

PE3

Housekeeping Changes to Wollondilly Local Environmental Plan 2011

5023SPER

TRIM 1141-3

REPORT**EXECUTIVE SUMMARY**

This report discusses:

- The outstanding matters from Council's previous resolutions on Wollondilly Local Environmental Plan, 2011 (WLEP 2011).
- Requests for LEP amendments from Sydney Catchment Authority (SCA) and the Office of Environment and Heritage.
- Housekeeping amendments to the WLEP 2011 instrument and maps.
- Housekeeping amendments to the Wollondilly Development Control Plan 2011 (WDCP 2011).

Changes are recommended to WLEP 2011 in the form of two separate Planning Proposals being:

- (i) Planning Proposal to review zoning and minimum subdivision requirements for land within the drinking water catchments with Sydney Catchment Authority.
- (ii) Planning Proposal for Housekeeping amendments to WLEP 2011 to:
 - change the land use table for the Zone E3 Environmental Management.
 - change the zoning of some lots owned by SCA within the drinking water catchment.
 - change the listing for heritage items No.115 and No.1278 in Schedule 5 from "local" significance to "State" significance.
 - amend the zoning of Lot 43 DP 1126346 which is surplus to the needs of Sydney Catchment Authority (SCA).
 - change the zoning of some lots owned by Office of Environment and Heritage (within National Parks and State Conservation Areas).
 - include tourism-related land uses.
 - amend land use tables and minor zone Objectives to facilitate tourism-related uses.
 - inclusion of animal boarding or training establishments in Zone R2 Low Density Residential and Zone R5 Large Lot Residential
 - changes to Clause 5.4(1) and the provisions for *Bed and breakfast accommodation*
 - amendment to the Lot Size Map for that part of Lot 2 DP 854626 Campsie Street, Wilton in Zone RU2 Rural Landscape to correct an oversight.
 - amend Clause 4.2A to ensure vacant lots created under WLEP 1991 which are less than the Minimum Lot Size of WLEP 2011 have a dwelling entitlement.
 - change the land use tables for types of signage.
 - make corrections to listing details for Items I16, I26, I41, I284, I66, I101, I257, IA8, I122 in Schedule 5.

The changes proposed to WLEP 2011 above also require some changes to WDCP 2011 for:

- including tourism-related uses of camping grounds, caravan parks and eco-tourist facilities
- amendments to the provisions for bed and breakfast accommodation.

There are various corrections to content and formatting of the WLEP 2011 maps which are proposed to be corrected by the Department of Planning and Infrastructure (DP&I) without the need for a Planning Proposal. These changes include making corrections to the Lot Size Maps to ensure mapped areas correspond to cadastre boundaries and corrections to the Original Holdings maps.

BACKGROUND

When Council resolved to adopt the Wollondilly Local Environmental Plan (WLEP) in the Standard Instrument format on 17 May, 2010 the resolution included undertakings to:

- consider a further report on potential funding and resourcing options to undertake an Aboriginal Heritage study in consultation with the Wollondilly Aboriginal Advisory Committee and the Tharawal Aboriginal Lands Council.
- consider a further report reviewing zoning and minimum subdivision requirements in the drinking water catchment based on Strategic Land and Water capability Assessments by the Sydney Catchment Authority
- consider a further review of the riparian lands provisions in consultation with the Department of Environment, Climate Change and Water – NSW Office of Water; and
- undertake a Housekeeping review of the LEP once it had been implemented in the development assessment process and feedback was accumulated on the effectiveness and practical use of the LEP.

It is now an appropriate time to examine each of these undertakings and decide on further actions.

CONSULTATION

Wollondilly Aboriginal Advisory Committee (WAAC) and Tharawal Aboriginal Lands Council (TALC)

Consultation with WAAC and TALC is not required at this stage. See Subheading 1. Aboriginal Heritage below.

Sydney Catchment Authority (SCA)

Discussions and correspondence with Sydney Water have been ongoing following the publication of WLEP 2011. Sydney Water have provided Council with a list of requested amendments and these are examined in Subheading 2 - Amendments to lands in the water catchment and/or owned by SCA.

Office of Environment and Heritage

Discussions and correspondence with Office of Environment and Heritage (OEH) have occurred since the publication of WLEP 2011. OEH have provided Council with a list of properties owned by OEH with a request that these properties be rezoned to Zone E1 National Parks and Nature Reserves. These are examined in Section 3 of this report – Review of Riparian Lands Provisions.

Department of Planning and Infrastructure (DP&I)

The Department of Planning and Infrastructure (DP&I) has been provided with a preliminary list of the amendments discussed in this report. DP&I have been asked to consider the recommendations of this report.

Council's Heritage Advisor

Council's Heritage Advisor confirmed all proposed changes to the heritage items are appropriate.

Development Services

Development Services staff collaborated with Strategic Planning staff on proposed changes to:

- tourism-related uses.
- Animal boarding or training establishments.
- Bed and breakfast establishments.
- Clause 4.2A.
- Signage.
- Clause 7.1.

Community Consultation

Community consultation will occur with the standard public exhibition process for the three Planning Proposals recommended in this report.

RELEVANCE TO COMMUNITY STRATEGIC PLAN OUTCOMES

Environment

***A community that is surrounded by a built and natural environment that is valued and preserved**

***A community that has opportunities to engage with and actively care about their natural environment**

Reviewing the provisions of the LEP which relate to Aboriginal heritage, water catchment areas and National Parks and Conservation areas in consultation with Sydney Catchment Authority Office of Environment and Heritage and local Aboriginal groups and representatives and the general community will enable Council to implement appropriate land and resource management practices. This process also has the potential to increase community awareness and appreciation of the natural assets and consider how future land use can be more compatible and sustainable.

Economy

***A community that has access to employment and is supported through strong and diverse economic activity**

***A community that is supported through appropriate, sustainable land use**

Correcting and improving the implementation of the LEP assists with sustainable decisions and helps to achieve efficient and reliable decisions on land uses which can contribute to economic improvements.

Community

***A resilient community that has access to a range of activities, services and facilities**

***An engaged, connected and supported community that values and celebrates diversity**

Monitoring and reviewing the implementation of the LEP allows Council to adjust the planning instrument to best work for the organisation and the community. Public participation in the form of case-by-case feedback and the public exhibition process assists in quality improvements to the LEP and planning processes for the Shire. The process involves continuous learning and feedback linking Council's LEP with the experience and knowledge of all who use the planning instrument.

Governance

***A community that is supported through engagement, collaboration and partnerships across government agencies and private business**

***A transparent, effective and sustainable Council**

The review of the LEP includes maintaining engagement with the community and government agencies where appropriate to the nature of the LEP amendment.

POLICIES & LEGISLATION

Environmental Planning and Assessment Act, 1979.

Environmental Planning and Assessment Regulation, 2000.

Standard Instrument (Local Environmental Plans) Order, 2006.

Standard Instrument (Local Environmental Plans Amendment Order) 2011.

Wollondilly Local Environmental Plan, 2011.

Wollondilly Development Control Plan, 2011.

RELEVANT CONSIDERATIONS

1. Aboriginal Heritage

Since Council's Resolution of 17 May, 2010 to adopt the Standard Instrument LEP there have been two significant matters related to planning provisions for Aboriginal Heritage.

(i) Standard Instrument Changes and changes to Wollondilly LEP 2011

The *Standard Instrument (Local Environmental Plans Amendment Order) 2011* included changes to Clause 5.10 Heritage Conservation to:

- clarify terminology by providing separate definitions for Aboriginal place of heritage significance and Aboriginal object
- allow Aboriginal places of heritage significance and Aboriginal objects to be separately listed in Schedule 5 and separately shown on the Heritage Map and Aboriginal Heritage Map
- allow the consent authority the discretion to require a heritage management document to assess potential impacts and management methods associated with a development proposal which may impact on a heritage item (note a heritage management document is defined as a document which may be:
 - “(a) a heritage conservation management plan, or
 - (b) a heritage impact statement, or
 - (c) any other document that provides guidelines for the ongoing management and conservation of a heritage item, Aboriginal object, Aboriginal place of heritage significance or heritage conservation area.”)

As a result of these amendments there are now adequate provisions within the LEP for assessing the potential impacts of development proposals on *Aboriginal places of heritage significance* and *Aboriginal objects*. The clauses relating to Aboriginal Heritage in WLEP 2011 do not need to be reviewed further at this time.

On 17 May 2010 Council made Resolution 117/2010 which included the following:

- “5. That a report be presented to Council on potential funding and resourcing options to undertake an Aboriginal Heritage Study, in consultation with the Wollondilly Aboriginal Advisory Committee and the Tharawal Aboriginal Lands Council.”

(ii) Office of Environment and Heritage Reform of Aboriginal Heritage Legislation

The state legislation relating to Aboriginal Culture and heritage is currently limited to sections of the *National Parks and Wildlife Act, 1974*. The Office of Environment and Heritage (OEH) is chairing a Working Party with goals focussed on reforming the current legislation and potentially creating “stand alone” legislation for:

- defining the status of Aboriginal people in managing culture and heritage in ways that are understood and determined by the Aboriginal community (ie. Not necessarily requiring this process to “fit” with existing legislative requirements);
- a streamlined and more appropriate legislative system;
- linking natural resource management and planning processes

- defining the roles and responsibilities of all stakeholders (including Local Government); and
- promoting greater awareness and understanding.

The Working Party are expected to make recommendations in the first half of 2012. Recommendations are likely to be relevant to the provisions of Local Environmental Plans.

The recommendations likely to come from the Working Party may outline methods for identifying, describing and locating *Aboriginal places of heritage significance* and *Aboriginal objects* in planning processes. This is necessary in order to acknowledge, manage and protect such places and items with the assessment of any changes in land zoning and land use.

Other Councils have identified places and objects by undertaking a Shire-wide study conducted with assistance from a suitably qualified and experienced specialist and in collaboration with Aboriginal community representatives who have appropriate local knowledge. Funding assistance is available from the OEH via the Local Government Heritage Management Program. This is a competitive biennial program. Applications are now closed and will re-open in October 2012.

It is recommended that Council wait for the outcomes of the Working Party before deciding on how best to address this matter. In the meantime Council staff can prepare for a potential project by discussing with consultants and with local Aboriginal people. A further report will be submitted to Council on the outcomes of these discussions.

2. Amendments relevant to lands in the Water Catchment and / or owned by Sydney Catchment Authority

Council has received correspondence from SCA since WLEP 2011 was published and SCA's requests for amendments to the LEP for land within the drinking water catchments are discussed below.

2.1 Strategic Land and Water Capability Assessments by SCA

SCA has completed a Strategic Land and Water Capability Assessment (SLWCA) for the land within the drinking water catchment to Warragamba Dam. This SLWCA provides recommendations for zoning, minimum allotment sizes and land use controls appropriate for protecting the drinking water catchment. Significant work is required to compare the SLWCA with the current LEP provisions and current and intended future uses of individual properties. Consultation with relevant government agencies and individual landowners is also necessary. Therefore this is a significant project requiring substantial time, resources and requires a separate Planning Proposal.

2.2 For Rural Zones in the catchment SCA have requested:

- (i) Agriculture and dwelling houses to be permitted with consent
- (ii) Intensive plant and livestock agriculture to be prohibited

Rural zoned land within the drinking water catchments is RU1 Primary Production, RU2 Rural Landscape and a small area in Buxton of RU4 Primary Production Small Lots. These Rural zones also occur outside the drinking water catchment.

Only *Extensive agriculture* and *Home occupations* are permitted without consent in these zones.

Extensive agriculture means any of the following:

- (a) *the production of crops or fodder (including irrigated pasture and fodder crops) for commercial purposes,*
 - (b) *the grazing of livestock for commercial purposes,*
 - (c) *bee keeping,*
 - (d) *a dairy (pasture-based).*
- (WLEP 2011)

All other land uses are either permissible with consent or prohibited. Therefore no changes are required to address point 2.1(i) above.

The land use tables in WLEP 2011 for Zones RU1, RU2 and RU4 must apply to land both within and outside the drinking water catchment. It is not appropriate to prohibit intensive plant and livestock agriculture on rural zoned land outside the catchment.

State Environmental Planning Policy (Sydney Drinking Water Catchment) 2011 applies to all land and all land uses within the drinking water catchment. This Policy includes provisions for assessing development applications. The provisions of the SEPP are sufficient to determine whether land use proposals are compatible with the sensitivity of catchment lands including proposals for *Intensive plant agriculture* and *Intensive livestock agriculture*.

In conclusion, no amendments to WLEP 2011 are considered necessary to address these matters.

2.3 SCA have requested Extensive agriculture be permitted only with consent in Zone E3

Extensive agriculture is currently prohibited in Zone E3 Environmental Management. *Dairy (pasture-based)* is currently permitted without consent. These provisions are not consistent in that there should be no exceptional circumstances for allowing *Dairy (pasture-based)* land use without consent and not other forms of *Extensive agriculture* (see the definition above).

