

Attachment 5

Council Report and Resolution, 31 March 2015

ORDINARY MEETING
Meeting Date: 31 March 2015

Item: 41 CP - Proposed General Amendments to Hawkesbury Local Environment Plan 2012 - (95498, 124414)

REPORT:

Executive Summary

This purpose of this report is to seek Council's endorsement to prepare a planning proposal to amend Hawkesbury Local Environmental Plan 2012 (LEP 2012).

The proposed amendment is generally procedural as it relates to matters such as updating general wording and referencing; amending the LEP due to provisions of State planning policies; adding certain land uses as permissible development; changes to minimum lot size provisions; site specific rezonings and land reclassifications; and correcting some minor drafting and mapping errors.

It is recommended that Council resolve to prepare a planning proposal and that the resultant planning proposal be forwarded to the Department of Planning & Environment (DP&E) for a gateway determination.

Background

LEP 2012 was gazetted on 21 September 2012 and at the same time repealed Hawkesbury Local Environmental Plan 1989 (LEP 1989). The primary objective in preparing LEP 2012 was to convert the provisions of LEP 1989 into the Department of Planning and Environment's standardised local environmental plan (known as the "standard instrument") without making substantial or significant changes to underlying land use permissibility's or minimum lot size provisions.

However, since the gazettal of LEP 2012 a number of matters have arisen, including the permissibility of certain land uses; Policy for minimum lot sizes within the township of Wilberforce; the interpretation and application of clauses; and minor drafting and mapping errors. In addition, Council has received some requests to make amendments to the LEP.

Proposed Amendments to LEP 2012

The proposed amendments to LEP 2012 are briefly described below. However, the attachments to this report outline the proposed amendments in more detail.

1. Written Instrument Amendments

These amendments primarily relate to the interpretation and application of some clauses. The proposed changes primarily relate to minor wording corrections and changes to development criteria, particularly in respect to exempt development requirements and standard dictionary terminology. In a small number of cases, the intent of clauses previously in LEP 1989 and converted into new wording under the standard instrument approach have become open to alternative interpretation. The intent is to clarify the intended interpretation of those clauses.

2. Mapping Amendments

These amendments include changes to the mapping relating to heritage items, land reserved for acquisition, minimum lot sizes and land zoning. The following headings summarise the proposed changes:

Heritage Map

The heritage map sheets are required to be updated to refer to the correct heritage item numbers and properties that contain a heritage item. Most of the proposed changes relate to updating the identification numbers of current State listed items.

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Land Reservation Acquisition Map

The Land Reservation Acquisition Map is required to be amended to be consistent with the current Land Zoning Map in respect to a number of properties adjacent to Bridge Street, Windsor. This amendment ensures that the current maps are consistent with the previous LEP 1989. This amendment is not related to the proposed Windsor Bridge development.

Lot Size Map

Changes include correcting minor errors in the legend of map 008C and changing the minimum allotment size map to comply with the requirements of Council's *Wilberforce Subdivision Policy* - adopted 31 July 2012.

Rezoning Amendment

It is proposed that Lot 1 DP 1041524, 46 Bourke Street, Richmond (known as "Pound Paddock") be rezoned from RE2 Private Recreation to RE1 Public Recreation in order to allow for uses more in line with public purposes such as public administration buildings.

3. Adoption of additional Land Uses

Since the gazettal of LEP 2012, Council has received a number of submissions relating to certain definitions in the DP&E's governing standard instrument that were not previously considered by Council.

In particular, interest has been raised with respect to the permissibility of new definitions that were not previously included in LEP 1989, such as *function centres* and *eco-tourist facilities* and Council resolved at the Ordinary meeting of 9 December 2014 to permit *secondary dwellings* and *dual occupancies (detached)* within all rural zones and E3 and E4 environmental zones.

It is proposed that this amendment adopt some of the newly defined land uses included in the standard instrument and change the permissibility of some existing development contained in LEP 2012 to better reflect the existing approved uses in the relevant zones and localities.

4. Site Specific Reclassification

Council has received a request to reclassify two parcels of Council owned land being Lots 2 and 3 in DP582878. The request has been made by the owners of the Tutti Frutti Café at 1917 Bells Line of Road, Kurrajong Heights in order to use this land for vehicular access and car parking.

