 days of settlement
Erection and use of Real Estate Sales Sign (not in industrial or commercial zones) - (limited to a flush wall sign, pole or pylon sign)	• One sign per street/road frontage • Maximum sign area 2.5m² • Sign not to be erected or placed in, on, or above any public place • Maximum height of 2m above ground level • Not directly illuminated by either an external or internal light source • Signs removed within 7 days of settlement
Fences: (a) Boundary Fences (behind building line) (b) Fences (not behind building line) (Other than fences required by Swimming Pools Act 1992)	• Maximum height 2.4m above ground level. (other than masonry or brick) • Maximum height 1.2m (other than masonry or brick). • New materials only • <u>Wholly within the property boundary</u>
Filling of land	• Maximum of 300mm in depth • <u>Not exceeding 100 m² in area</u> • Does not interfere with the natural flow of water from or onto surrounding properties • Involves only virgin natural excavated material (clean fill) and not any contaminated material • No removal of native vegetation • <u>Limited to one application of fill per property</u>
Flagpoles in Commercial / Industrial zones	• Maximum height 9m above ground level • Installed to manufacturer's specifications/engineering design
Flagpoles in Residential zones	• Maximum height 6m above ground level • Installed to manufacturer's specifications/engineering design
Fountains, Fish Ponds, Sun Dials, Bird Baths, Wishing Wells and the like	• Water storage area no greater than 300mm deep • Not exceeding 1.5m high above ground level
Garages	• Height not exceeding 2.4m above ground level <u>to the gutter or adjoining property boundary</u> • <u>Not exceeding a roof pitch of 15°</u> • Area not exceeding 40m² • Not in Environmental Protection Zone • Behind the building alignment • Not located over or within the angle of repose <u>zone of influence</u> of a sewer line or easement
Garden Sheds	• <u>Maximum floor area of a shed or sheds in total 4016m²</u> • Maximum height 2.1m above ground level • Non-reflective materials • Rear yard only • Installed to manufacturer's specifications/engineering design
Gate Structures	• Maximum 1.8m high above ground level • Maximum length 10m overall.

	Wholly within property boundary.
Home Occupation	No customers will visit the site.
Installation of portable gas bottles for domestic purposes	Maximum of 2 bottles
Letter Boxes	- Heights and sizes to comply with Australia Post standards <u>Located within the property boundary in residential areas</u>
Lighting (external) not including tennis courts, sportsgrounds and greenhouses	
Place and use waste storage container in a public place	- Maximum container length 3m - Single container only - Waste containers to be located and designed strictly in accordance with the requirements and guidelines of the Roads and Traffic Authority - Removed no later than fourteen days after the date of placement of the container in the public place - Supplier of the waste container to ensure a minimum of \$10 million public liability/risk insurance cover for the placement of the waste container - Container to be of light colour with name and address of the owner / proprietor clearly displayed
Renovations - All buildings excluding shop fit outs	- Non-structural work only, such as: <u>painting</u>, 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 - Alterations or renovations to previously completed building only - 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 involves enclosure of open areas - No structural alterations - Re-cladding of roofs or walls, existing materials replaced with similar new materials
Retaining Walls	- Maximum height 900mm above <u>natural</u> ground level <u>Located no closer than 1 metre from an adjoining property boundary</u> <u>Not located within or over stormwater drainage or other easements or zone of influence of a sewer main.</u> <u>Compliance with the relevant Australian standard for structural integrity and construction materials</u> Masonry walls to comply with: AS 700 - 1998 - <u>Masonry structures</u> AS 600 - 1994 - <u>Concrete structures</u> AS 1170.1 - 1989, AS 1170.2 - 1989, and AS 1170.4 - 1993 - SAA - Loading Code Timber walls to comply with: AS 1720.1 - 1997, AS 1720.2 - 1990 and AS 1720.4 - 1990 - Timber structures AS 1170.1 - 1989, AS 1170.2 - 1989, and AS 1170.4 - 1993 - SAA - Loading Code - Constructed so that it does not prevent the natural flow of stormwater drainage / run-off <u>from adjoining properties</u> <u>Does not increase rate of flows or velocities to adjoining properties.</u>
Satellite Dishes - Ground mounted	- Maximum height 2.4m above ground level - Not visible from the street frontage - Colour to match existing roof colour
Satellite Dishes - Roof mounted	- Maximum diameter 1m - Maximum height not to exceed highest point of roof - Not visible from the street frontage
Skylight Roof Windows	- Comply with AS 3959-1999 - 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	- Construction by or for Council - Designed, fabricated and installed in accordance with relevant Australian Standards
Timber or Lattice Screen Fences	- Maximum height 2.4m above ground level - Minimum 500mm off side boundary - Located behind front boundary setback
Water Heaters	- Installed to manufacturer's specifications / requirements - Installed by licensed person - Work does not reduce structural integrity of the building or involve structural alterations - Openings created are waterproofed
Water Tanks in residential areas	Not exceeding 10,000 litres in capacity Maximum height 1.8m above ground level Behind the building alignment Overflow discharges away from neighbouring property. Connected by licensed plumber
Water Tanks in rural non-residential zones	- Not less than 10,000 litres and not exceeding 120,000 litres <u>in capacity</u> - No closer than 6m to adjoining boundary and buildings - Maximum height 2.4m above ground level - Fitted with 38mm Stortz fitting <u>and non-return foot valve</u> - Domestic draw-off to leave 10,000 litres for Rural Fire Service emergency supply