It is recommended that the land use table for Zone E3 Environmental Management be amended to delete *Dairy (pasture-based)* from 'permitted without consent' and to insert *Extensive agriculture* as 'permitted with consent'. This is a minor amendment to achieve more appropriate land use controls and is suitable for inclusion in a Housekeeping Planning Proposal.

2.4 Changes to land use zones applying to land owned by SCA

Attachment 1 provides the details of allotments owned by SCA for which SCA have requested amendment of the zoning. In summary, amendment of the zoning of these lots is supported because the amended zoning will be consistent with:

- the zoning of surrounding land; and
- Direction 5.2 Sydney Drinking Water Catchments as issued by the Minister for Planning under Section 117(2) to the *Environmental Planning and Assessment Act, 1979*.
- A zone which has more strict land use controls and objectives for protection, management and restoration of land with special environmental values.

Table 1: List of properties owned and managed by SCA

Property	Current Zoning	Zoning requested as by SCA	Recommended Zoning
Lot 1, Lot 31 and Lot 32 DP 757069	E3	E2	E2
Part of Lot 140 and Part of Lot 141 DP 205069 and adjoining Crown Reserve to the west of these lots	E3	E2	E2

These are minor amendments to achieve more appropriate land use controls and are suitable for inclusion in a Housekeeping Planning Proposal.

2.5 Change to land use zone for SCA Surplus Lands

SCA owns Lots 42 and 43 DP 1126346 Silverdale Road, Warragamba. The land was subdivided creating Lots 41, 42 and 43 which were registered in 2008. The lots were created from the original Lot 4 DP 543449 owned by SCA. All lots are currently zoned SP2 Infrastructure.

Lot 41 is 1.362 hectares and was acquired by Integral Energy (now Endeavour Energy). It contains an electricity substation. Lot 42 is 248.7 square metres and was acquired by Sydney Water as it contains infrastructure owned and operated by Sydney Water. The current Zone SP2 Infrastructure is to be retained on Lot 41 and 42.

Lot 43 DP 1126346 is 11.23 hectares is now deemed to be surplus to SCA (and other government agency) needs and no additional infrastructure is required to be installed on the land. SCA has requested Council amend the zoning of Lot 43 from Zone SP2 Infrastructure to Zone RU2 Rural Landscape. Adjoining privately-owned rural properties are in Zone RU2. SCA have based this request on *“the broad policy direction of the State Environmental Planning Policy (Infrastructure) 2008”*.

The potential rezoning of Lot 43 confers a significant change of permissible land uses and the expected future character of the land under the current Zone SP2 Infrastructure. However, the nature of development and the character of the existing uses of the land is consistent with development typical of Zone RU2 with a dwelling house, scattered outbuildings and partly cleared grazing land with scattered trees.

Planning Practice Note PS08-002 provides guidelines on the zoning of surplus government land under the Standard Instrument and includes Principle No.5 as follows:

“5. Where surplus public land is currently zoned ‘special use’:

- the land should be rezoned as a compatible use, or
- the land should be rezoned consistent with a valid site compatibility certificate.”

And further that

“Government land that is no longer required to provide services or infrastructure is sometimes classified as ‘surplus’ public land. Previously, new residential or commercial developments as well as development that could be carried out on nearby land, could be approved on such land under the now repealed SEPP 8.

The Infrastructure SEPP provides a more tailored and local solution for such land, to ensure new land uses are appropriate and compatible with surrounding land. Councils are requested to follow the broad policy direction in the Infrastructure SEPP when preparing new LEP’s covering surplus public land, by following the principles outlined below.

Principle 5.1 – Zone surplus public land as a compatible land use Surplus public land should be rezoned to be compatible with surrounding land uses having regard to:

- existing adjacent land uses and preferred future uses
- regional strategy priorities
- availability of services and infrastructure to support new land uses
- environmental impacts and risks.

Principle 5.2 – If relevant, adopt the zone in the site compatibility certificate (N/A)”

Given that the request from SCA is consistent with Planning Practice Note PS08-002 and that the proposal will not significantly change the current character and land uses of Lot 43 DP 1126346 it is considered appropriate that this change be included in the Housekeeping Planning Proposal.

2.6 Change Heritage Item from “Local” to “State” significance

SCA requests the following items listed in Schedule 5 to WLEP 2011 to be of State significance:

Item I15: Upper Nepean Scheme – Broughtons Pass Weir
Item I278: Upper Nepean Scheme – Pheasants Nest Weir.

Both items are currently listed as locally significant.

The Heritage Act, 1977 provides the following definition:

state heritage significance, in relation to a place, building, work, relic, moveable object or precinct, means significance to the State in relation to the historical, scientific cultural, social, archaeological, architectural, natural or aesthetic value of the item (section 4A(1), Heritage Act, 1977).

Council’s Heritage Advisor has confirmed the change is appropriate. It is recommended that Schedule 5 to WLEP 2011 be amended. As the amendment has the support of the land owner and has no impact to adjoining and surrounding land uses it is recommended that Council request the DP&I to make the amendment without the need for public exhibition and subject to consultation with the Office of Environment & Heritage only.

3. Review of Riparian Lands Provisions

The Riparian Lands Maps were originally prepared based on the application of the Strahler Classification System using the 1:25,000 Topographic maps maintained by the NSW Land and Property Information Department with limited site-specific information. The draft maps and the methods used to prepare them were referred to the appropriate agencies with an interest in the management and protection of watercourses and water resources being:

- (then) Department of Environment, Climate Change and Water
- (then) Department of Primary industries (Fisheries)
- (then) Office of Water
- Sydney Catchment Authority
- Hawkesbury-Nepean Catchment Management Authority

The feedback received from consultation was incorporated into the version of the WLEP adopted by Council on 17 May, 2010.

The LEP adopted by Council on 17 May, 2010 was adjusted by the DP&I to fit the Standard Instrument at the date of publication (being 23 February, 2011). The adjustments included:

- Clause 7.3 Water Protection replacing Clause 7.10 Development on Riparian Land; and
- Natural Resources – Water Map replacing the Riparian Lands Maps

During the preparation of the Natural Resources – Water Map, the Growth Centres Commission Development Code was also being prepared and implemented. This Development Code has set in place a standard for determining Riparian Categories which includes:

- Strahler classification
- bed and bank stability and water quality
- protection of aquatic and terrestrial habitat; and
- the role of a watercourse in providing habitat corridors.

More recently the DP&I have released a discussion paper titled *Planning for Riparian Corridors in Urban Areas* (April 2010). The discussion paper has not yet been translated into Planning Circulars or Guidelines.

The level of assessment requires detailed specialist investigation and field studies. Resourcing such a study as a separate Planning Proposal on a Shire-wide basis is beyond Council's resources. Instead it is recommended that the Riparian Lands buffer widths will be revised on a site-by-site basis. All future Planning Proposals for sites featuring watercourses are to include a specialist assessment of the watercourse(s) based on the Growth Centres Commission Development Code until such time as this may be superseded by outcomes from the abovementioned Discussion Paper. This is to be incorporated into the Planning Proposal Policy (soon to be considered by Council for adoption).

Amendments to WLEP 2011 will be ongoing with case-by-case Planning Proposals.

4. Amendments to Zoning for land owned by Office of Environment and Heritage

Correspondence from the Office of Environment and Heritage (OEH) includes a request to rezone properties owned and managed by OEH to Zone E1 National Parks and Nature Reserves. The full list of lots is shown in Table 2.

Table 2: List of properties owned and managed by OEH

Property	Current Zoning	Zoning as requested by OEH	Recommended Zoning
Lots C and D DP 397015	E3	E1	E1
Lots 1 and 2 DP 798572	E3	E1	E1
Lots 48-56 DP 5194	E3	E1	E1
Lots 60-69 DP 5194	E3	E1	E1
Lots 14, 15, 22, 62, 63, 93, 98, 99, 100, 101 DP757057	E3	E1	E1
Lot 51 and Lot 56 DP757057	E3	E1	E1
Unidentified lot off Ridge Road, Oakdale	E2	E1	E1
Multiple lots in the Northern portion of the Upper Nepean State Conservation Area	E2	E1	E1

The abovementioned properties are shown in detail in Attachment 2.

The proposed change to the zoning more accurately reflects the status of the land being within National Parks and State Conservation areas and owned by OEH. The requested zoning is more restrictive in terms of potential land uses and is compatible with the future protection, management and restoration of land with special environmental qualities.

5. Other Housekeeping Amendments

5.1 Tourism-related uses

New definitions for tourism-related land uses were added to the Dictionary of WLEP 2011 in accordance with the *Standard Instrument (Local Environmental Plans Amendment Order) 2011*. The amendments to be introduced with this Order were distributed to Councils for consideration. Most changes were mandatory and some were discretionary. Changes were recommended by Council in accordance with Resolution 74/2011 of 18 April, 2011 and Resolution 95/2011 of 16 May, 2011.

The (then) Department of Planning considered Council's resolutions and published an amended WLEP 2011 on 25 June 2011. Not all of Council's recommendations were included in the amendment. Amongst those not included were changes to the land use tables for tourism-related land uses. Feedback from the Department at that time was that changes to the land use tables needed a separate Planning Proposal. Therefore further amendments are required to appropriately accommodate:

- Camping grounds
- Caravan parks
- Eco-tourist facilities

in the zone objectives and land use tables.

Camping ground means an area of land that has access to communal amenities and on which campervans or tents, annexes or other similar portable and lightweight temporary shelters are, or are to be, installed, erected or placed for short term use, but does not include a caravan park.

Caravan park was included in the definitions of the original WLEP 2011 and means land (including a camping ground) on which caravans (or caravans and other moveable dwellings) are, or are to be, installed or placed.

(This definition was included in the original Standard Instrument)

Eco-tourist facility means a building or place that:

- (a) provides temporary or short-term accommodation to visitors on a commercial basis, and
 - (b) is located in or adjacent to an area with special ecological or cultural features, and
 - (c) is sensitively designed and located so as to minimise bulk, scale and overall physical footprint and any ecological or visual impact.
- It may include facilities that are used to provide information or education to visitors and to exhibit or display items.

Camping ground, caravan park and Eco-tourist facility are all separately defined (that is, they are not included in the group term *Tourist and visitor accommodation*). Changes to the LEP and DCP are required for these new terms.

5.1.1 Zone Objectives

The DP&I produced Planning Practice Note PN09-006 as a guide for including tourism-related land uses within LEPs. The Practice Note states "when including tourism uses in a zone, the primary focus of the zone must be maintained so any identified tourism uses should be consistent with the mandatory zone objectives and uses of that zone". The Practice Note also advises that an additional tourism-related local objective may be considered to "draw attention to tourist attractions".

The objectives for land use zones where tourism-related land uses are either:

- currently permissible; or
- intended to be permissible

have been reviewed. The following changes are recommended where current zone objectives do not give sufficient scope for tourism related land uses.

(i) Zone RU1 Primary Production

An objective for Zone RU1 Primary Production is:

** To provide for a range of land uses (including tourism-related uses) that support the agriculture industry*

This objective limits tourism-related uses and other land uses permissible with consent in the RU1 Zone to those with direct positive benefits for the agriculture industry.

It is recommended that the objective be amended to state:

** To provide for a range of land uses (including tourism-related uses) that support the agriculture industry or are compatible with the agricultural and resource potential of the site and adjoining and surrounding lands*

(ii) Zone R2 Low Density Residential and Zone R3 Medium Density Residential

An objective for Zone R2 Low Density Residential and Zone R3 Medium Density Residential is:

** To enable other land uses that provide facilities or services to meet the day to day needs of residents*

This objective limits “other land uses” to those that meet residents’ daily needs. Residents do not need tourism-related uses on a day to day basis. Hence the objective precludes tourism-related uses.

It is recommended that the objective be amended to state:

** To enable other land uses that provide facilities or services to meet the day to day needs of residents, visitors and tourists.*

(iii) Zone E4 Environmental Living

The objectives of Zone E4 Environmental Living are directed to “residential” and “rural” land uses only and would benefit from significant amendment. At present the objectives are:

** To provide for low-impact residential development in areas with special ecological, scientific or aesthetic values*

** To ensure that residential development does not have an adverse effect on those values*

** To provide for a limited range of rural land uses that do not have an adverse effect on surrounding land uses*

It is recommended that the following objective is included for Zone E4:

** To provide for a restricted range of development and land use activities that are compatible with environmental and scenic values*

For all other zones, the Zone objectives do not preclude tourism-related land uses and do not need to be amended. The changes to Zone objectives are consistent with Planning Practice Note PN09-006 and are suitable for inclusion in a Housekeeping Planning Proposal.

5.1.2 Land use tables

Practice Note PN09-006 includes examples of the types of tourism-related accommodation which could be included in different zones. This guide has been used to prepare the table in Attachment 3.

The table in Attachment 3 shows that the land uses of *camping grounds*, *caravan parks* and *eco-tourist facility* can be included in the land use tables to the WLEP 2011 consistent with Planning Practice Note PN09-006 with minor amendments as part of a Housekeeping Planning Proposal.