This request also relates to a current development application (DA0660/08) which Council is unable to determine, as Council is prevented from issuing owner's consent for the proposed use of the land for carparking given that it is classified as "community" land and the applicant proposes to use it for private use.

Reclassifying the land would give Council the opportunity to consider the use of the land for vehicular access and parking proposed. The development application would then be separately considered.

Other proposed future Planning Instrument amendments

The abovementioned amendments may result in the requirement to amend the DCP to complement the changed provisions or to clarify any new provisions. This would relate particularly to the proposed changes to detached dual occupancy and intended amendments to the operations relating to tree removal (currently only requiring DCP rather than LEP changes). However, there may be other unforeseen changes that may be required. When all these matters are identified a proposed amendment to the DCP would be the subject of a separate report to Council.

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Conformance to the Hawkesbury Community Strategic Plan

The proposal is consistent with the Shaping Our Future Together strategy;

- Achieve community respect through good corporate governance and community leadership and engagement.

Financial Implications

No financial implications, apart from use of staff resources are applicable to this report.

Planning Decision

As this matter is covered by the definition of a "planning decision" under Section 375A of the *Local Government Act 1993*, details of those Councillors supporting or opposing a decision on the matter must be recorded in a register. For this purpose a division must be called when a motion in relation to the matter is put to the meeting. This will enable the names of those Councillors voting for or against the motion to be recorded in the minutes of the meeting and subsequently included in the required register.

Conclusion

The amendments outlined in this report have been recommended in order to ensure that LEP 2012 is an accurate and up to date document that can be used to appropriately govern and guide development within the Hawkesbury.

The proposed amendments to LEP 2012 will require approval by the DP&E and Parliamentary Counsel. Due to the requirements of these agencies the proposed amendments may be modified (whilst still achieving the same intent) or rejected. Furthermore in preparing the planning proposal other minor amendments may be identified by staff for inclusion in the planning proposal. If required, Councillors will be advised of these occurrences.

RECOMMENDATION:

That a planning proposal be prepared and forwarded to the Department of Planning & Environment seeking a Gateway Determination to:

1. Adopt newly defined uses and change the permissibility of current uses under LEP 2012 as outlined in this report and attachment.
2. Re-draft clauses within LEP 2012 which are unclear or have lost the intent of the clauses previously included under LEP 1989.
3. Make minor corrections to particular wording or referencing identified in the written instrument and maps of LEP 2012.
4. Rezone Lot 1 DP 1041524, 46 Bourke Street Richmond (known as "Pound Paddock") to RE1 Public Recreation.
5. Reclassify two parcels of Council managed land being Lots 2 and 3 in DP582878, 1913 and 1905 Bells Line of Road, Kurrajong Heights from 'community' land to 'operational' land.

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ATTACHMENTS:

- AT - 1** Written Instrument Amendments to Hawkesbury Local Environmental Plan 2012
- AT - 2** Mapping Amendments to Hawkesbury Local Environmental Plan 2012
- AT - 3** Adoption of Additional Land Uses
- AT - 4** Site Specific Reclassification

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AT - 1 Written instrument Amendments to Hawkesbury Local Environmental Plan 2012

Written Instrument Amendments (Summary)	
Item No.	Description of Amendment
1.1	Modify Clause 2.8 Temporary Use of Land
1.2	Addition of new Clause concerning boundary adjustments
1.3	Modify Clause 4.1D Exceptions to minimum subdivision lot size for certain land
1.4	Modify Clause 4.1E Exceptions to minimum subdivision lot size for Grose Wold
1.5	Modify Clause 4.1D Exceptions to minimum subdivision lot size for certain land and Clause 4.1F Exceptions to minimum subdivision lot size for certain land in North Richmond
1.6	Modify Clause 4.2A Residential development and subdivision prohibited on certain land
1.7	Addition of new clause permitting subdivision without development consent on Council owned or managed land
1.8	Specify provisions in respect to exempt advertising signage
1.9	Amendment LEP to identify relevant acquisition authority of land to be acquired
1.10	Reword Clause 5.1A Development on land intended to be acquired for public purposes
1.11	Addition of controls relating to <i>Bed and Breakfast accommodation</i>
1.12	Modification to Clause 6.10 Certain development on Lot 1, DP 827148, Richmond Road, Clarendon
1.13	Modification to Clause 6.11 Residential accommodation at Johnston and New Streets, Windsor
1.14	Update property description of Item 11 in Schedule 1 Additional Permitted Uses
1.15	Amendments to heritage item listings in Schedule 5 Environmental heritage
1.16	Amendments to listings in Schedule 4 Classification and reclassification of public land

