

11.2 AMENDMENT TO MAITLAND LOCAL ENVIRONMENTAL PLAN 2011 - PLANNING PROPOSAL FOR BRICKWORKS ROAD THORNTON TO REZONE LAND FROM RU2 RURAL LANDSCAPE TO B5 BUSINESS DEVELOPMENT

FILE NO:	RZ 19/007, RZ 19/005, RZ 19/002
ATTACHMENTS:	1. Planning Proposal (under separate cover)
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MAITLAND +10	Outcome 12. Our growing economy
COUNCIL OBJECTIVE:	12.4.2 To improve accessibility to employment areas and economic centres

EXECUTIVE SUMMARY

Council received three (3) separate rezoning submissions relating to land at Brickworks Road, Thornton in 2019. The site is known as the Thornton (Brickworks Road) Employment Lands. The submissions seek rezoning of land to enable business development outcomes across the site.

The Thornton (Brickworks Road) Employment Lands includes five (5) separate parcels of land. It is identified in the Maitland Urban Settlement Strategy 2012 as Category 1 – Employment Investigation Area and in the Maitland Local Strategic Planning Statement 2040+ as Planned Investigation Area – Employment. The site is also identified in the Maitland Greening Plan 2002 as a future opportunity corridor for biodiversity connectivity and drainage. The site forms part of a clay mineral extraction area for past brick making operations and is identified in the MLEP 2011 as a Mineral Resources Area. The current land use zone applicable to the site is RU2 Rural Landscape under the MLEP 2011 with an applicable minimum lot size of 40 hectares.

Council's assessment of the three rezoning submissions and supporting site studies has identified the need to consider the parcels of land and associated submissions collectively to provide a holistic understanding of site constraints, potential impacts and mitigating measures as they relate to proposed development outcomes. A planning proposal considering the site in its entirety has been prepared.

The site issues of access and traffic impact, biodiversity conservation, contamination, stormwater management and economic impacts of potential additional permitted uses require further investigation and assessment. However, it is considered this can occur post Gateway determination. The proposed amendment to planning controls and rezoning of land has strategic and site-specific merit to progress to the NSW Department of Planning, Industry and Environment for a Gateway assessment.

The Planning Proposal – Thornton (Brickworks Road) Employment Lands is provided under separate cover as Attachment 1 to this report for Council's consideration.

OFFICER'S RECOMMENDATION

THAT

- 1. Pursuant to Section 3.34(1) of the *Environmental Planning and Assessment Act 1979*, Council submit a singular planning proposal addressing the three sites, to the Department of Planning, Industry and Environment seeking a Gateway determination.**
- 2. Following issue of a Gateway determination, Council undertake consultation with the community and relevant government agencies in accordance with Section 3.34 and Schedule 1 of the *Environmental Planning and Assessment Act 1979* and the conditions of the Gateway determination.**
- 3. A further report be presented to Council following the public exhibition period, to demonstrate compliance with the Gateway determination and provide details of any submissions received throughout that process.**

REPORT

The purpose of this report is to:

- 1. Provide a background to the assessment process undertaken prior to this point for the Thornton (Brickworks Road) Employment Lands described as Lot 161 DP 136183, Lot 15 DP 10419, Lot 14 DP 1078459, Lot 462 DP 870019 and Lot 282 DP 852771 Brickworks Road, Thornton,**
- 2. Provide information to enable Council to determine whether an amendment to MLEP 2011 should proceed for the purpose enabling business development outcomes and protection of environmentally significant areas, and**
- 3. Provide a summary of the planning proposal for the site for submission to the NSW Department of Planning, Industry and Environment for Gateway assessment, seeking a Gateway determination.**

BACKGROUND

Council received three (3) separate rezoning submissions relating to land at Brickworks Road, Thornton in 2019. The site is known as the Thornton (Brickworks Road) Employment Lands. The submissions seek rezoning of land to enable business development outcomes across the site.

The Thornton (Brickworks Road) Employment Lands includes five (5) separate parcels of land. It is identified in the Maitland Urban Settlement Strategy 2012 as Category 1 –

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Employment Investigation Area and in the Maitland Local Strategic Planning Statement 2040+ as Planned Investigation Area – Employment. The site is also identified in the Maitland Greening Plan 2002 as a future opportunity corridor for biodiversity connectivity and drainage. The site forms part of a clay mineral extraction area for past brick making operations and is identified in the MLEP 2011 as a Mineral Resources Area. The current land use zone applicable to the site is RU2 Rural Landscape under the MLEP 2011 with an applicable minimum lot size of 40 hectares.