5.1.3 Development Control Plan

Volume 3 to the DCP contains objectives and controls for *tourist and visitor accommodation* (group term) and for some specific types of *tourist and visitor accommodation* but does not include objectives and controls for *camping ground*, *caravan park* and *eco-tourist facility*.

Clause 5.13 to WLEP 2011 contains mandatory provisions for *eco-tourist facilities*. Clause 5.13 is detailed and specific and there is no need for new objectives and controls in the DCP for *eco-tourist facilities*.

Camping grounds and caravan parks are proposed to be included in WDCP 2011 by amending the DCP in accordance with the details in Attachment 4.

DCP 2011 can be amended concurrently with the Housekeeping Planning Proposal.

5.2 Animal boarding or training establishments

Council has ongoing development enforcement issues with *animal boarding or training establishments* operating without consent in residential zones.

“Animal boarding or training establishment means a building or place used for the breeding, boarding, training, keeping or caring of animals for commercial purposes (other than for the agistment of horses), and includes any associated riding school or ancillary veterinary hospital.” (WLEP 2011)

The land use is prohibited in Zone R2 Low Density Residential and Zone R5 Large Lot Residential. Enforcement history demonstrates that in some circumstances it is potentially possible, (subject to the assessment & determination of a development application and enforceable conditions) to conduct an *Animal Boarding or Training Establishment* on land in Zones R2 and R5. It is recommended this land use be permitted with consent in those zones.

This change has potential public interest. Public exhibition is recommended. This change is suitable for inclusion in a Housekeeping Planning Proposal.

5.3 Campsie Street, Wilton

Amendment No.57 to Wollondilly Local Environmental Plan, 1991 for Lot 200 DP 854626 Campsie Street, Wilton was incorporated into the Standard Instrument LEP adopted by Council on 17 May, 2010. The amendment rezoned approximately 1,153 square metres within Lot 200 to Zone R2 Low Density Residential. The remainder of Lot 200 became Zone RU2 Rural Landscape consistent with the adjoining land use zones.

The amendment was intended to allow assessment of a development application for subdivision of the residential zoned portion from the remaining 3.9 hectares.

The Zoning Map and Height of Building Map have been changed appropriately. It was an oversight not to have amended the Lot Size Map.

Therefore the Lot Size Map Ref. 8400_COM_LSZ_011C_020_20110209 is to be changed to apply a minimum lot size of 3 hectares for that portion of Lot 200 DP 854626 which is within Zone RU2 Rural Landscape.

As this is a correction of an oversight, it is suitable for inclusion in a Housekeeping Planning Proposal.

5.4 Vacant lots created under WLEP 1991 and less than the minimum lot size in WLEP 2011

The provisions of Clause 4.2A to WLEP 2011 prohibit a dwelling house on a lot in cases where:

- development consent for that lot was granted under WLEP 1991; and
- that lot is less than the minimum lot size in WLEP 2011. It is recommended that Clause 4.2A be amended to accommodate for these cases.

Specifically Clause 4.2A (3) could be amended to state as follows (amendment in bold text):

“(3) Development consent must not be granted for the erection of a dwelling house on land to which this clause applies, and on which no dwelling house has been erected, unless the land is:

(a) a lot that is at least the minimum lot size specified for that land by the Lot Size Map, or

(b) a lot created before this Plan commenced and on which the erection of a dwelling house was permissible immediately before that commencement, or

*(c) a lot resulting from a subdivision for which development consent (or equivalent) was granted before this Plan commenced **or granted under a previous Plan** and on which the erection of a dwelling house would have been permissible if the plan of subdivision had been registered before that commencement.”*

This change is required for a small number of allotments and a limited number of cases for development applications for subdivision lodged prior to 23 February, 2011 and as such lots were yet to be registered at 23 February 2011.

This amendment corrects an oversight in the LEP. It is suitable for inclusion in a Housekeeping Planning Proposal.

5.5 Signage

The land use *Signage* is currently permitted with consent in Zones:

RU1 Primary Production
RU2 Rural Landscape
RU4 Primary Production Small Lots
R2 Low Density Residential
R3 Medium Density Residential
R5 Large Lot Residential
E4 Environmental Living.

In accordance with the Dictionary to WLEP 2011 *signage means any sign, notice, device, representation or advertisement that advertises or promotes any goods, services or events and any structure or vessel that is principally designed for, or that is used for, the display of signage, and includes any of the following:*

- (a) an advertising structure,
- (b) a building identification sign,
- (c) a business identification sign,

but does not include a traffic sign or traffic control facilities.

Having signage permitted with consent in the abovementioned zones is not consistent with State Environmental Planning Policy No.64 (Advertising and Signage) (SEPP 64). It is recommended that the land use tables for the abovementioned zones be amended to make only *building identification signs* and *business identification signs* permitted with consent in these zones.

State SEPP 64 overrides WLEP 2011 where there is an inconsistency. This change is a correction of that inconsistency and will improve the clarity of the Planning Instruments related to signage and reduce the risk of accidental errors in interpretation. The change is minor and is suitable for inclusion in a Housekeeping Planning Proposal

5.6 Rural Workers Dwellings and Secondary Dwellings on Unsewered & Land

“Rural workers dwelling means a building or place that is additional to a dwelling house on the same lot and that is used predominantly as a place of residence by persons employed, whether on a long-term or short-term basis, for the purpose of agriculture or a rural industry on that land.” (Dictionary to WLEP 2011)

A *Rural workers dwelling* is permitted with consent in Zones RU1 and RU2. Reticulated sewer is not available to land in Zones RU1 and RU2.

“Secondary dwelling means a self-contained dwelling that:

- (a) is established in conjunction with another dwelling (the principal dwelling), and
 - (b) is on the same lot of land as the principal dwelling, and
 - (c) is located within, or is attached to, or is separate from, the principal dwelling.”
- (Dictionary to WLEP, 2011)

A secondary dwelling is permitted with consent in Zones RU1, RU2, R2, R3, R5, B4 and E4. Reticulated sewer may be available to some, but not all, land within Zones R2, R3 and B4.

Clause 7.1 requires the development assessment process to ensure that satisfactory arrangements are, or will be, made for essential services and states:

“7.1 Essential services

(1) Development consent must not be granted to development unless the consent authority is satisfied that any of the following services that are essential for the proposed development are available or that adequate arrangements have been made to make them available when required:

- (a) the supply of water,*
- (b) the supply of electricity,*
- (c) the disposal and management of sewage.*

(2) This clause does not apply to the following:

- (a) development for the purpose of providing, extending, augmenting, maintaining or repairing any public utility infrastructure referred to in this clause,*
- (b) land to which Part 6 applies.*

(3) In this clause:

disposal and management of sewage means the disposal and management of sewage in the form of a reticulated sewerage scheme:

- (a) that is provided to each separate lot proposed as part of the development, and*
- (b) if a lot contains 2 or more dwellings, is for the purposes of dual occupancy, multi dwelling housing, residential flat buildings, attached dwellings and shop top housing.*

reticulated sewerage scheme means a network of pipes that conveys sewage from dwellings to a treatment facility licensed or required to be licensed under the Water Industry Competition Act, 2006.”

There is some concern that Clause 7.1 creates ambiguity as to the permissibility of rural workers’ dwellings and secondary dwellings on land not serviced by a reticulated sewerage scheme. Throughout WLEP 2011 it is the intent that rural worker’s dwellings and secondary dwellings are permissible with consent on sites which may or may not be serviced by a reticulated sewerage scheme. Therefore it is proposed to request the DP&I to review the clause and make amendments if necessary.

If the clause is to be change it is a minor amendment for clarification purposes and does not change the intent of the LEP. The change is suitable for inclusion in a Housekeeping Planning Proposal.

5.7 Changes to Clause 5.4 for *Bed and breakfast accommodation*

Clause 5.4 to WLEP 2011 provides controls for some specific land uses and states the following for *Bed and breakfast accommodation*:

“(1) Bed and breakfast accommodation

If development for the purposes of bed and breakfast accommodation is permitted under this Plan, the accommodation that is provided to guests must consist of no more than 3 bedrooms.

Note. *Any such development that provides for a certain number of guests or rooms may involve a change in the class of the building under the Building Code of Australia.”*
(WLEP 2011)

The above is not consistent with *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008* which lists the following development standards for *Bed and breakfast accommodation* to be Complying Development:

“4A.2 Development standards

The standards specified for that development are that the development must:

- (a) be in an existing dwelling house, and*
- (b) consist of not more than 4 guest bedrooms or, if there is a local environmental plan applying to the land that was made under section 33A of the Act, the maximum number of bedrooms specified in clause 5.4(1) of that plan, and*
- (c) have at least 1 guest bathroom, and*
- (d) have a fire extinguisher and fire blanket in the kitchen, and*
- (e) have at least 1 off-road car parking space per guest bedroom, and*
- (f) not display any advertisement on the premises (other than a notice or sign indicating the name and occupation of the resident), and*
- (f) if the dwelling house is subject to the Strata Schemes Management Act 1996 or the Community Land Management Act, 1989 – have the prior approval of the owners corporation, or the community, precinct or neighbourhood association.*

Note: *The use of a dwellings as a bed and breakfast accommodation will result in a change of building class for the dwelling under the Building Code of Australia. There will be new fire safety and access requirements.”*
(Codes SEPP 2008)

It is recommended that Clause 5.4(1) to WLEP 2011 be amended to achieve consistency with the Codes SEPP and that the number of bedrooms mentioned in Clause 5.4(1) be changed from 3 to 4 and that the Note which is part of Clause 5.4(1) be amended to the same Note as provided in the Codes SEPP (see above).

The changes proposed for WLEP 2011 described above also require changes to WDCP 2011 to achieve consistency. The changes recommended for WDCP 2011 are included in Attachment 5. DCP 2011 can be amended concurrently with the Housekeeping Planning Proposal.

6. LEP Mapping Corrections

The final version of the Maps to WLEP 2011 were prepared and published by the DP&I. The published maps need a variety of minor corrections described below.

6.1 Heritage Maps and Schedule 5 to WLEP 2011

Some Heritage maps do not comply with the mapping conventions for Standard Template LEP maps and need cosmetic and formatting changes to labelling. Some maps require corrections to content and / or associated corrections to the listings in Schedule 5 to WLEP 2011. The details of content corrections are listed in Attachment 6.

A review of the Heritage Maps and Schedule 5 to WLEP 2011 indicates the corrections listed in Table 3 are required.

Table 3: Corrections required to Property Descriptions in Schedule 5

Heritage Item Number	Property description correction
I66	Include the unidentified lot shown on Map Sheet HER_008D
I101	Include the unidentified lot shown on Map Sheet HER_010B
I122	Replace Lot 201 with Lot 20
I284	Add Lot 688 DP 1062135 and part of the public road reserve adjacent to Lots 650 and 651 DP 1062135
IA8	Insert "part of" before Lot 2 DP 229679

Council does not own the data for the published maps and therefore these corrections will need to be made by the DP&I.

As these changes are required to correct mapping work undertaken by the DP&I it is recommended that Council request the DP&I to make the changes without the need for a Planning Proposal and at no cost to Council. It is recommended that Council request the changes be made by the Department of Planning & Infrastructure within three (3) months from the date of this resolution.

6.2 Lot Size Maps

The Lot Size maps do not accurately correspond to the cadastre (Lot and DP) boundaries for some properties. This creates a problem for development applications for subdivision in that the LEP prevents subdivision of land other than in accordance with the Lot Size Maps. There is no scope for variation to the standard and no provisions for "mapping anomalies". The existing errors may result in an allotment having a different minimum lot size to that intended by the draft version of WLEP prior to publication.

The corrections will require detailed checking and amendments to the published maps which is a very labour intensive and time consuming exercise. Council does not own the data for the published maps and therefore these corrections will need to be made by the DP&I.

As these changes are required to correct mapping work undertaken by the DP&I it is recommended that Council request the DP&I to make the changes without the need for a Planning Proposal and at no cost to Council.

6.3 Original Holdings Maps

The Original Holdings Maps were prepared by the DP&I but are not accurate. Some properties have been given additional subdivision potential that was not otherwise available under the preceding LEP. This could undermine the objectives for limiting dwelling and lot densities and the intensity of land use in Zone E4 Environmental Living Zone.

The correction of the maps will require detailed checking and amendments to the published version of the maps which is a very labour intensive and time consuming exercise. Council does not own the data for the published maps and therefore these corrections will need to be made by the DP&I.

As these changes are required in order to correct mapping work undertaken by the DP&I it is recommended that Council request the DP&I to make the changes without the need for a Planning Proposal and at no cost to Council.

FINANCIAL IMPLICATIONS

Funding for the maintenance of Planning Instruments is part of the ongoing operational budget for Strategic Planning and no additional funding sources are required.

The potential change to zoning of land that is surplus to Sydney Catchment Authority needs should be the subject of a separate Planning Proposal. Sydney Water are to submit an application with appropriate fees.

The mapping corrections are the result of work undertaken by the DP&I and it is recommended that the DP&I make these corrections at no cost to Council.