Item 1.1 - Modify Clause 2.8 Temporary Use of Land

Proposed Amendment	Change Clause 2.8 to allow for a maximum of 52 days in a 12 month period.
Explanation	Council adopted this clause as part of the conversion to the standard instrument and nominated that development consent may be granted for development on land in any zone for a temporary use for a maximum period of 28 days within a 12 month period. Since the adoption of this clause Council has received requests concerning temporary events such as weekly markets on land which prohibits these activities. In order to accommodate such activities it is recommended that the maximum period be extended to 52 days.

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Item 1.2 - Addition of new clause concerning boundary adjustments	
Proposed Amendment	Addition of a new clause which allows for minor boundary adjustments to be considered between existing lots which are below the minimum subdivision lot size criteria.
Explanation	Since the adoption of LEP 2012 the requirements for boundary adjustments has changed a number of times under State Environmental Planning Policy (Exempt and Complying Development Codes) 2008. This has resulted in Council not being able to consider boundary adjustments between existing lots which are below the minimum subdivision lot size. Previously LEP 1989 recognised boundary adjustments between undersize allotments. The change in state legislation has led to complications when considering minor boundary adjustments, particularly in rural and environmental protection zones that have larger minimum lot size provisions.
Item 1.3 - Modify Clause 4.1D Exceptions to minimum subdivision lot size for certain land	
Proposed Amendment	Remove the reference to the word 'previously' in subclause (2).
Explanation	During the drafting of LEP 2012 the word 'previously' appeared in this clause which provides exemptions to the minimum subdivision lot size for various types of residential developments. The equivalent clause in LEP 1989 did not include the word 'previously' and the addition of this word suggests that a subdivision of the residential developments specified could only be considered after the development is approved. This creates difficulty when considering a single development application for both construction and subdivision.
Item 1.4 - Modify Clause 4.1E Exceptions to minimum subdivision lot size for Grose Wold	
Proposed Amendment	Modify Clause 4.1E to clarify its relationship with Clause 4.1 Minimum subdivision lot size and its application with respect to current and original lots, Cumberland Plain Woodland, and Environmental Constraint Areas.
Explanation	Recent development applications received by Council have resulted in questions how this clause is to be interpreted and applied. Council has received legal advice suggesting that the clause be re-drafted to remove any doubt as to the clause intent and application.
Item 1.5 - Modify Clause 4.1D Exceptions to minimum subdivision lot size for certain land and Clause 4.1F Exceptions to minimum subdivision lot size for certain land in North Richmond	
Proposed Amendment	Ensure consistency in calculation of the area of battle-axe lots or other lots with an access handle within residential zoned land by amending subclause (1) of Clause 4.1D Exceptions to minimum subdivision lot size for certain land and Clause 4.1F Exceptions to minimum subdivision lot size for certain land in North Richmond.
Explanation	Clause 4.1 (3A) excludes the area of access handles in determining the area of battle-axe or other lots with an access handle. In order to ensure consistency in area calculations it is recommended that similar wording be added to subclause (1) of Clause 4.1D and Clause 4.1F.

