



New South Wales

State Environmental Planning Policy Amendment (Tutti Fruitti Cafe) 2020

under the

Environmental Planning and Assessment Act 1979

Her Excellency the Governor, with the advice of the Executive Council, has made the following State environmental planning policy under the *Environmental Planning and Assessment Act 1979*.

ROBERT STOKES, MP
Minister for Planning and Public Spaces

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1 Name of Policy

This Policy is *State Environmental Planning Policy Amendment (Tutti Fruitti Cafe) 2020*.

2 Commencement

This Policy commences on the day on which it is published on the NSW legislation website.

3 Repeal of Policy

This Policy is repealed on the day following the day on which this Policy commences.

Schedule 1 **Amendment of Hawkesbury Local Environmental Plan 2012**

Clause 6.14

Insert after clause 6.13—

6.14 Temporary use of structures for “Tutti Fruitti Cafe” on certain land at Kurrajong Heights

- (1) This clause applies to development on land at 1917 Bells Line of Road, Kurrajong Heights, known as the site of the “Tutti Fruitti Cafe”.
- (2) Development for the following purposes is exempt development on land to which this clause applies—
 - (a) the installation and temporary use of a shipping container,
 - (b) the installation and temporary use of a storage shed, including an associated roof structure and awning,
 - (c) the installation and use of an outbuilding for the purpose of providing amenities.
- (3) To be exempt development under this clause, the development must—
 - (a) be removed no later than 2 years after it is installed, and
 - (b) not be used for a purpose other than a restaurant or cafe, and
 - (c) have appropriate foundations and structural support to ensure that it is safe and stable, and
 - (d) for the cumulative total size of the shipping containers and storage shed taken together, not exceed the following—
 - (i) a length of 12m,
 - (ii) a height of 4.5m,
 - (iii) a width of 9m, and
 - (e) not result in more than 2 shipping containers, 1 storage shed and 1 outbuilding installed on the land to which this clause applies, and
 - (f) not affect the means of egress from a building in an emergency, and
 - (g) be installed so that roof water is disposed of without causing a nuisance to adjoining owners, and
 - (h) not be installed over an easement, and
 - (i) not be installed over drainage pipes or house drainage pipelines unless access to the inspection openings is maintained at all times, and
 - (j) if it contains plumbing fixtures—have those fixtures connected to an approved waste water treatment device or an approved connection to the sewer, and
 - (k) not involve the removal or pruning of a tree or other vegetation that requires a permit or development consent for removal or pruning, unless that removal or pruning is undertaken in accordance with a permit or development consent, and
 - (l) be installed in accordance with the manufacturer’s specifications, if applicable.

Note. The *Food Act 2003*, and the regulations under that Act, may contain additional requirements in relation to premises used by a food business in connection with the handling of food intended for sale.