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

CONCLUSION

The recommended amendments to WLEP 2011 and WDCP 2011 are summarised in the following table. In accordance with the EP&A Act, 1979 all amendments to the LEP must be implemented via the Planning Proposal process. The exception is that Council will request the DP&I to correct the LEP Mapping errors resulting from editing work done by Department of Planning & Infrastructure prior to publication.

Table 4 – Summary of recommended LEP amendments

Section in Report	Description	Separate Planning Proposal / Housekeeping Proposal / DCP amendment
2.1	SLWCA review of zoning, lot size and land uses in the catchment	Separate
2.3	Extensive agriculture permitted with consent in Zone E3	Housekeeping
2.4	SCA-owned land from Zone E3 to Zone E2	Housekeeping
2.5	SCA-owned surplus land from Zone SP2 to Zone RU2	Housekeeping
2.6	Heritage Items I15 and I278 from 'local' to 'state' significance	Housekeeping
4	OEH-owned land from Zone E2 and E3 to Zone E1	Housekeeping
5.1	Tourism-related accommodation changes to zone objectives and land use tables	Housekeeping
5.1	Changes to include tourism-related accommodation	DCP Amendment
5.2	<i>Animal boarding or training establishments</i> permitted with consent in Zone R2 and Zone R5	Housekeeping
5.3	Lot Size Map change for land in Zone RU2 for Lot 200 DP 854626 Campsie Street, Wilton	Housekeeping
5.4	Vacant lots granted consent under WLEP 1991 less than the Minimum Lot Size in WLEP 2011	Housekeeping
5.5	Changes to land use tables for <i>signage</i>	Housekeeping
5.6	Clarification of Clause 7.1	Subject to advice from the DP&I
5.7	Changes to Clause 5.4 for <i>Bed and breakfast accommodation</i>	Housekeeping
5.7	Changes to provisions for <i>Bed and breakfast accommodation</i>	DCP Amendment
6.1	Corrections to Schedule 5 Environmental Heritage Property Descriptions for Items I284, I66, I101, I122 and IA8	Housekeeping
6.1	Corrections to errors in Heritage Maps	Corrections by the DP&I
6.2	Corrections to errors in Lot Size Maps	Corrections by the DP&I
6.3	Corrections to errors in Original Holdings Maps	Corrections by the DP&I

The DP&I will provide Council with further instruction on whether the LEP changes can be pursued as recommended.

ATTACHMENTS

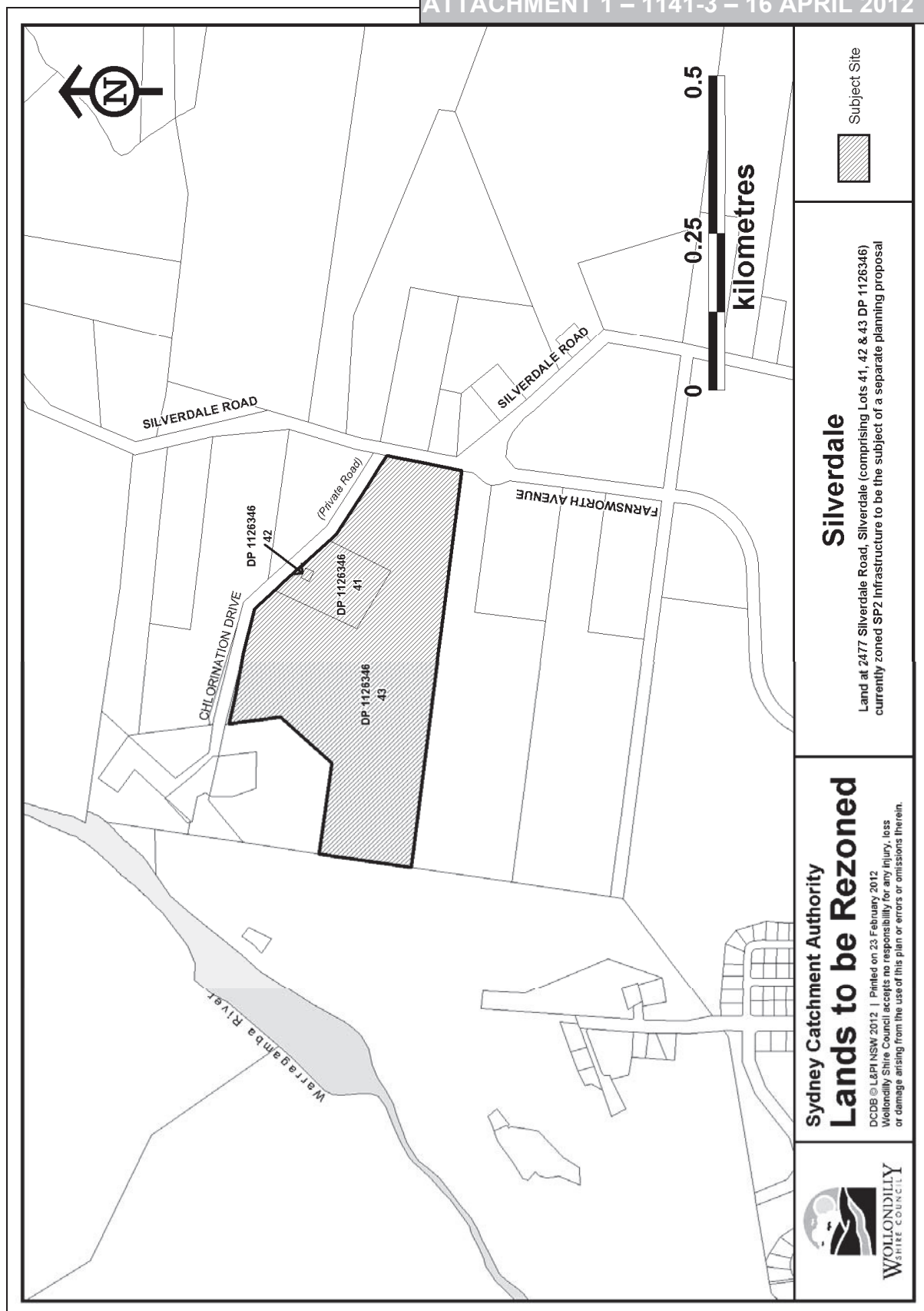
1. Attachment 1 – Land owned by Sydney Catchment Authority requested to be rezoned (3 Maps).
2. Attachment 2 – Land owned by Office of Environment & Heritage requested to be rezoned.
3. Attachment 3 – Recommendations for changes to land use tables to include tourism related accommodation.
4. Attachment 4 – Table of changes to WDCP 2011 to include Camping grounds and Caravan Parks.
5. Attachment 5 – Table of changes to WDCP 2011 for Bed and Breakfast accommodation.
6. Attachment 6 – Changes to Heritage Maps and Schedule 5 to WLEP 2011.

RECOMMENDATION

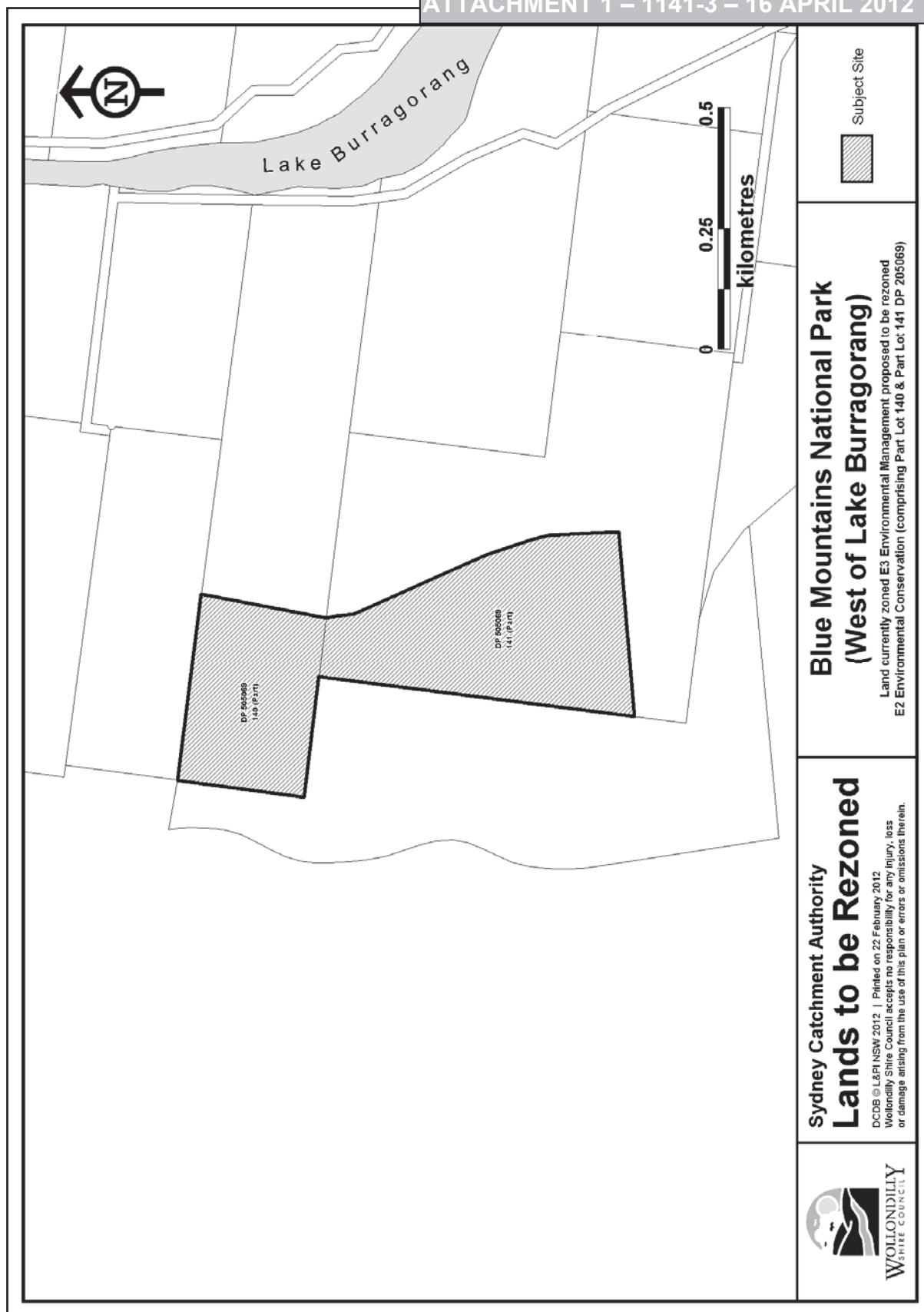
1. That Council support the preparation of a LEP Housekeeping Planning Proposal in accordance with Section 55 to the Environmental Planning and Assessment Act, 1979 to amend Wollondilly Local Environmental Plan, 2011 as described in this report and attachments.
2. That Council support the submission of an LEP Housekeeping Planning Proposal to the Minister for Planning for a Gateway determination in accordance with Section 56 to the Environmental Planning and Assessment Act, 1979 and that the Council advise the Minister for Planning that:
 - no support studies are required
 - standard community consultation processes are appropriate being a 28-day public exhibition period
 - no public hearing is required
 - consultation with public authorities is not necessary as State and Commonwealth Authorities will not be adversely affected; and
 - Sydney Catchment Authority and the Office of Environment and Heritage will be consulted directly in accordance with their requests for rezoning land in their care, control and ownership.
3. That Council support the amendments to Wollondilly Development Control Plan 2011 as detailed in this report including attachments.
4. That the Housekeeping Planning Proposal for Wollondilly Local Environmental Plan, 2011 and the proposed amendments to Wollondilly Development Control Plan 2011 be publicly exhibited at the same time.

5. That Council request the Minister for Planning make corrections to the Heritage, Lot Size and Original Holdings Maps to Wollondilly Local Environmental Plan, 2011 in accordance with Section 73A *Expedited amendments of environmental planning instruments* to the Environmental Planning and Assessment Act, 1979. That the mapping corrections be undertaken by the Department of Planning and Infrastructure at no cost to Council and that the Department be requested to complete the mapping corrections within 3 months.
6. That Council support the preparation of a separate Planning Proposal in collaboration with Sydney Catchment Authority using the Strategic Land and Water Capability Assessments to review the provisions of Wollondilly Local Environmental Plan, 2011 with respect to land zoning, lot size and land uses within catchment lands.
7. That Council request the Minister for Planning to seek advice from the Department of Planning and Infrastructure as to whether amendment of Clause 7.1 to Wollondilly Local Environmental Plan, 2011 is necessary in order to ensure *rural worker's dwellings* and *secondary dwellings* are permitted with consent in accordance with the existing land use tables where that land is not serviced by a reticulated sewerage scheme. That if an amendment to Clause 7.1 is necessary that it be dealt with in accordance with Section 73A *Expedited amendments of environmental planning instruments* to the Environmental Planning and Assessment Act, 1979.
8. That Council await the outcomes of the Office of Environment and Heritage Working Party recommendations on legislative changes for Aboriginal Culture and Heritage before considering whether amendments to Wollondilly Local Environmental Plan 2011 and Wollondilly Development Control Plan 2011 are necessary.
9. That Sydney Catchment Authority and Office of Environment and Heritage and Department of Planning and Infrastructure, Tharawal Local Aboriginal Land Council and the Aboriginal Liaison Committee be notified of this report and its recommendations.