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Item 1.6 - Modify Clause 4.2A Residential development and subdivision prohibited on certain land	
Proposed Amendment	Amend subclause (3) to reinforce that <i>residential development</i> is prohibited on land which has been subdivided for the purposes of <i>agriculture</i> under Clause 4.2 of this plan.
Explanation	Whilst Clause 4.2 does not allow for dwellings to be erected on lots created for <i>agriculture</i> this clause falls under the heading of "Rural Subdivision". This could potentially lead to confusion or an oversight when considering <i>residential development</i> that does not involve subdivision. It is recommended that Clause 4.2A (3) be amended to reinforce that <i>residential development</i> is prohibited on land subdivided for the purposes of <i>agriculture</i> under Clause 4.2 of this plan.
Item 1.7 - Addition of new clause permitting subdivision without development consent on Council owned or managed land	
Proposed Amendment	Addition of a new clause permitting the subdivision of Council owned or managed land without consent if the subdivision is for the purposes of granting a lease, license or other estate.
Explanation	Currently LEP 2012 prevents Council from subdividing land smaller than the minimum lot size map in instances where Council propose to grant a lease, licence or other estate over Council owned or managed land in accordance with the Local Government Act.
Item 1.8 - Specify provisions in respect to exempt advertising signage	
Proposed Amendment	Change provisions in respect to exempt signage identifying how many signs are permitted without consent on building elevations in commercial areas.
Explanation	Currently the exempt provisions specify a maximum of one sign as permitted without consent for under awning signs and pylon signs. It is recommended that the LEP be amended to specify a maximum of one sign (flush wall signs, top hamper signs and fascia signs) per elevation.
Item 1.9 - Amend the LEP to identify relevant acquisition authority of land to be acquired	
Proposed Amendment	Change the zoning of certain lands or add a clause where land to be acquired is not zoned RE1 Public Recreation, SP2 Infrastructure or E1 National Parks and Nature Reserves.
Explanation	The identification of relevant land acquisition authorities is dealt with by Clause 5.1 Relevant acquisition authority. This clause only relates to land that is shown on the Land Reservation Acquisition Map that is also zoned RE1, SP2 or E1. Some lands that are shown on the Land Reservation Acquisition Map are not zoned RE1, SP2 or E1. It is proposed that these lands be either rezoned as appropriate to RE1, SP2 or E1 or that an additional clause be added similar to clause 5.1 that will cater for such lands.

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Item 1.10 - Reword Clause 5.1A Development on land intended to be acquired for public purposes	
Proposed Amendment	Amended the clause to read as follows: 5.1A (1) The objective of this clause is to protect land that is intended to be acquired for a public purpose. (3) Development consent must not be granted to any development on land identified on the <u>Land Reservation Acquisition Map</u> to be acquired for a public purpose unless the consent authority is satisfied that the development is likely to be consistent with the public purpose identified on that map for that land.
Explanation	The current clause restricts development of affected land to only roads and recreation areas. The purpose of this amendment is to make the existing clause less restrictive and subject to merit assessment.

Item 1.11 - Addition of controls relating to <i>Bed and Breakfast accommodation</i>	
Proposed Amendment	Add <i>Bed and Breakfast accommodation</i> controls to be consistent with similar provisions of State Environmental Planning Policy (Exempt and Complying Development Codes) 2008.
Explanation	State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 has changed <i>Bed and Breakfast accommodation</i> from being exempt development to development requiring a complying development certificate. The SEPPs complying development provisions also specify additional requirements for <i>Bed and Breakfast accommodation</i>. This has resulted in inconsistencies between the SEPP and LEP 2012. In order to ensure that there is consistency between both planning instruments, additional controls are required to be included the LEP particularly in respect to fire safety and building code requirements.

Item 1.12 - Modification to Clause 6.10 Certain development on Lot 1, DP 827148, Richmond Road, Clarendon	
Proposed Amendment	Change Clause 6.10 to refer to "Hawkesbury Valley Way" instead of "Richmond Road"
Explanation	The road name has changed since drafting of LEP 2012.

Item 1.13 - Modification to Clause 6.11 Residential accommodation at Johnston and New Streets, Windsor	
Proposed Amendment	Modify Clause 6.11 subclause (2) to refer to 25 Johnston Street, Windsor instead of 23-27
Explanation	The property address has changed since the drafting of LEP 2012.

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Item 1.14 - Update property description of Item 11 in Schedule 1 Additional Permitted Uses	
Proposed Amendment	Update property description in Item 11 to Lots 1 and 2, SP 1148514, 739 – 741 George Street, South Windsor.
Explanation	Property description has changed since the drafting of LEP 2012.

Item 1.15 - Amendments to listings in Schedule 4 Classification and reclassification of public land	
Proposed Amendment	Change street name for the following lands from "West Market Street" to "East Market Street". Lot 18 DP 236567, Lot 17 DP 236567, Lot 2 DP 561996, Lot 15, DP 236567, Lot 12 DP 236567, Lot 11 DP 236567, Lot 10 DP 236567, Lot 9 DP 236567, Lot 14 DP 236567 and Lot 13 DP 236567.
Explanation	The current property descriptions refer to the incorrect street name.