9C What can be dealt with as 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~~ all deemed-to-satisfy provisions of the Building Code of Australia relevant to the development; and
- (b) it meets the criteria listed for it in the Table to this Clause; and
- (c) it complies with the relevant development standards and other criteria set for the development by this plan or by the Council's Development Control Plan titled "Hawkesbury Development Control Plan, Part B", ~~as adopted by the Council~~ as adopted by the Council on {insert date} ; and
- (d) it does not contravene any condition of a development consent applying to the land.
- (e) it does not obstruct drainage of the site on which it is carried out; and
- (f) it is carried out at least one metre from the zone of influence any easement or public sewer main and complies with the building over sewer requirements of Sydney Water Corporation or the Council, applying to

the land;

- (g) it does not affect a threatened species, population or endangered ecological community, or its habitat as identified under the Threatened Species Conservation Act 1995.

(3) Development is not complying development if it is carried out on land that:

- (a) is critical habitat (under the Threatened Species Conservation Act 1995); or
- (b) is or is part of a wilderness area (under the Wilderness Act 1987); or
- (c) is subject to an order under the Heritage Act 1977; or
- (d) is an Aboriginal place or Aboriginal relic under the National Parks and Wildlife Act 1974; or
- (e) is land identified in an environmental planning instrument as a wetland or is within 20 metres of such a wetland; or
- (f) is an aquatic reserve under the Fisheries Management Act 1994; or
- (g) is a site of a heritage item or is in a conservation area; or
- (h) is lower than 1.2 metres below the 1-in-100 year flood frequency (N.B. does not apply to swimming pools), identified as a contaminated site on the Council's register, identified as being subject to landslip on the Council's register, on land containing potential acid sulphate soils of Class 1, 2 or 3 as indicated on the Acid Soils Sulphate Map; or
- (i) is identified as a riverine scenic area or conservation area sub-catchment under Sydney Regional Environmental Plan No. 20 - Hawkesbury-Nepean River (No 2 - 1997); or
- (j) is prohibited development under this plan.

(4) A complying development certificate must include the conditions specified in the development control plan titled "Hawkesbury Development Control Plan, Part B " (as adopted by the Council when the certificate is issued) that are applicable to the particular type of development for which the certificate is sought.

TABLE

<i>The erection and use or carrying out of the following:</i>	<i>Criteria</i>
Boundary Adjustments	• Affects no more than 2 lots • Not identified as bushfire prone land • <u>The variation to any of the lot sizes shall not exceed 20%</u>
Covered Decks	• Floor level not exceeding 1.2m above ground level • Attached to existing dwelling • Not in Environmental Protection Zone • Not identified as bushfire prone land
Industrial Additions	• As for industrial building • Aggregate area of total additions does not exceed 1000m² • Approved Waste Management Plan
Industrial Buildings	• Not exceeding 1000m² • Not exceeding 9m in height above ground level • Approved Waste Management Plan
Retaining Walls	• <u>Exceeding Between 900mm and 1800mm in height above or below natural ground level</u> • Not exceeding 1.8m in height above ground level • <u>Located no closer than 1 metre from an adjoining property boundary</u> • <u>Not located within or over stormwater drainage or other easements or zone of influence of a sewer mains.</u> • <u>Designed by a practicing structural engineer and is constructed in accordance with the engineer's design and specifications.</u>
Roofed Pergolas	• Floor level not exceeding 1.2m from natural ground level • Attached to existing dwelling • Not in Environmental Protection Zone • Not identified as bushfire prone land
Rural Sheds	• Land not zoned residential • Not exceeding 170m² • No removal of native vegetation • Not used for commercial or industrial uses • <u>Located no closer than 10 metres from an adjoining property boundary</u>
Screen Enclosures	• Not exceeding 60m² • Not in Environmental Protection Zone • Not identified as bushfire prone land
Shop Fit Outs - internal partition walls only	• Where existing floor area does not increase
Single Storey Dwelling additions/alterations	As for single storey dwelling
Single Storey Dwellings	• Residential zones only • Not within ANEF contour of 25 or above • Sewered • Floor level does not exceed 1.2m above ground level • On lots over 450m² • Complying with AS 2021 • Approved Waste Management Plan • Not identified as bushfire prone land • <u>Minimum of one metre outside the zone of influence to sewer mains and stormwater drainage easements.</u>
Swimming Pools	• Ancillary to dwelling that may be used for private use only • Behind the building line on land that is sewered or over 4000m² • <u>The pool shall not protrude more than 500mm above natural ground level in residential zones</u> • <u>Fences and gates around pool to comply with Australian Standard 1926</u> • <u>Minimum of one metre outside the zone of influence to sewer mains and stormwater drainage easements.</u>

[4] Schedules

Delete Schedule 6 and Schedule 7.