In addition, the Mineral Resource Area is applicable to Lots 1,2,3 and 4 DP 114538. The intent of the planning proposal is also to remove the applicability of the Mineral Resource Area Map from these lots. These sites have exhausted the clay resource. Importantly, these sites are partially zoned for residential purposes or have development approvals for residential purposes, and with the increased urban development in the locality, the likelihood of these sites being utilized for further mining or extractive industry in the future is precluded.

Council's assessment of the three rezoning submissions and supporting site studies has identified the need to consider the parcels of land and associated submissions collectively to provide a holistic understanding of site constraints, potential impacts and mitigating measures as they relate to proposed development outcomes associated with an employment cluster in this locality. Consideration of the site in its entirety has also provided an understanding of associated cumulative impacts. An assessment of site constraints and supporting site studies has informed the preparation of the planning proposal, provided under separate cover as Attachment 1 to this report.

There are outstanding issues to be further addressed as the planning proposal progresses. These include biodiversity impacts, contamination, traffic and access impacts, stormwater management and economic impact assessment. Council has provided a summary and recommendations relating to these issues in this report. Council considers these matters appear capable of resolution. Further supporting information, agency consultation, staging plans and preparation of development control provisions will help determine the zone boundaries within the site and the development footprints within the zones. This additional work will occur post the Gateway determination and prior to development assessment.

SITE DESCRIPTION

The site forming the Thornton (Brickworks Road) Employment Lands includes the following lands:

Table 1. Site Description

LAND	AREA	OWNER	Rezoning Application
1 Brickworks Rd Lot 161 DP 136183	18.91ha	North Thornton Group Pty Ltd	RZ19 002

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51 Brickworks Rd Lot 15 DP 10419	11.97ha	Nouredeen Abdul-Rahman and Marie Elford	RZ19 005
51 Brickworks Rd Lot 14 DP 1078459	10.18ha	Nouredeen Abdul-Rahman and Marie Elford	RZ19 005
329 Raymond Terrace Rd Lot 462 DP 870019	0.94 ha	Mr B and Mrs C Swan	RZ19 007
18 Brickworks Rd, Lot 282 DP 852771	4.63ha	Mr B and Mrs C Swan	RZ19 007

The following lands are identified as Mineral Resource Area but do not form part of the Thornton (Brickworks Road) Employment Lands yet are subject to the planning proposal:

Lot 1 DP 1145348 RU2 Rural Landscape	0.22ha	Maitland City Council MCC	No application
Lot 2 DP 1145348 RU2 Rural Landscape	18.96 ha	McCloy Thornton Pty Ltd	No application
Lot 3 DP 1145348 R1 General Residential	0.31ha	Unknown (appears to be road reserve)	No application
Lot 4 DP 1145348 E3 Environmental Management, R1 General Residential	38.55 ha	CSR Building Products Limited	No application

STRATEGIC AND SITE-SPECIFIC MERIT

Strategic Intent

The intent of the planning proposal is to enable business development outcomes and protection of environmentally significant areas. The best, most efficient and timely way to achieve this is through an amendment to the MLEP 2011 to amend relevant planning controls and land use zones to facilitate the proposed objectives.

In addition, the Mineral Resource Area is applicable to Lots 1,2,3 and 4 DP 114538. The intent of the planning proposal is also to remove the applicability of the Mineral Resource Area Map from these sites. These sites have exhausted the clay resource. Importantly, these sites are partially zoned for residential purposes or have development approvals for residential purposes, and with the increased urban development in the locality, the likelihood of these sites being utilized for further mining or extractive industry in the future is precluded.

The proposed land use zone configuration is intended to be a mix of B5 Business Development and E3 Environmental Management across the site. The determination of zone boundaries within the site will be finalised through the Gateway assessment, determination and implementation process as further information is provided and

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discussions with government agencies is considered. The land use configuration determined will reflect the objectives and intended outcomes as described in the planning proposal.

Policy Context

The site is identified as Planned Investigation – Employment in the Maitland LSPS 2040, as Category 1 Future Employment Land in the MUSS 2012 and is consistent with the Greater Newcastle Metropolitan Plan as it will provide additional employment land adjoining a growing and existing urban area.

