



Hawkesbury City Council

Attachment 2 to item 227

Summary of Issues and
Recommendation with respect to the
current Planning Proposal to
Amend the Hawkesbury Local
Environment Plan 2012

date of meeting: 10 December 2019

location: council chambers

time: 6:30 p.m.

Housekeeping LEP Issues and Recommendations

Item	Description of Amendment	Agency Comment/Issue	Recommendation
Written Instrument Amendments			
1.1	Clause 2.8 Temporary Use Extend the maximum period of temporary uses of land from 28 to 52 days in any 12 month period.	Infrastructure NSW/SES – Hawkesbury Nepean Valley Flood Strategy - Flood affected land – evacuation constraints	Separate from current LEP Amendment to resolve flood and evacuation related matters before proceeding with this amendment
1.2	New Clause – Boundary Adjustment to permit boundary adjustments between undersize allotments	Nil comment/issue	Proceed
1.3	Clause 4.1D Exceptions to minimum subdivision lot size for certain land. Delete the word “previously” from Clause 4.1D subclause (2)	Nil comment/issue	Proceed
1.4	Clause 4.1E Exceptions to minimum subdivision lot size for Grose Wold clarify its relationship with Clause 4.1. Minimum subdivision lot size and clarify the intention of the term “original lot”	Nil comment/issue	Proceed
1.5	Clause 4.1D Exceptions to minimum subdivision lot size for certain land and Clause 4.1F. Exceptions to minimum to exclude the area of access handles when calculating lot sizes subdivision lot size for certain land in North Richmond	Nil comment/issue	Proceed

Item	Description of Amendment	Agency Comment/Issue	Recommendation
1.6	Clause 4.2A Residential development and subdivision prohibited on certain land to reinforce that dwellings are prohibited on land subdivided for the purposes of primary production under Clause 4.2.	Nil comment/issue	Proceed
1.7	New provision in Schedule 2 Exempt Development Insert in Schedule 2 Exempt Development the following: Subdivision (1) Must be for the propose to grant a lease, licence or other estate over Council owned or managed land in accordance with the Local Government Act 1993.	Nil comment/issue	Proceed
1.8	Signage provision in Schedule 2 Exempt Development amended to specify a maximum of one sign per elevation for flush wall signs, top hamper signs and fascia signs to ensure consistency across the signage provisions.	Nil comment/issue	Proceed
1.9	Relevant Acquisition Authority of land Insert a new clause where land to be acquired is not zoned RE1 Public Recreation, SP2 Infrastructure or E1 National Parks and Nature Reserves or change the zoning of these lands	Nil comment/issue	Proceed
1.10	Clause 5.1A Development on land intended to be acquired for public purpose. 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.	Nil comment/issue	Proceed

Item	Description of Amendment	Agency Comment/Issue	Recommendation
1.11	Insert additional controls for <i>Bed and Breakfast Accommodation</i> to ensure that bed and breakfast accommodation under the LEP is consistent with the SEPP controls. It is proposed that a new clause be inserted in LEP 2012 specifying requirements for this type of development.	NSW Rural Fire Service – <i>Bed & Breakfast Accommodation</i> should be moved from “development without consent” to “development with consent”.	Amend permissibility of <i>Bed & Breakfast Accommodation</i> to “Development with consent”, and include the new clause.
1.12	Clause 6.10 Certain development on Lot 1, DP 827148, Richmond Road, Clarendon The road name has changed since drafting of LEP 2012.	Nil comment/issue	Proceed
1.13	Clause 6.11 Residential accommodation at Johnson and New Streets, Windsor The property address has changed since the drafting of LEP 2012.	Nil comment/issue	Proceed
1.14	Property description of Item 11 in Schedule 1 Additional Permitted Uses Property description has changed since the drafting of LEP 2012.	Nil comment/issue	Proceed
1.15	Listings in Schedule 4 Classification and Reclassification of Public Land Change street name for the following lands from “West Market Street” to “East Market Street”. The current property descriptions refer to the incorrect street name.	Nil comment/issue	Proceed

1.16 (a)-(n)	Heritage item listings Schedule 5 Environmental heritage A number of changes are required to Schedule 5 of LEP 2012 to correct and update heritage item numbers, descriptions, addresses and heritage significance.	Nil comment/issue	Proceed
Item	Description of Amendment	Agency Comment/Issue	Recommendation
1.17	Insert a local provision for dual occupancies (detached)	Deleted as part of Gateway Determination	Already deleted as part of Gateway Determination
1.18	Insert a local provision for temporary events on public land. Insert a clause 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.	Nil comment/issue	Proceed
1.19	Insert <i>storage structure</i> into Schedule 2 Exempt Development. LEP 1989 previously included the definition of rural shed which allowed Council to approve buildings and structures for the storage of property regardless of whether the land was vacant or built upon. This definition was not carried over to LEP 2012 and as a result Council can now only approve buildings and structures for the storage of property that are ancillary to an existing development.	Nil comment/issue	Proceed