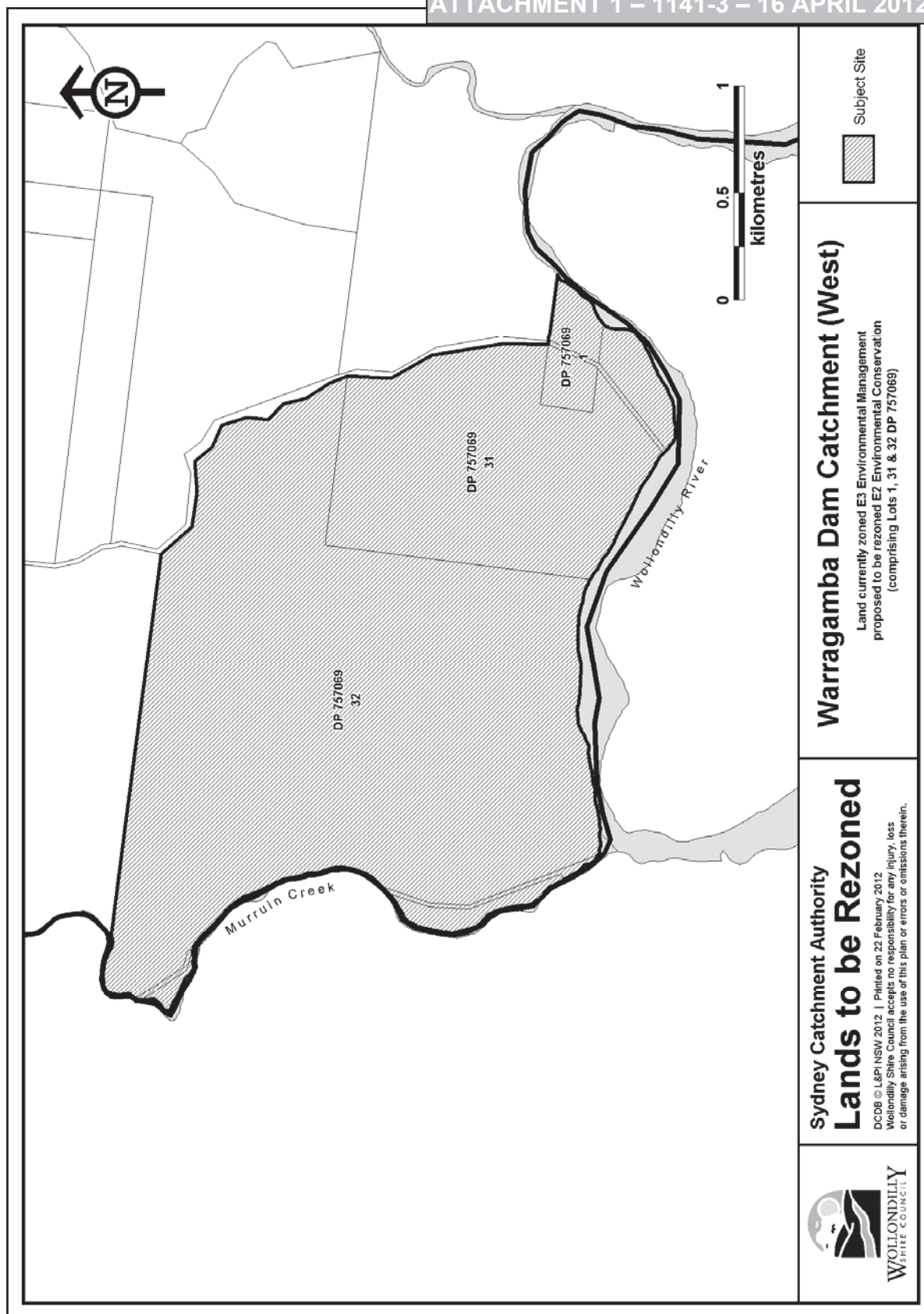
ATTACHMENT 1 – 1141-3 – 16 APRIL 2012

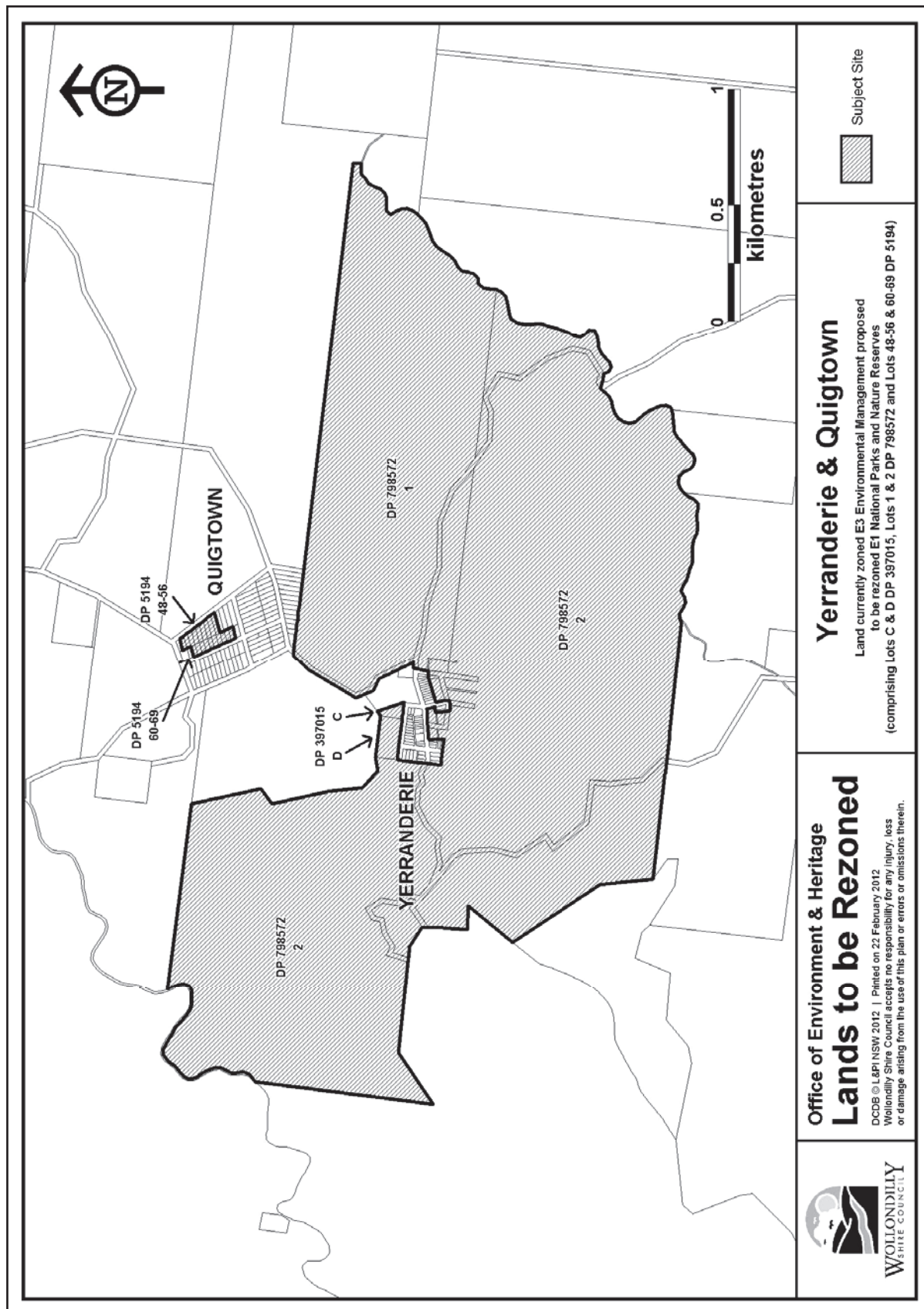


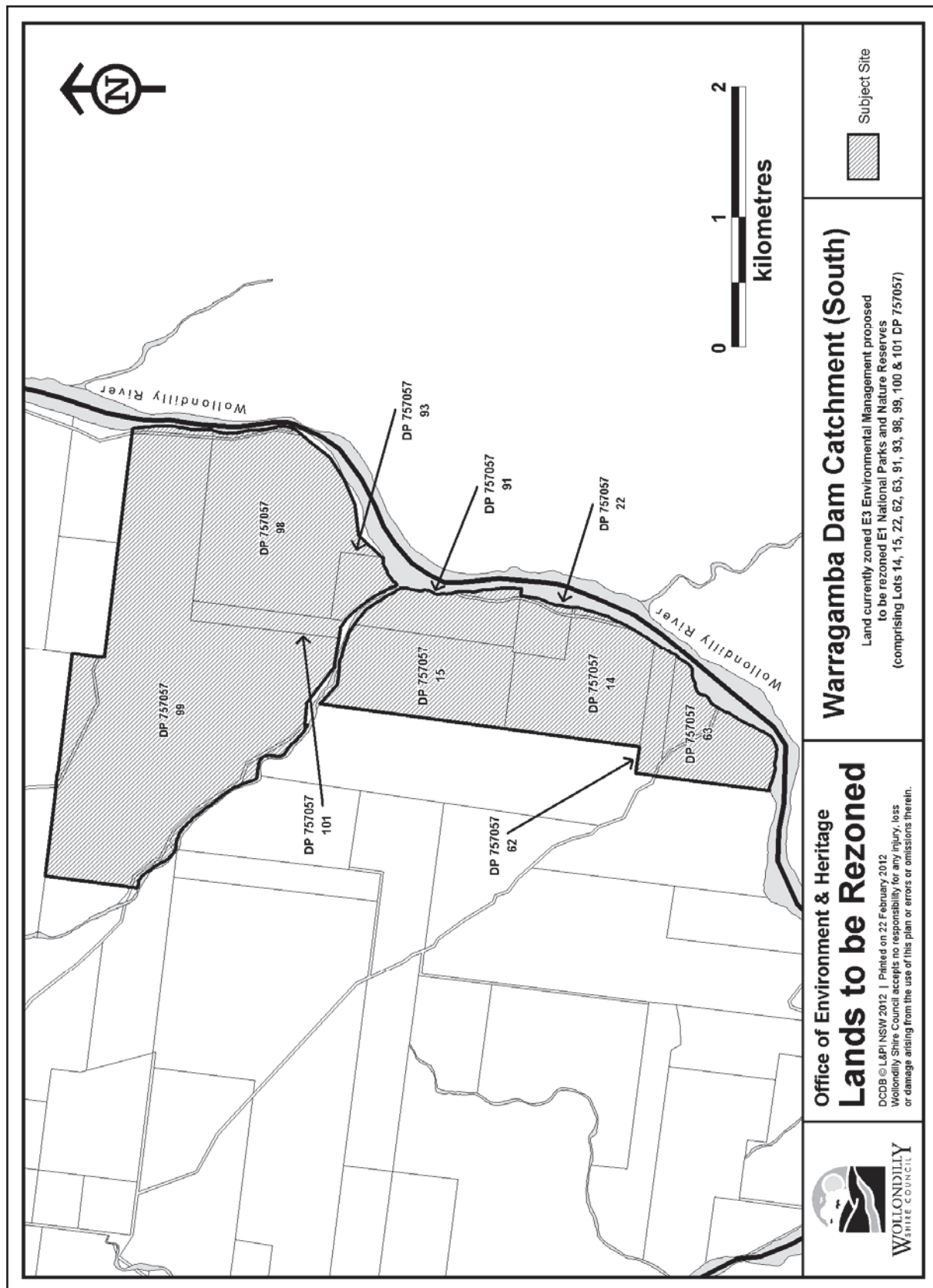
ATTACHMENT 1 – 1141-3 – 16 APRIL 2012

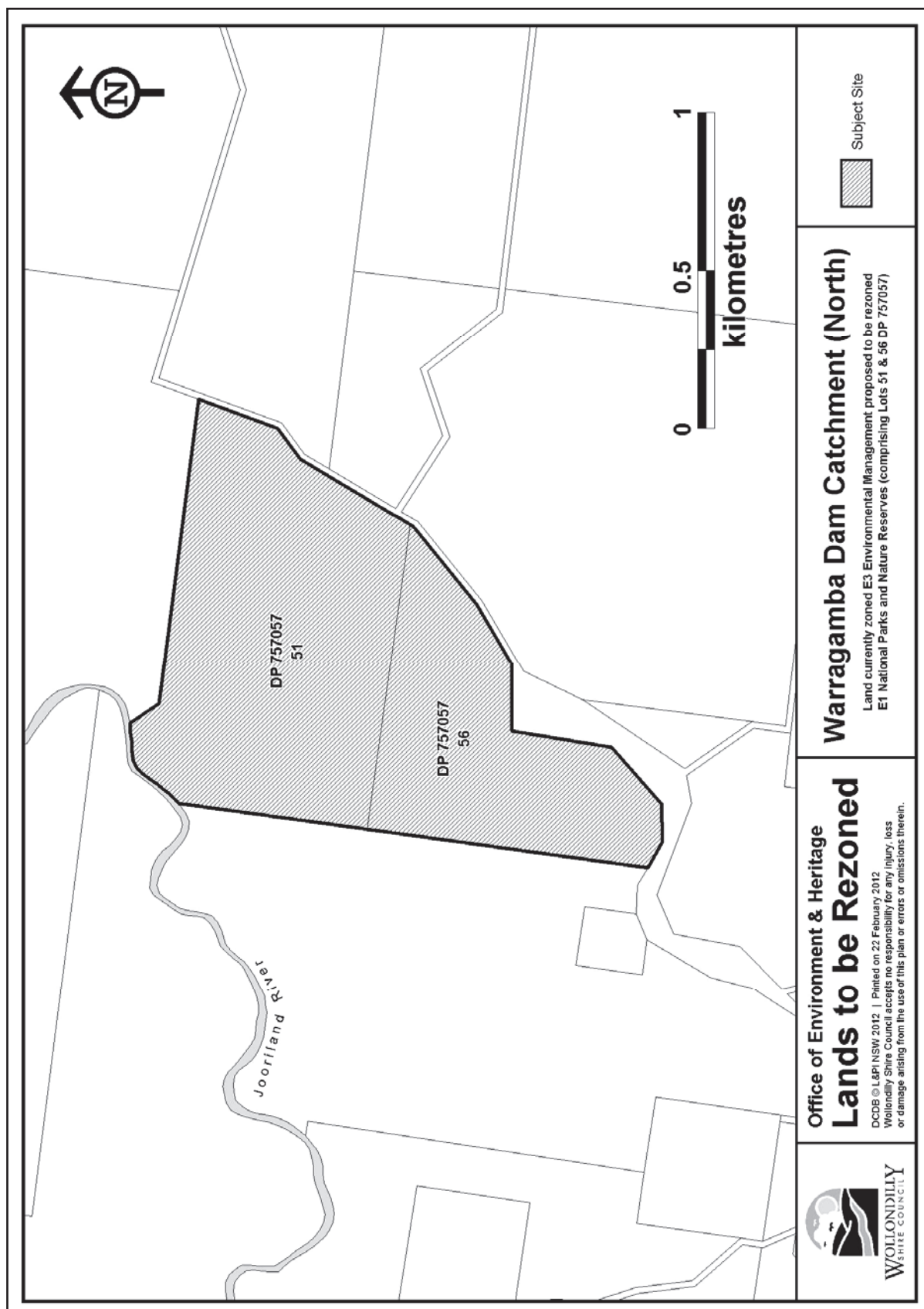


ATTACHMENT 1 – 1141-3 – 16 APRIL 2012

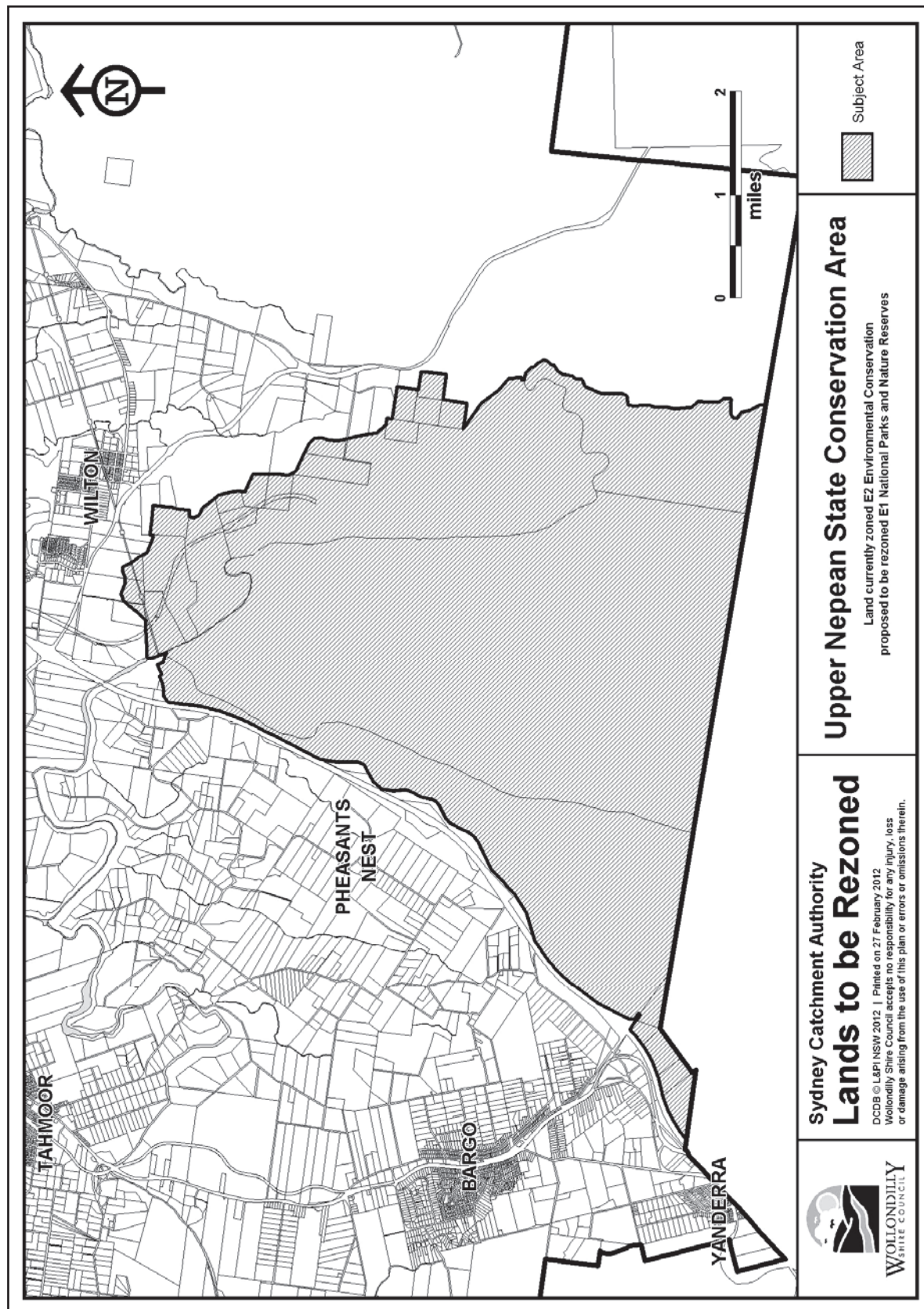








ATTACHMENT 2 – 1141-3 – 16 APRIL 2012



ATTACHMENT 3 – 1141-3 – 16 APRIL 2012

Attachment 3 for Council report on LEP Housekeeping amendments

Zone	Land use	Current status in Land use tables (*mandatory)	Recommended Practice Note PN09-006 (if mentioned)	Proposed status in land use tables	Amend LEP Yes / No
RU1	Camping ground Caravan parks Eco-tourist facility	Prohibited	Permissible	Permitted with consent	Yes
		Prohibited		Permitted with consent	Yes
		Prohibited	Permissible	Permitted with consent	Yes
RU2	Camping ground Caravan parks Eco-tourist facility	Prohibited	Permissible	Permitted with consent	Yes
		Prohibited		Permitted with consent	Yes
		Prohibited	Permissible	Permitted with consent	Yes
RU4	Camping ground Caravan parks Eco-tourist facility	Prohibited	Permissible	Prohibited	No
		Prohibited		Prohibited	No
		Prohibited	Permissible	Prohibited	No
R2	Camping ground Caravan parks Eco-tourist facility	Prohibited		Permitted with consent	Yes
		Prohibited		Permitted with consent	Yes
		Prohibited	Permissible	Permitted with consent	Yes
R3	Camping ground Caravan parks Eco-tourist facility	Prohibited		Prohibited	No
		Prohibited		Prohibited	No
		Prohibited		Prohibited	No
R5	Camping ground Caravan parks Eco-tourist facility	Prohibited	Permissible	Permitted with consent	Yes
		Prohibited	Permissible	Permitted with consent	Yes
		Prohibited	Permissible	Permitted with consent	Yes
B1	Camping ground Caravan parks Eco-tourist facility	Prohibited		Permitted with consent	Yes
		Prohibited		Permitted with consent	Yes
		Prohibited		Permitted with consent	Yes
B2	Camping ground Caravan parks Eco-tourist facility	Prohibited		Prohibited	No
		Prohibited		Permitted with consent	Yes
		Prohibited		Prohibited	No
B4	Camping ground Caravan parks Eco-tourist facility	Prohibited		Prohibited	No
		Prohibited		Permitted with consent	Yes
		Prohibited		Permitted with consent	Yes

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ATTACHMENT 3 – 1141-3 – 16 APRIL 2012

IN2	Camping ground Caravan parks Eco-tourist facility	Prohibited* Prohibited* Prohibited*		Prohibited Prohibited Prohibited	No No No
IN3	Camping ground Caravan parks Eco-tourist facility	Prohibited* Prohibited* Prohibited*		Prohibited Prohibited Prohibited	No No No
SP1	Camping ground Caravan parks Eco-tourist facility	Prohibited* Prohibited* Prohibited*		Prohibited Prohibited Prohibited	No No No
SP2	Camping ground Caravan parks Eco-tourist facility	Prohibited Prohibited Prohibited		Prohibited Prohibited Prohibited	No No No
RE1	Camping ground Caravan parks Eco-tourist facility	Permitted with consent Permitted with consent Prohibited	Permissible Permissible Permissible	Permitted with consent Permitted with consent Permitted with consent	No No Yes
RE2	Camping ground Caravan parks Eco-tourist facility	Permitted with consent Permitted with consent Prohibited	Permissible Permissible Permissible	Permitted with consent Permitted with consent Permitted with consent	No No Yes
E1	Camping ground Caravan parks Eco-tourist facility	Uses authorised under the <u>National Parks and Wildlife Act, 1974</u>		Uses authorised under the <u>National Parks and Wildlife Act, 1974</u>	No