The planning proposal is consistent with the MUSS 2012 intended outcomes of providing additional land for employment. The proposed B5 Business Development zone responds to Council's centres hierarchy by supporting and not competing with nearby established retail and commercial centres of Maitland City Centre, Greenhills and the B2 Town Centre and B1 Neighbourhood Centre of Thornton and Chisholm respectively.

The MUSS 2012 identifies the need for future investigations to determine the suitability of the area for development, including consideration of land characteristics, amenity, environmental, and traffic constraints. The MUSS 2012 also recognises that the Investigation Area includes important native vegetation linkages and has been identified as an opportunity corridor in the Maitland Greening Plan 2002 for drainage, wildlife and bushland and that the status of this vegetation and the potential to retain linkages will be a key consideration in future investigations.

Site investigations have identified the key characteristics, constraints, and opportunities of the land. These investigations have formed the basis of a detailed site analysis and the preparation of the planning proposal attached to this report for consideration.

The proposed B5 Business Development zone and associated land uses, in this location, is consistent with the vision and objectives of Council's Activity Centres and Employment Clusters Strategy 2010 (ACECS). The ACECS sets out key principles to encourage the growth of all activity centres and employment clusters within the Maitland LGA and to support the growing residential community with adequate services, facilities, and employment opportunities.

Set within the regional and local context, the strategy presents a proactive approach to the planning and development of activity centres and employment clusters. This approach is set within a network and hierarchy framework and provides a clear definition as to the vision, role and function of activity centres and employment clusters. The proposed development will contribute to providing employment and services to the surrounding growing population in accordance with the hierarchy of centres identified in the strategy.

Site specific considerations

The site is strategically located in an area with surrounding population growth and has accessibility to transport routes to facilitate movement of goods and services. In addition, the site has connection to existing infrastructure and services.

The planning proposal process provides for the additional investigations and agency consultation required to justify the amendments to planning controls and land use zone configurations to achieve the intended outcomes for the site.

The planning proposal will deliver social and economic benefits to the locality and wider Maitland area. The strong growth experienced in the Maitland LGA and particularly the eastern sector over the last 10 years is well document. The provision of additional employment opportunities in proximity to existing utilities and the surrounding growing residential area.

Council considers there is sufficient strategic and site-specific merit for the proposal to proceed to Gateway assessment.

OUTSTANDING ISSUES

Council has assessed several site-specific studies relating to ecology, contamination, geotechnical, traffic and access impacts, stormwater management and heritage/archeological assessments.

The studies were prepared specific to the original, individual rezoning submissions submitted in 2019. This presented challenges in assessing the collective impact and cumulative impact on the surrounding locality from the proposed development outcomes in its entirety. Where applicable, revised site studies have been submitted and assessed to inform the preparation of the planning proposal. Details of the assessment of site studies is provided in the planning proposal attached to this report.

The following matters are considered outstanding issues and require further consideration and assessment post Gateway determination. Council provides specific recommendations relating to these issues.

Biodiversity

The site has a combined area of approximately 48 hectares. Approximately 21ha is cleared and degraded because of past quarrying and brick making practices. The remaining area supports approximately 14ha of disturbed vegetation and 12ha of mature remnant vegetation. The supporting Biodiversity Values Assessment Report (BVAR) was completed in accordance with the Biodiversity Assessment Method (BAM). It mapped the existing vegetation communities as a mix of the *Lower Hunter Spotted Gum Ironbark* community and the *Lower Hunter Forest Red Gum* community. The BVAR also mapped the maturity,

condition, connectivity, and habitat values of these communities. Both these vegetation communities are listed as Endangered Ecological Communities (EEC's).

The assessment report identified the site has a diversity of hollow resources from abundant small hollows to large vertical spouts, trunk hollows and branch hollows. In total, 39 trees having 70 hollows were recorded on site.

The fauna surveys recorded 14 threatened species on site. The assessment report has categorised the candidate species as:

- Squirrel glider
- Brush-tail Phascogale
- Large arboreal Eucalypt folivores
- Threatened migratory birds
- Threatened non-migratory birds
- Nocturnal birds, and
- Bats

Summary of habitat and occupancy of the site by candidate species identified that there is suitable habitat on site, including hollows, to provide for continued foraging and movement of identified species across the site. The report states there should be no increases in fragmentation and that remnant vegetation is enhanced and managed.

