

Amend Tweed LEP 2014 to permit water extraction and bottling in certain rural zones

Proposal Title : Amend Tweed LEP 2014 to permit water extraction and bottling in certain rural zones

Proposal Summary : The planning proposal seeks to amend the Tweed LEP 2014 Schedule 1 - Additional Permitted Uses by:

- defining the term 'water extraction and bottling facilities'; and
- allowing water extraction and bottling facilities to be permitted with development consent in the RU1 Primary Production and RU2 Rural Landscape zones.

PP Number : PP_2015_TWEED_005_00 Dop File No : 15/13546

Planning Team Recommendation

Preparation of the planning proposal supported at this stage : **Recommended with Conditions**

- S.117 directions:
- 1.2 Rural Zones
 - 1.3 Mining, Petroleum Production and Extractive Industries
 - 1.5 Rural Lands
 - 2.1 Environment Protection Zones
 - 2.2 Coastal Protection
 - 2.3 Heritage Conservation
 - 3.5 Development Near Licensed Aerodromes
 - 4.1 Acid Sulfate Soils
 - 4.3 Flood Prone Land
 - 4.4 Planning for Bushfire Protection
 - 5.1 Implementation of Regional Strategies
 - 6.1 Approval and Referral Requirements
 - 6.3 Site Specific Provisions

Additional Information : It is recommended that:

- 1) The planning proposal should proceed as a routine planning proposal;
- 2) The Secretary (or an officer nominated by the Secretary) agrees that the inconsistencies with s117 Directions 4.1 Acid Sulfate soils and 4.3 Flood Prone Land are justified as of minor significance;
- 3) The Secretary (or an officer nominated by the Secretary) note the current inconsistency with Direction 4.4 Planning for Bushfire Protection and that consultation with the NSW Rural Fire Service will be required before this inconsistency can be resolved;
- 4) Council be required prior to community consultation to provide an amended planning proposal that :
 - deletes the specific site reference from the title of the Planning Proposal;
 - adds to "Background" of the Planning Proposal to refer to consideration of "water extraction and bottling facilities" as a form of light industry;
 - deletes the existing Explanation of Provisions; and
 - inserts a revised explanation which indicates that an addition to Schedule 1 - Additional Permitted Uses - of Tweed LEP 2014 is to be made which defines "water extraction and bottling facilities" as a form of "light industry" (rather than "extractive industry") and permits such use in the RU1 and RU2 zones.
- 5) Council will be required under section 56(2)(d) of the EP&A Act to consult with the following Departments prior to community consultation:
 - Department of Primary Industries - Office of Water
 - NSW Rural Fire Service;

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6) The planning proposal have a community consultation period of 28 days;

7) The planning proposal be completed in 6 months.

Supporting Reasons :

This Planning proposal is necessary because the Standard Instrument LEP does not clearly allow for the land use of water extraction and bottling facilities to be considered.

Such operations have been a feature of Tweed area for many years under previous planning instruments and is appropriate to continue in rural zones with development consent.

Panel Recommendation

Recommendation Date : 23-Sep-2015

Gateway Recommendation : Passed with Conditions

Panel Recommendation : This planning proposal is considered minor and the Gateway determination is to be issued under delegation by the General Manager. Therefore the planning proposal will not be considered by the panel.

Gateway Determination

Decision Date : 23-Sep-2015

Gateway Determination : Passed with Conditions

Decision made by : General Manager, Northern Region

Exhibition period : 28 Days

LEP Timeframe : 6 months

Gateway

Determination :

1. The Planning Proposal is to be amended, prior to community consultation, to:

- delete the site specific reference from the title of the proposal;
- add to the "Background" section, consideration of water extraction and bottling facilities as a form of "light industry";
- delete the first dot point of "Objectives and Intended Outcomes" as it refers to a largely superseded planning instrument and is not appropriate for this proposal;
- replace the current "Explanation of Provisions" with a plain English explanation of how the intended outcomes will be achieved by an amendment to the Tweed LEP 2014 which inserts into Schedule 1 – Additional permitted uses, "light industry" constituting water extraction and bottling facilities as being permitted with development consent in the RU1 Primary Production and RU2 Rural Landscape Zones.

2. Lodgement of the revised planning proposal for approval by the Minister's delegate prior to community consultation.

3. Community consultation is required under sections 56(2)(c) and 57 of the Act as follows:

- (a) the planning proposal must be made publicly available for a minimum of 28 days; and
- (b) the relevant planning authority must comply with the notice requirements for public exhibition of planning proposals and the specifications for material that must be made publicly available along with planning proposals as identified in section 5.5.2 of A Guide to Preparing LEPs (Department of Planning and Infrastructure 2013).

4. Consultation is required under section 56(2)(d) of the Act with

- NSW Rural Fire Service; and
- Department of Primary Industries – Office of Water.

These agencies are to be provided with a copy of the planning proposal and any relevant supporting material, and given at least 21 days to comment on the proposal.

5. The timeframe for completing the LEP is to be 6 months from the week following the date of the Gateway determination.

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Signature:



Printed Name:

Craig Diss

Date:

23 September 2015