Mapping Amendments			
Item	Description of Amendment	Agency Comment/Issue	Recommendation
2.1 (a)–(k)	Heritage Map amendments A number of amendments are required to the heritage map sheets in respect to incorrect heritage item numbering or incorrectly identified properties. Changes are also required to ensure that the maps are consistent with the written instrument and State Heritage Register items.	Nil comment/issue	Proceed
2.2	Amend LEP maps to resolve inconsistency between Land Reservation Acquisition Map 008DB and Land Zoning Map 008DB	RMS – all areas where the RMS is the acquiring authority are to be consistent across all LEP maps (LRAM and LZM) and shown as SP2 Classified Road on both the LRAM and LZM.	Council to ensure consistency across all LEP mapping for land to be acquired by the RMS.
2.3	Amend the map legend and correct the reference symbols on Lot Size Map	Nil comment/issue	Proceed
2.4	Amend minimum lot sizes within Wilberforce township. Minimum allotment size map to be amend to comply with Council's Wilberforce Subdivision and Development Policy, adopted 31 July 2012.	Nil comment/issue	Proceed
2.5	Amend Land Zoning Map for "Pound Paddock", Richmond	Nil comment/issue	Proceed
2.6	Amend LEP maps relating to Lot 16 DP 1205408, 916 Settlers Road, Central Macdonald	Nil comment/issue	Proceed
Additional Land Use			

3.1	<p>Permit function centres with consent in the following zones:</p> <p>RU1 Primary Production</p> <p>RU2 Rural Landscape</p> <p>RU4 Primary Production Small Lots</p> <p>RU5 Village</p> <p>E4 Environmental Living</p>	<p>Greater Sydney Commission – Sydney Region Plan and Western City District Plan - Metropolitan Rural Area Policy context.</p> <p>Department of Defence – No objection, however further considerations required for development applications</p> <p>GSNSW – generally does not support intensification of non-agricultural land uses within rural zones that are not consistent with the intended purpose of those zones. They specifically refer to the permissibility of <i>function centres</i> within rural zones RU1, RU2, RU4 and RU5 (among others).</p> <p>Infrastructure NSW/SES - Hawkesbury Nepean Valley Flood Strategy - Flood affected land – evacuation constraints</p>	<p>Separate from current LEP Amendment to clarify NSW State Governments Metropolitan Rural Area policy position through finalisation of Local Strategic Planning Statement process, and resolve flood and evacuation related matters before proceeding with this amendment</p>
3.2	<p>Permit eco-tourist facilities with consent in the following zones:</p> <p>RU1 Primary Production</p> <p>RU2 Rural Landscape</p> <p>RU4 Primary Production Small Lots</p> <p>RU5 Village</p> <p>R1 General Residential</p> <p>R2 Low Density Residential</p> <p>R3 Medium Density Residential</p> <p>R5 Large Lot Residential</p> <p>E3 Environmental Management</p> <p>E4 Environmental Living</p>	<p>Greater Sydney Commission – Sydney Region Plan and Western City District Plan - Metropolitan Rural Area Policy context.</p> <p>GSNSW – generally does not support intensification of non-agricultural land uses within rural zones that are not consistent with the intended purpose of those zones. They specifically referring to the permissibility of <i>eco-tourist facilities</i> within rural zones RU1, RU2, RU4 and RU5 (among others).</p> <p>Infrastructure NSW/SES - Hawkesbury Nepean Valley Flood Strategy - Flood affected land – evacuation constraints</p>	<p>Separate from current LEP Amendment to clarify NSW State Governments Metropolitan Rural Area policy position through finalisation of Local Strategic Planning Statement process, and resolve flood and evacuation related matters before proceeding with this amendment.</p>

Item	Description of Amendment	Agency Comment/Issue	Recommendation
3.3	Permit <i>secondary dwellings</i> and <i>dual occupancies (detached)</i> with consent in certain zones	Deleted as part of Gateway Determination	Already deleted as part of Gateway Determination
3.4	Permit <i>veterinary hospitals</i> with consent in the RU2 Rural Landscape zones	Nil comment/issue	Proceed
3.5	Permit <i>community facilities</i> and <i>public administration building</i> in the SP2 Infrastructure zone	Nil comment/issue	Proceed
Site Specific Reclassification of Land			
4.1	Land known as Lots 2 and 3 in DP582878, 1913 and 1905 Bells Line of Road, Kurrajong Heights	RMS – Site is affected by a gazetted road widening order (gazette No. 142 of 5-12-1969 folio 5012). No objection raised to reclassification provided that the RMS reservations are maintained.	Proceed following confirmation RMS reservations will be maintained