It is imperative that the site remains connected to larger habitat areas in the locality. The report suggests that this is critical for the continuation of local and wider populations of the identified bats, nocturnal birds, threatened non-migratory birds, squirrel gliders and brush tailed phascogale. The report recommends the provision of physical connections from the site to the wider, larger habitat areas in the immediate locality. This is consistent with the objectives and opportunities for biodiversity connectivity identified in the Maitland Greening Plan 2002.

Council has completed an assessment of the BVAR submitted with consideration of the balance of other site-specific constraints and intended objectives of the proposal. Council has considered the following in its assessment:

- Retain vegetation along Haussman Drive to provide screening and corridor linkages,
- Maintain adequate width of corridor through the centre of the site,
- Provide increased number of arboreal crossings,
- Preserve established vegetation along Brickworks Road,
- Where possible, create a corridor along the western part of the site and along the entire length of the rail line,
- Retain vegetation at intersection of Raymond Terrace Road and Haussman Drive, and
- Provide nesting boxes included to offset loss of hollow bearing trees in the locality.

Recommendation: The submitted Biodiversity Values Assessment Reports, Council's adopted Maitland Greening Plan 2002 and Council's assessment will inform discussions with NSW DPIE

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Biodiversity Conservation Division and the proponent regarding the appropriate land use configuration to be determined through the planning proposal process, this includes the extent and size of the proposed E3 Environmental Management zone and B5 Business Development zone.

A balance of B5 Business Development zone and E3 Environmental Management zone will be mapped through the Gateway assessment, determination, and implementation process. It will be important for any E3 zone boundaries to address the matters listed above and include practical habitat corridors and widths, condition, and maturity of trees (including hollows) and suitable connection points to the adjoining habitat EEC's.

Council considers consultation with the relevant government agency, being DPIE-Biodiversity Conservation Division, will be required.

Contamination

The proponent has provided a Preliminary Contamination Assessment over the site. This assessment has confirmed the site has had uncontrolled fill placed on the land and that there are several Areas of Environmental Concern (AEC).

The assessment recommends further detailed assessment to determine the extent and type of fill and potential contamination. Further testing for toxic-by-products is also required including the ash material associated with the brick kiln sites. Council's assessment identified a Remedial Action Plan and Validation Report is required.

Subsequently, a detailed contamination assessment has been carried out. However, it applies to part of the site, specifically Lot 161 DP 136183. This detailed assessment identified Areas of Environmental Concern (AEC) on the site and recommended that a Construction Environmental Management Plan (CEMP) be developed and implemented during earthworks activities.

Recommendation: A further detailed contamination assessment that considers the collective impacts across the remaining areas of the site and a subsequent Remedial Action Plan and Validation Report will be required prior to finalisation of the planning proposal. These need to be prepared in accordance with EPA guidelines. Council considers consultation with the relevant government agency, being EPA, will be required.

Traffic and Access

Multiple traffic impact assessment reports have been submitted for the individual sites in the identified employment investigation area. All reports have addressed traffic generation for the future development and concluded that access to and from the site through an intersection with Haussman Dr at Taylor Ave would accommodate the modelled increase in traffic. The individual reports did not address the cumulative traffic impact at this location from the development of all three sites.

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An additional “cumulative traffic impact assessment” has been prepared which considers and models total traffic generation from the development of the collective sites. In this assessment and modelling the report includes an additional access point off Raymond Terrace Rd by providing a “4th leg” to the existing Harvest Bvde/ Raymond Terrace Rd intersection. The report concludes that the proposed modifications to the existing Raymond Terrace Rd /Harvest Bvde intersection will provide for satisfactory performance for the proposed development in its entirety. The proposed upgrade of the intersection of Haussman Dr/Taylor Ave will provide capacity for traffic entering and leaving the sites using this intersection as well as for existing and future traffic long Haussman Dr and Taylor Ave.

No modelling has been provided for cumulative traffic impacts associated with the collective sites on the proposed Haussman Dr/Taylor Ave intersection without the inclusion of the proposed Raymond Terrace Rd intersection.