E2	Camping ground Caravan parks Eco-tourist facility	Prohibited Prohibited Prohibited	Permissible	Permitted with consent Permitted with consent Permitted with consent	Yes Yes Yes
E3	Camping ground Caravan parks Eco-tourist facility	Prohibited Prohibited Prohibited	Permissible	Permitted with consent Permitted with consent Permitted with consent	Yes Yes Yes
E4	Camping ground Caravan parks Eco-tourist facility	Prohibited Prohibited Prohibited	Permissible	Permitted with consent Permitted with consent Permitted with consent	Yes Yes Yes

ATTACHMENT 4 – 1141-3 – 16 APRIL 2012

Attachment 4 for Council report on LEP and DCP Housekeeping Amendments

Proposed Amendments to Volume 3 to Wollondilly Development Control Plan 2011 to include tourism-related accommodation

Part or Clause	Page No.	Amendment	Comment
Table of Contents	2	Replace <i>PART 3 – TOURIST AND VISITOR ACCOMMODATION</i> with <i>Part 3 – Tourism related accommodation</i> Replace <i>3.2 General Objectives for all Tourist and visitor accommodation</i> with <i>3.2 General Objectives for all Tourism related accommodation</i> Replace <i>3.3 General requirements for all Tourist and visitor accommodation</i> with <i>3.3 General Requirements for all Tourism-related accommodation</i>	Allows for the inclusion of tourism-related land use terms in addition to 'tourist and visitor accommodation'.
1.1	3	Replace <i>tourist and visitor accommodation</i> with <i>tourism-related accommodation</i>	Allows for the inclusion of tourism-related land use terms in addition to 'tourist and visitor accommodation'.
1.2	3	Replace <i>tourist and visitor accommodation</i> with <i>tourism-related accommodation</i>	Allows for the inclusion of tourism-related land use terms in addition to 'tourist and visitor accommodation'.
Part 3	65	Replace heading <i>Part 3 – Tourist and visitor accommodation</i> with <i>Part 3 – Tourism-related accommodation</i>	Allows for the inclusion of tourism-related land use terms in addition to 'tourist and visitor accommodation'.
3.1	65	Insert the following at the end of the clause: <i>Other tourism-related land uses not included in the group term of 'tourist and visitor accommodation' are: camping grounds, caravan parks and eco-tourist facilities.</i>	Allows for the inclusion of tourism-related land use terms in addition to 'tourist and visitor accommodation'.
3.2	65	Replace the Heading with: <i>3.2 General objectives for all tourism-related accommodation</i>	Allows for the inclusion of tourism-related land use terms in addition to 'tourist and visitor accommodation'.
3.2	65	Replace <i>structure with development</i>	Does not change the intent of the clause
3.3	65	Replace the heading with: <i>3.3 General requirements for all tourism-related accommodation</i>	Allows for the inclusion of tourism-related land use terms in addition to 'tourist and visitor accommodation'.
3.3.1	65	Replace <i>Tourist and visitor accommodation</i> with <i>tourism-related accommodation</i>	Allows for the inclusion of tourism-related land use terms in addition to 'tourist and visitor accommodation'.
3.3.5	66	Replace <i>tourist and visitor accommodation</i> with <i>tourism-related accommodation</i>	Allows for the inclusion of tourism-related land use terms in addition to 'tourist and visitor accommodation'.