Item 1.16 - Amendments to heritage item listings in Schedule 5 Environmental heritage	
Proposed Amendment	Make the following changes to the heritage listed items: - Review listing of item I24 due to fire damaged residence - Update street address of item I292 - Update item description of item I513 - Correct item I0091 to be consistent with State listing number I00991 - Update street address number of item I00126 - Update significance of item I00005 to "State" significance - Update street address of item I00045 to be consistent with State heritage listing - Updated description of item I00598 to be consistent with State heritage listing description - Remove reference to "Section 10, DP 759096" on item I01018 to be consistent with State heritage listing - Modify description of item I01836 to refer to State and Local status - Update description of item I01837 to "State" significance - Addition of state listed item I01817 'Scheyville National Park' to schedule <i>Note: The item numbering is specified in the Standard Instrument format and the first character in the item numbering is the capitalised version of the letter "I" (I) and is NOT the numeral one (1).</i>
Explanation	The change to Schedule 5 of LEP 2012 is required to correct and update heritage item numbers, descriptions, addresses and heritage significance.

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AT - 2 Mapping Amendments to Hawkesbury Local Environmental Plan 2012**Map Amendments (Summary)**

Item No.	Description of Amendment
2.1	Heritage Map amendments
2.2	Land Reservation Acquisition Map amendments
2.3	Lot Size Map amendments
2.4	Rezoning amendment

Item 2.1 - Heritage Map amendments

Proposed Amendment	Make changes to the following heritage map sheets: - Modify location of item I292 on HER_008C map to reflect newly subdivided lot - HER_008C incorrectly shows item I01836 as I385 on map - HER_008C incorrectly shows item I01837 as I387 on map - Remove 128 Windsor Street from HER_008DA map as property does not contain heritage item - HER_008DB incorrectly shows item I00075 as I00598 - HER_008DB incorrectly shows I00005 as I527 - Remove reference to I149 on HER_008DB map where I01018 is located - Remove reference to I01851 on HER_008DB map where I00126 is located - Identify the state listed Scheyville National Park as a heritage item on map HER_0013, HER_008DB and HER_008C - Review mapping of item I24 on HER_008C due to fire damaged residence <i>Note: The item numbering is specified in the Standard Instrument format and the first character in the item numbering is the capitalised version of the letter "I" (I) and is NOT the numeral one (1).</i>
Explanation	The map sheets listed above refer to incorrect heritage item numbering or identify properties which do not contain a heritage item.

Item 2.2 - Land Reservation Acquisition Map amendments

Proposed Amendment	Land Reservation Acquisition Map 008DB to be amended to be consistent with the Land Zoning Map.
Explanation	Land Reservation Acquisition Map to be updated to be consistent with the Land Zoning Map which shows land zoned SP2 Infrastructure over Lot 1 DP 1084189, 58 George Street; Lot 1 DP239319, 14B Bridge Street; Lot 2 DP239319, 14A Bridge Street; Lot 1 DP 136637, 14 Bridge Street; Lot 1 DP1127620, 1/52 George Street; Lot 1 DP719156, 46A Court Street and Lot 1 DP196752, 46 Court Street.

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Item 2.3 - Lot Size Map amendments	
Proposed Amendment	i. Update the map legend and correct the reference symbols on Lot Size Map 008C. ii. Change Minimum residential Lot Size Map for Wilberforce on Lot Size Map 008C
Explanation	i. Amendment 5 to LEP 2012 has resulted in changes to the legend and symbols shown on lot size map 008C that are inconsistent with other lot size maps in the LEP. It is required that the legend and symbols on map 008C be amended to include the same legend as shown in all lot size maps. ii. Minimum allotment size map to be changed to comply with the requirements of Hawkesbury City Council's <i>Wilberforce Subdivision Policy</i> – Adopted 31 July 2012.

Item 2.4 - Rezoning amendment	
Proposed Amendment	Rezone Lot 1 DP 1041524, 46 Bourke Street, Richmond "Pound Paddock" from RE2 Private Recreation to RE1 Public Recreation.
Explanation	This property is owned by Council and not used for private recreation purposes. The RE1 zone is therefore the appropriate zone and would allow for additional uses such as public administration buildings.