The proposed Raymond Terrace Rd intersection with Harvest Bvde is via separate land that does not form part of the planning proposal. The adjoining land is under separate ownership. This land is within the Four Mile Creek flood plain with minimal land available “at grade” with Raymond Terrace Rd.

Recommendation: Specific details have not been provided with the submission in relation to acquisition of the adjoining land, impacts on drainage associated with Four Mile Creek, physical site analysis details on the ability to construct the proposed works in this locality to service an additional access point. In addition, support from Transport for NSW regarding upgrading an intersection on a regional road has not been provided. This information will be required prior to exhibition of the planning proposal. Council considers consultation with the relevant government agency, being TfNSW, will be required.

Stormwater Management

A Stormwater Management Report has been prepared which covers both stormwater quality management and quantity management, as well as assessing the impact of the stormwater discharge on Four Mile Creek catchment. Stormwater detention needs to be provided to ensure that the post development flows from the total site do not exceed the predevelopment flows for 1% AEP storm events.

The proposed site runoff is to drain to the two proposed detention basins in the southeast corner and southwest corner. The outlet from the basin in the southeast corner will discharge into the rail corridor. The outlet from the basin in the southwest corner will discharge via a grassed swale to the existing culverts under Raymond Terrace Rd. The report provides detailed design requirements for each basin including top level, bottom level, outlet pipes and storage areas. The discharge of stormwater onto adjoining land not part of this planning proposal is of concern. Details on legal agreements and stormwater easements will be required post gateway determination.

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The stormwater quality treatment train proposed includes rainwater tanks, gross pollutant traps and bioretention basins. The location and size of the proposed water quality basin will need to be reassessed at the DA stage once a defined layout for the development has been confirmed.

Recommendation: Details on legal agreements, stormwater easements and landowner concurrence will be required post gateway determination.

The location and size of the proposed water quality basin will need to be reassessed at the DA stage once a defined layout for the development has been confirmed.

Bushfire

The site is identified as bushfire prone in MLEP 2011 bushfire prone land maps.

A bushfire assessment has been carried out over individual lots within the site. These assessments conclude that APZ's will need to be created internally between individual lots. Where lots adjoin the rail corridor to the south, Haussmann Dr to the east and Raymond Terrace Rd to the north, APZ can be accommodated with this infrastructure.

Assessing the site collectively, suitable APZ's, in accordance with Planning for Bushfire Protection 2019 can be accommodated in the adjoining road and rail corridors. Land to the west is cleared flood liable rural land.

Recommendation: A bushfire assessment over the entire site will need to be undertaken to demonstrate compliance with the relevant controls. This will be required prior to finalisation of the planning proposal.

Additional Permitted Use

In addition to the proposed amendments to the planning controls and land use zones applicable to the site, the submission to Council sought to enable an additional permitted use for food and drink premises specific to Lot 161 DP 136183. The objective of the additional permitted use is to activate the site, support other uses and provide a place for local occupants and visitors to socialise, beyond that which is provided in the B5 Business Development zone.

No site-specific studies, such as an economic impact assessment, relating to the merit of this additional permitted use in the locality has been provided with the rezoning submission.

Recommendation: Council recognises an additional permitted use provides for flexibility in land uses and has merit for consideration in accordance with Council's Activity Centres and Employment Clusters Strategy 2010. However, further justification in the form of an economic impact assessment will be required post Gateway determination. The economic impact assessment would need to consider the impact of those proposed uses on the viability of the

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proximate B1 Neighbourhood Centre and B2 Local Centre in Chisholm and Thornton respectively.

PLANNING PROPOSAL

The objective of the planning proposal is to amend existing planning controls and rezone land to enable future business development outcomes and protection of environmentally significant areas. The proposed amendment to MLEP 2011 will enable the site to be developed for a mix of business and warehouse uses, as well as specialized retail premises that require a large floor area. It will also protect existing vegetation on site, maintaining viable biodiversity corridor linkages.

In addition, the Mineral Resource Area is applicable to Lots 1,2,3 and 4 DP 114538. The intent of the planning proposal is also to remove the applicability of the Mineral Resource Area Map from these sites. These sites have exhausted the clay resource. Importantly, these sites are partially zoned for residential purposes or have development approvals for residential purposes, and with the increased urban development in the locality, the likelihood of these sites being utilized for further mining or extractive industry in the future is precluded.