ATTACHMENT 5 – 1141-3 – 16 APRIL 2012

Attachment 5 to Council report on LEP and DCP Housekeeping Amendments

Recommended amendments to Volume 3 to Wollondilly Development Control Plan 2011 for *Bed and breakfast accommodation*

Part or Clause	Page No.	Amendment	Comment
3.4.1	69	Amend the definition of <i>Bed and breakfast accommodation</i> to match that in WLEP 2011	Makes the DCP consistent with the LEP
3.4.1	69	Amend the Notes by deleting "exempt or" and replacing "a relevant State Environmental Planning Policy" with "State Environmental Planning Policy (Exempt and Complying Development Codes) 2008" and replacing "Section 3.5" with "Section 3.4.3"	Makes the DCP consistent with State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 and to correct the reference to sections in the DCP
3.4.2	69	Delete "3.5"	Reference to a Section number is not required
3.4.3	70	Control No.1 replace "3 bedrooms" with "4 bedrooms"	Makes the DCP consistent with State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 and consistent with WLEP 2011
3.4.3	70	Control No.4 replace "that has a gross floor area of no more than 300 m2. Where a new dwelling house is proposed, development must be in accordance with Section 2.3 of this Volume" with "and will be required to meet Building Code of Australia requirements with regard to fire safety."	Makes the DCP consistent with State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 and consistent with WLEP 2011
3.4.3	71	Delete Controls No.7, 15 and 16 and renumber remaining controls accordingly	Controls are not necessary

Attachment 6 - Council Report LEP Housekeeping Amendments – Heritage Maps

Item I16 shown on Map sheet HER_011D

Issue: Listed in schedule as a number of lots including all of Lot 2 DP625921. However the maps show the item to only affect the part of this lot that is within Wollondilly LGA (ie: this lot crosses into the adjoining LGA of Campbelltown).

Amendment required: Amend Map Sheet HER_011D to show Item I16 applies to the entire area of Lot 2 DP 625921 as well as Lot 1 DP 625921 and Lots 1, 2 and 3 DP 719962.

As listed in Schedule 5:

Appin	Upper Nepean Scheme - Upper Canal	Lots 1 and 2, DP625921 Lots 1-3, DP719962	State I16
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As shown on Map Sheet HER_011D



ATTACHMENT 6 – 1141-3 – 16 APRIL 2012

Item I26 – shown on Map sheet HER_008E

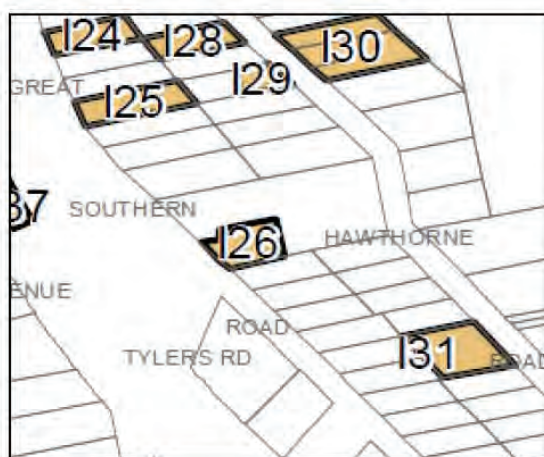
Issue: Listed in schedule as Lots 17-21 DP9024 and Part Lot 1 DP782052. Shown on maps as only on Part of Lot 1 DP782052.

Amendment required: Amend Map Sheet HER_008E to show Item I26 applies to the entire areas of Lots 17-21 DP 9024 inclusive (as well as Part Lot 1 DP 782052).

As listed in Schedule 5:

Bargo	Bargo Public School	245-261 Great Southern Road	Lots 17-21, DP 9024, Part Lot 1, DP782052	Local I26
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As shown on Map Sheet HER_008E



Item I41 – shown on Map sheet HER_008E

Issue: Listed in schedule as all of Lot 1 DP546051. However the maps show the item to only affect the part of this lot that is within Wollondilly LGA (ie: this lot crosses into the adjoining LGA of Wingecarribee).

Amendment required: Amend Map Sheet HER_008E to show Item I41 applies to the entire Lot 1 DP546051 (that is, including that part of the Lot beyond the LGA boundaries).

As listed in Schedule 5:

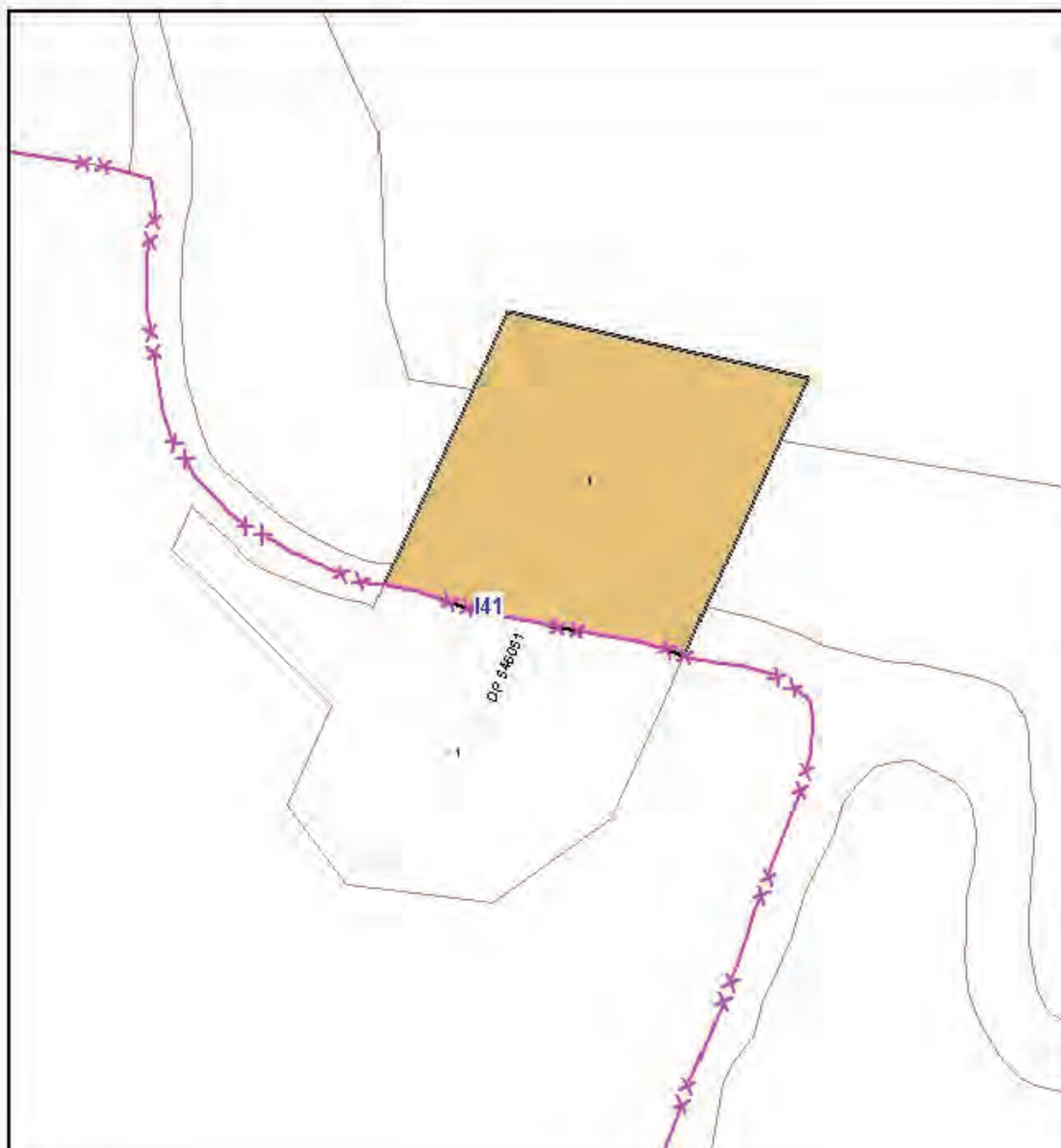
Bargo

Picton Weir

Lot 1 DP 546051

Local I41

As shown on Map Sheet HER_008E



Report of Wollondilly Shire and its Planning and Economy to the Ordinary Meeting of Council held on Monday 16 April 2012

ATTACHMENT 6 – 1141-3 – 16 APRIL 2012

Item 1284 – shown on Map sheet HER_010A

Issue: Listed in schedule as Lot 714 DP1075905 and Lot 1100 DP1150160. The map only shows the item to be over Lot 1100. However, the listing also applies to Lot 668 DP 1062135 and the public road reserve of Macarthur Circuit adjacent to Lots 650 and 651 DP 1062135.

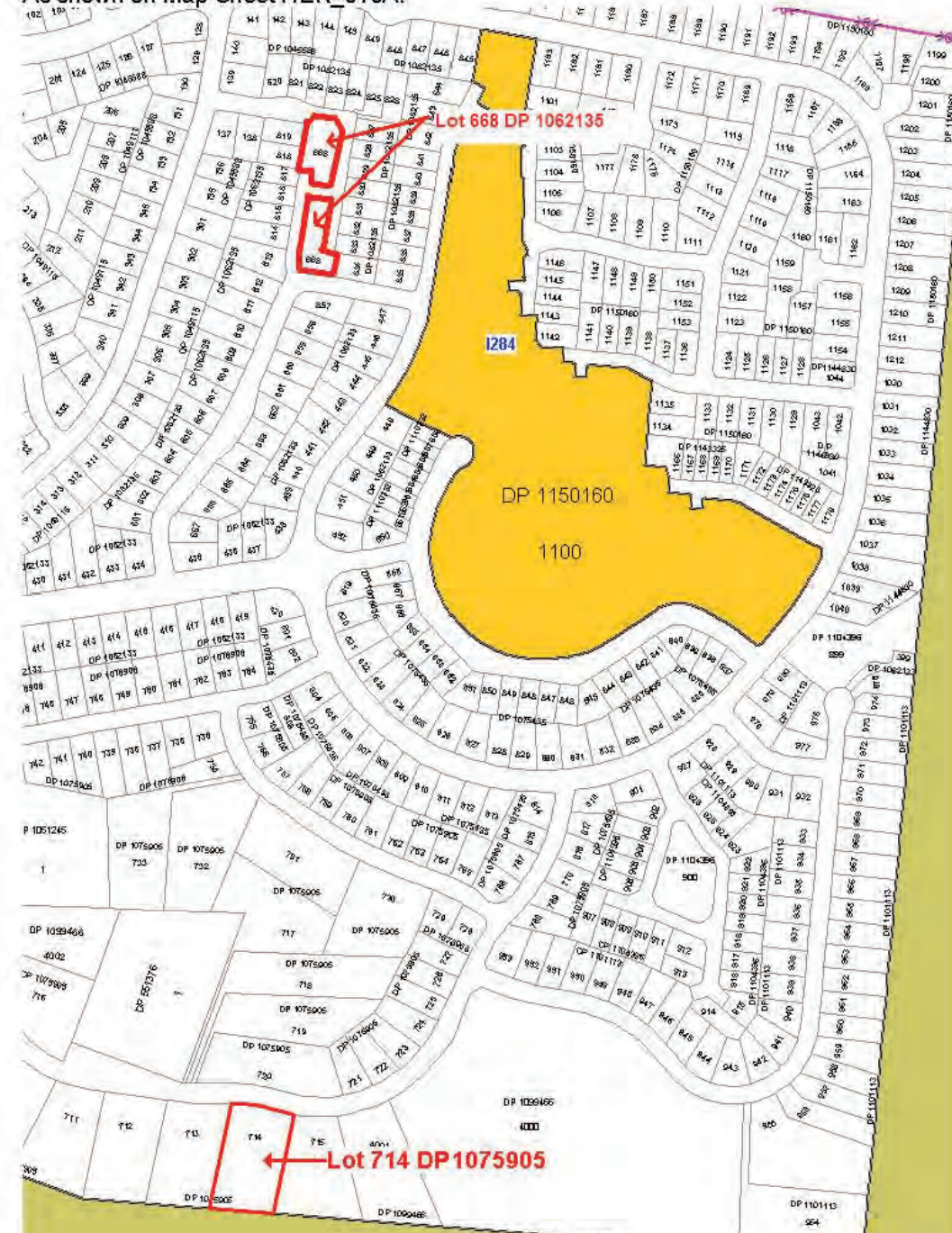
Multiple properties are affected because the Item relates to several Aboriginal scar trees.

Amendment required: Amend the LEP Instrument to add Lot 668 DP 1062135 and the public road reserve of Macarthur Circuit adjacent to Lots 650 and 651 DP 1062135 to the Property Description in Schedule 5 and amend the Map Sheet HER_010A to match the listing.