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AT - 3 Adoption of Additional Land Uses

Land Use Amendments (Summary)	
Item No.	
3.1	Function centres
3.2	Eco-tourist facilities
3.3	Secondary dwellings and dual occupancies in rural areas
3.4	Permit Community facilities and public administration buildings in the SP2 Infrastructure zone and review permitted uses in the SP1 zone relating to the University of Western Sydney lands.
3.5	Addition of local provision for temporary events on public land
3.6	Addition of local provision for secondary dwellings and detached dual occupancies in rural areas
3.7	Addition of garden sheds to Schedule 2 - Exempt development

Item 3.1 – Permit function centres within certain zones	
Proposed Amendment	Permit <i>function centres</i> with consent in the following zones: - RU1 Primary Production - RU2 Rural Landscape - RU4 Primary Production Small Lots - RU5 Village - E4 Environmental Living
Explanation	During the preparation of LEP 2012 Council did not consider the permissibility of <i>function centres</i> because this was a new land use within the standard instrument and was considered to be outside the scope of the like for like conversion of LEP 1989 land uses to LEP 2012 landuses. It is however noted that LEP 2012 permits <i>restaurants</i> with consent in the RU1, RU2, RU4, RU5 and E4 zones. Council has become aware of circumstances whereby <i>restaurants</i> are also being used as <i>function centres</i> e.g. wedding receptions. This is particularly the case in localities such as Bilpin, Kurrajong Hills and Richmond. To rectify to this inconsistency it is recommended that <i>function centres</i> be permitted with consent in the RU1, RU2, RU4, RU5 and E4 zones. This change will only make those uses permissible with development consent and does not allow operation. A development consent must be obtained, after consideration of the merits of that application, prior to those uses being allowed to operate.

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Item 3.2 – Eco-tourist facilities within certain zones	
Proposed Amendment	Permit <i>eco-tourist facilities</i> in the in the RU1 Primary Production, RU2 Rural Landscape, RU4 Primary Production Small Lots, RU5 Village, R1 General Residential, R2 Low Density Residential, R3 Medium Density Residential, R5 Large Lot Residential, E3 Environmental Management and E4 Environmental Living zones.
Explanation	During the preparation of LEP 2012 Council did not have opportunity to consider <i>eco-tourist facilities</i> as this land use was added to the standard instrument after Council forwarded the draft LEP 2012 to the DP&E for finalisation and gazettal As a result an anomaly currently exists in the LEP 2012 whereby in the RU1, RU4, RU5, R1, R2, R3, R5, E3 and E4 zones <i>tourist and visitor accommodation</i> is permitted with consent, however, <i>eco-tourist facilities</i> are prohibited. It is recommended that <i>eco-tourist facilities</i> be permitted with consent in the above mentioned zones, and due to their likely lesser environmental impact than <i>tourist and visitor accommodation</i> they also be permitted with consent in the RU2 zone.
Item 3.3 - Secondary dwellings and dual occupancies in rural areas	
Proposed Amendment	Adoption of <i>secondary dwellings</i> and <i>dual occupancies (detached)</i> in zones which currently permit <i>dual occupancies (attached)</i> .
Explanation	Council resolved at the Ordinary meeting of 9 December 2014 that Council officers prepare a planning proposal to permit <i>secondary dwellings</i> and <i>dual occupancies (detached)</i> within all rural zones and E3 and E4 environmental zones.
Item 3.4 - Permit Community facilities and public administration buildings in the SP2 Infrastructure zone and review permitted uses in the SP1 zone relating to the University of Western Sydney lands.	
Proposed Amendment	Permit <i>community facilities</i> and <i>public administration buildings</i> in the SP2 Infrastructure zone and possible additional uses to the SP1 zoned land owned by UWS.
Explanation	The land use table specifies that development is only permitted in the SP2 zone for the purpose shown on the land zoning map including development that is ordinarily incidental or ancillary to development for that purpose. Council owns and manages a number of properties zoned SP2 Infrastructure that could potentially be used for purposes other than that purpose shown on the land zoning map (or incidental or ancillary to that purpose). These potential uses are typically community and public administration type uses. The University of Western Sydney land is currently under review by the University and there are a number of additional uses that, whilst related to the University activities, are not covered by the current zone description. The details of these potential changes are the subject of further discussions with the University. Should these discussions be delayed this aspect of the planning proposal will be separated and be the subject of a separate planning proposal.