A summary of the planning proposal is provided below:

Applicable land	<u>Thornton (Brickworks Road) Employment Lands</u> Lot 161 DP 136183 Lot 15 DP 10419 Lot 14 DP 1078459 Lot 462 DP 870019 Lot 282 DP 852771 <u>Additional sites identified as Mineral Resource Area</u> Lot 1 DP 1145348 Lot 2 DP 1145348 Lot 3 DP 1145348 Lot 4 DP 1145348
Landowner	Various landowners
Land size	Approximately 48 hectares
Current zone & planning controls	Thornton (Brickworks Road) Employment Land: RU2 Rural Landscape with a minimum lot size of 40ha. Lot 161 DP 136183 is identified as Mineral Resource Area.

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	<p>Additional sites identified as Mineral Resource Area:</p> <p>Lot 1 DP 1145348 R1 General Residential ()</p> <p>Lot 2 DP 1145348 RU2 Rural Landscape</p> <p>Lot 3 DP 1145348 R1 General Residential</p> <p>Lot 4 DP 1145348 R1 General Residential and E3 Environmental Management</p>
Proposed zone	<p>Applicable to Thornton (Brickworks Road) Employment Lands only:</p> <p>Land use configuration including a mix of: B5 Business Development and E3 Environmental Management, zone boundaries to be determined through the Gateway assessment, determination and implementation process.</p>
Proposed minimum lot size	<p>Applicable to Thornton (Brickworks Road) Employment Lands only:</p> <p>No minimum lot size will be applied to the land zoned for B5 Business Development. A 40ha minimum lot size will be applied to the land zoned for E3 Environmental Management</p>
Proposed planning controls	<p>Remove the identification of a Mineral Resources Area</p> <p>Identify the Thornton (Brickworks Road) Employment Lands as an Urban Release Area</p>
Map amendments	<p>Land Zoning Map - Sheet LZN_004D and Sheet LZN_006A</p> <p>Mineral Resources Area Map - Sheet MRA_006A</p> <p>Minimum Lot Size Map - Sheet LSZ_004D and Sheet LSZ_006A – Urban Release Area</p> <p>Map – Sheet URA_004D and Sheet URA_006A</p>

Council has identified further information, specifically an economic impact assessment, is required to consider the inclusion of the additional permitted use for Lot 161 DP 136183. This will be considered as the planning proposal progresses, post Gateway determination.

The proposed land use zone is intended to be a mix of B5 Business Development and E3 Environmental Management across the site. The determination of zone boundaries within the site will be finalised through the Gateway assessment, determination and implementation process as further information is provided and discussions with government agencies is considered. The land use configuration determined will reflect the objectives and intended outcomes as described in this planning proposal.

A locality map and copies of the existing and proposed land use zoning and applicable planning controls are provided in Part 4 of the planning proposal, included under separate cover as *Attachment 1* to this report.

CONCLUSION

Notwithstanding the need for certain issues to be resolved, Council recognises there is sufficient strategic and site-specific merit for the proposal to proceed to Gateway assessment as:

- The site is identified as a Planned Investigation Area – Employment in the Maitland LSPS 2040, as Category 1 Future Employment Land in the MUSS 2012 and is consistent with the strategies and actions of the Greater Newcastle Metropolitan Plan as it will provide additional employment land adjoining the growing and existing urban area.
- The site is strategically located in an area with surrounding population growth and has accessibility to transport routes to facilitate movement of goods and services.
- The site has connection to existing infrastructure and services.
- The planning proposal process provides for the additional investigations and agency consultation required to further justify the amendments to planning controls and land use zone configurations to achieve the intended outcomes for the site.
- Matters to address traffic, flooding and drainage, biodiversity conservation, contamination and stormwater management appear capable of resolution.

It is intended that future development will be managed through a development control plan, which will provide more detailed development and subdivision controls to manage future staging and respond to development constraints on the site.

It is recommended that Council submit the planning proposal to the Department seeking a Gateway determination to enable the planning proposal to proceed to public exhibition.

FINANCIAL IMPLICATIONS

This matter has no direct financial impact upon Council's adopted budget or forward estimates.

POLICY IMPLICATIONS

This matter has no specific policy implications for Council.

STATUTORY IMPLICATIONS

This report has regard to the provisions of the *Environmental Planning and Assessment Act 1979* and the *Environmental Planning and Assessment Regulation 2000*.

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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 a 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.