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Item 3.5 - Addition of local provision for temporary events on public land	
Proposed Amendment	Introduce a local provision which permits temporary events such as exhibitions, meetings, concerts on public reserves and roads without development consent provided that the organiser obtains the appropriate permission in accordance with Council's operational requirements.
Explanation	LEP 2012 currently permits temporary events with development consent. The addition of a new local provision would mean organisers would not have to lodge a development application for temporary events which are proposed on public reserves in accordance with Council's relevant Plan of Management. This would reflect the previous LEP 1989 situation.

Item 3.6 - Addition of local provision for secondary dwellings and detached dual occupancies in rural areas	
Proposed Amendment	Develop local provisions relating to <i>detached dual occupancy</i> developments in all rural zones and E3 Environmental Management and E4 Environmental Living zones.
Explanation	Council resolved at the Ordinary meeting of 9 December 2014 to develop a set of rules concerning <i>detached dual occupancies</i> , particularly in respect to minimum lot sizes.

Item 3.7 - Addition of garden sheds to Schedule 2 - Exempt development	
Proposed Amendment	Amend Schedule 2 to allow for garden sheds as exempt development on vacant land subject to the requirements specified under the previous complying development provisions of LEP 1989.
Explanation	Previously LEP 1989 permitted the erection of a <i>rural shed</i> on vacant land in rural areas. Currently LEP 2012 requires any outbuilding to be ancillary to a permitted land use such as agriculture or a dwelling house. This has resulted in Council not being able to consider outbuildings on vacant land greater than what is specified as exempt development under State Environmental Planning Policy (Exempt and Complying Development Codes) 2008. It is recommended that Council add local provisions for garden sheds under Schedule 2 of LEP 2012 to allow for outbuildings consistent with the previous complying development provisions of LEP 1989.

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AT - 4 Site Specific Reclassification

Item 4.1 - Reclassification of Lot 2 and 3 in DP582878, 1913 & 1905 Bells Line of Road, Kurrajong Heights.	
Proposed Amendment	Reclassify Lot 2 and 3 in DP582878, 1913 & 1905 Bells Line of Road, Kurrajong Heights from "community land" to "operational land".
Explanation	This property is in the control of Council and classified as "community land". However, Council is prevented from allowing the use of the land for private purposes such as allowing for car parking and access. Tutti Fruitti café located on at 1917 Bells Line of Road has sought approval to use the land for this purpose.

oooO END OF REPORT Oooo

ORDINARY MEETING**Minutes: 31 March 2015****MOTION:**

RESOLVED on the motion of Councillor Porter, seconded by Councillor Mackay.

Refer to RESOLUTION

63 RESOLUTION:

RESOLVED on the motion of Councillor Porter, seconded by Councillor Mackay.

That a planning proposal be prepared and forwarded to the Department of Planning & Environment seeking a Gateway Determination to:

1. Adopt newly defined uses and change the permissibility of current uses under LEP 2012 as outlined in this report and attachment.
2. Re-draft clauses within LEP 2012 which are unclear or have lost the intent of the clauses previously included under LEP 1989.
3. Make minor corrections to particular wording or referencing identified in the written instrument and maps of LEP 2012.
4. Rezone Lot 1 DP 1041524, 46 Bourke Street Richmond (known as "Pound Paddock") to RE1 Public Recreation.
5. Reclassify two parcels of Council managed land being Lots 2 and 3 in DP582878, 1913 and 1905 Bells Line of Road, Kurrajong Heights from 'community' land to 'operational' land.

In accordance with Section 375A of the Local Government Act 1993 a division is required to be called whenever a planning decision is put at a council or committee meeting. Accordingly, the Chairperson called for a division in respect of the motion, the results of which were as follows:

For the Motion	Against the Motion
Councillor Calvert	Councillor Rasmussen
Councillor Conolly	Councillor Williams
Councillor Creed	
Councillor Ford	
Councillor Mackay	
Councillor Porter	
Councillor Reardon	
Councillor Tree	

Councillors Lyons-Buckett and Paine were not in the Chamber when the vote was taken.