As listed in Schedule 5:

Camden Park Aboriginal scarred trees Young Avenue and Public Reserves—Park Way (Bridgewater Estate) Lot 714, DP 1075905; Lot 1100, Local DP 1150160 1284

As shown on Map Sheet HER_010A:



ATTACHMENT 6 – 1141-3 – 16 APRIL 2012

Item I66 – shown on Map sheet HER_008D

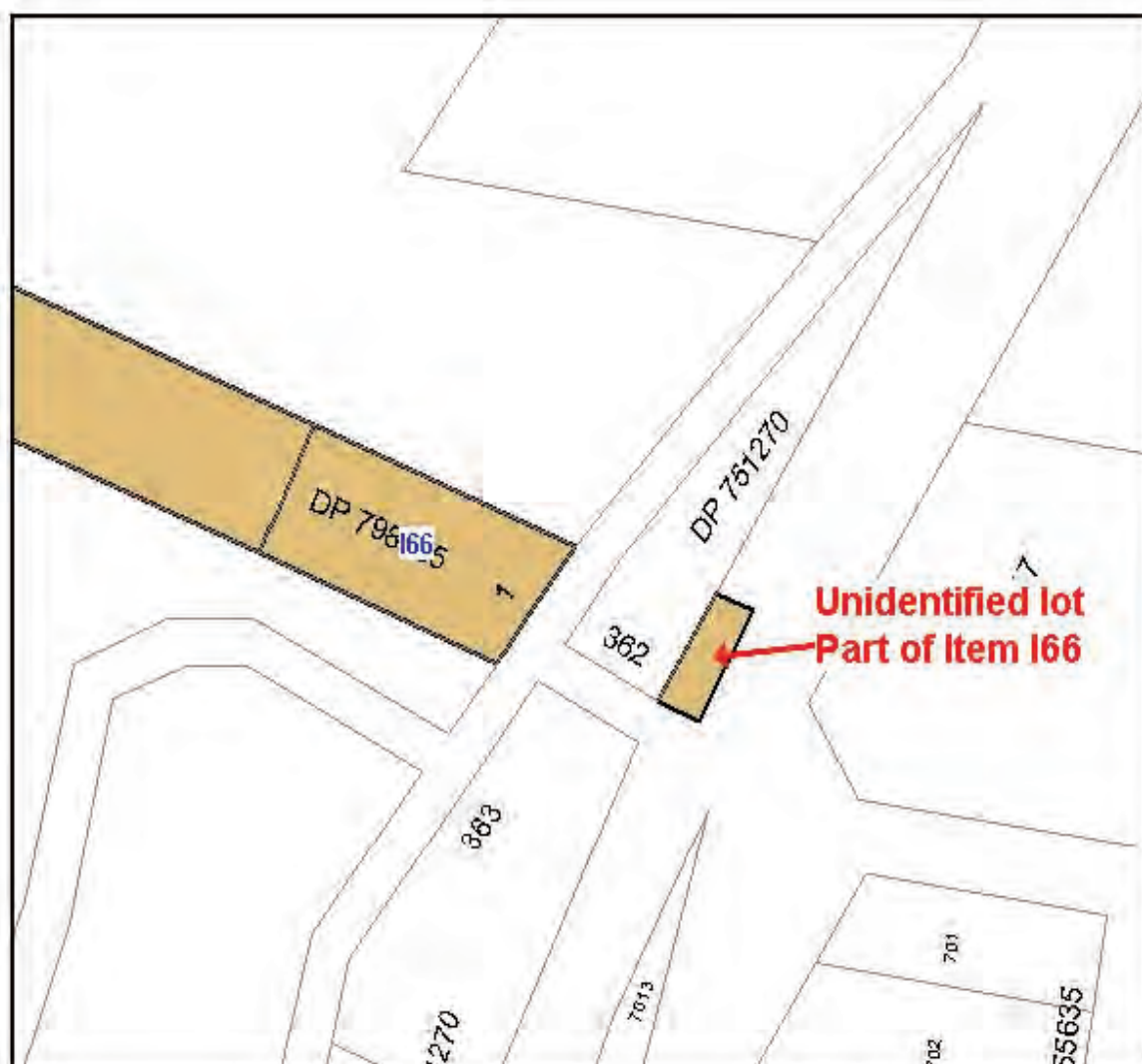
Issue: Listed in Schedule as only within Lot 1 DP798105, however the item is shown on the map to also include an unidentified lot. The unidentified lot contains the Couridjah railway station which is part of the heritage item.

Amendment required: Amend the LEP Instrument to include the unidentified lot in the Property Description of the listing in Schedule 5.

As listed in Schedule 5:

Couridjah	Couridjah Railway Station and Station-Masters House	310 West Parade (Main Southern Railway)	Lot1, DP798105;	State I66
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As shown on Map Sheet HER_008D



ATTACHMENT 6 – 1141-3 – 16 APRIL 2012

Item I101 – shown on Map sheet HER_010B

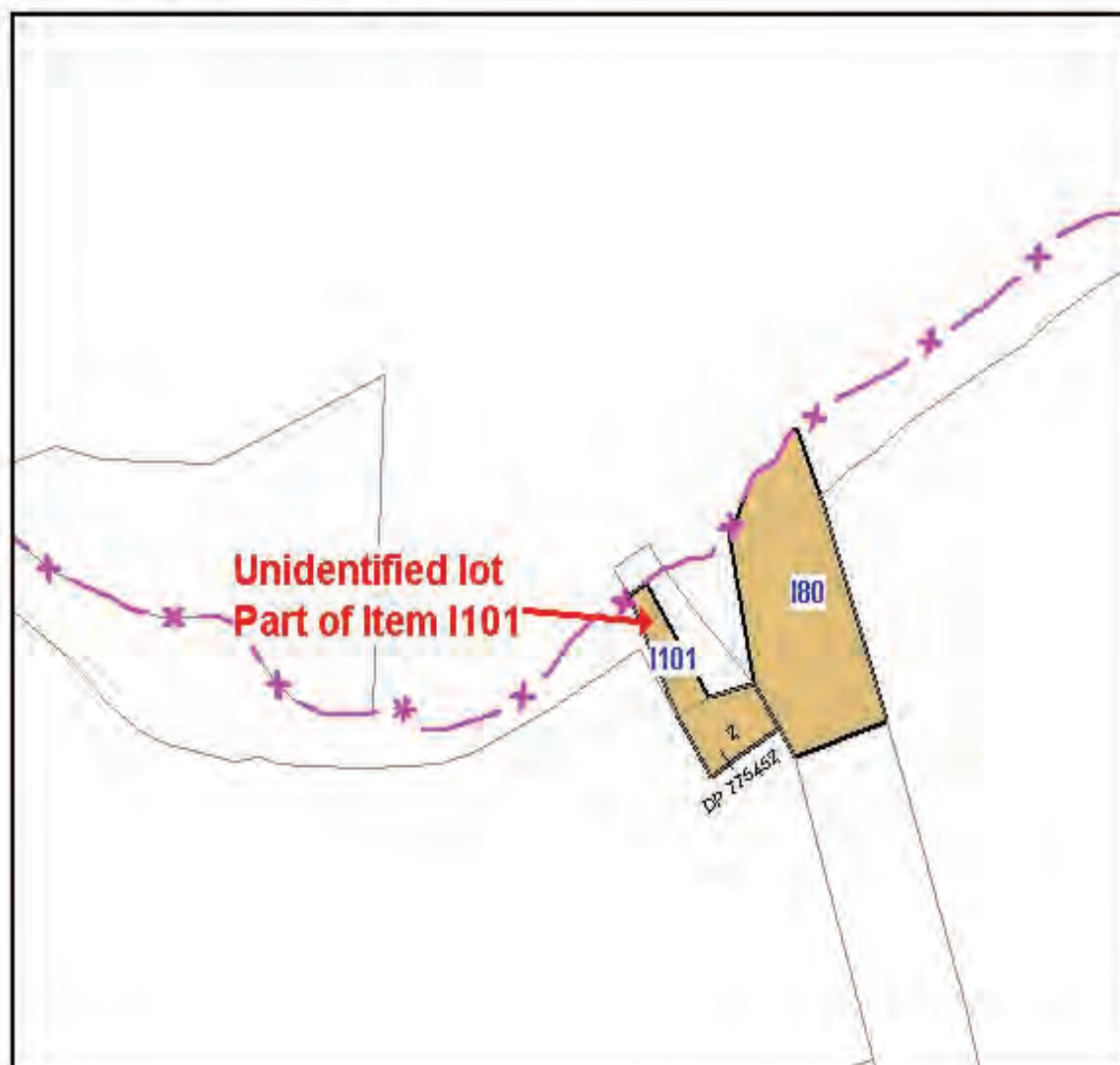
Issue: Listed in schedule as only within Lot 2 DP775452. However the item is shown on the map to also include an unidentified lot.

Amendment required: Amend the Instrument to include the unidentified lot in the Property Description of the listing in Schedule 5.

As listed in Schedule 5:

Menangle Menangle Weir Station Street Lot 2, DP 775452; Local I101

As shown on Map Sheet HER_010B



ATTACHMENT 6 – 1141-3 – 16 APRIL 2012

Item I257 – shown on Map sheet HER_008C

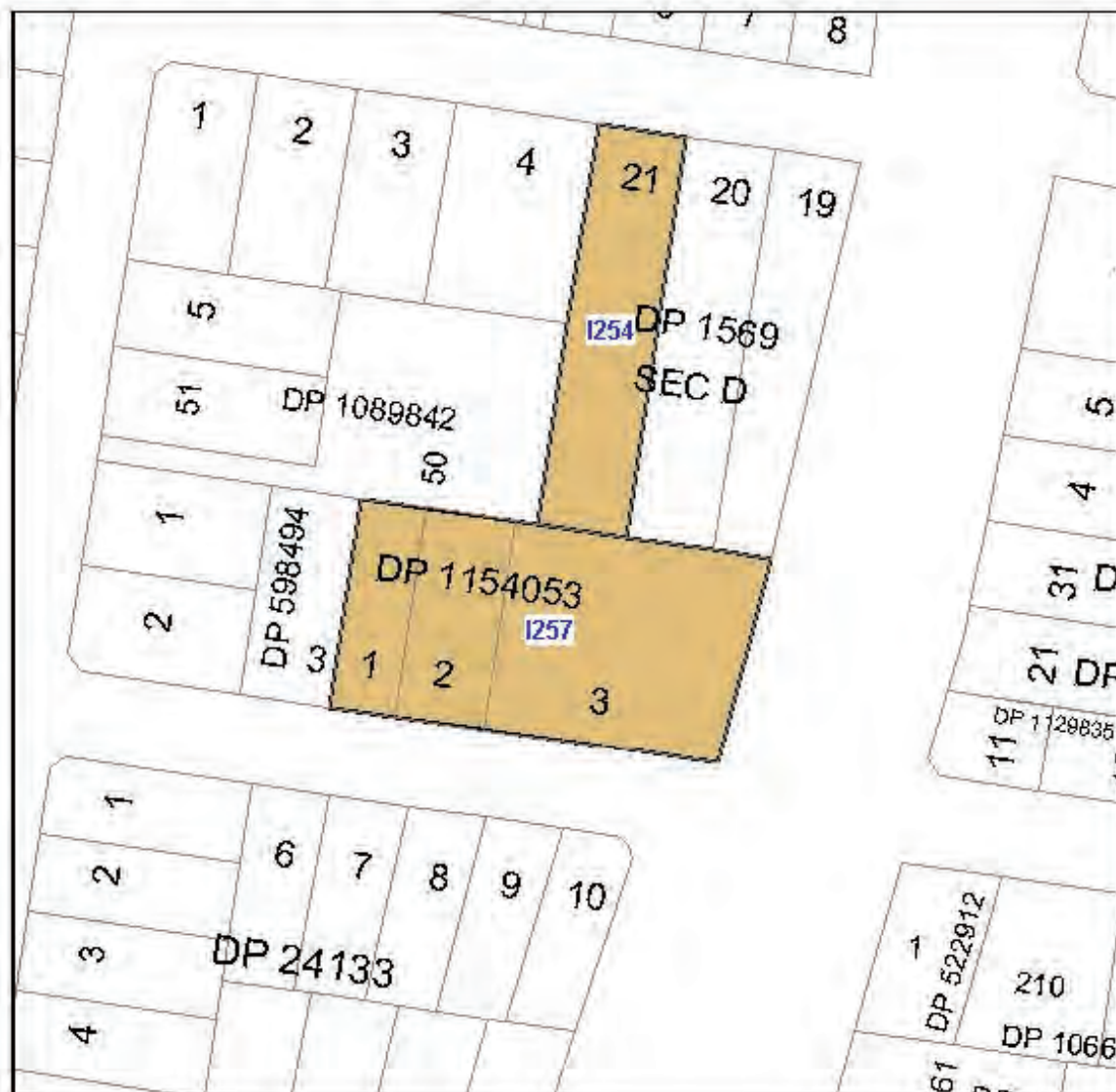
Issue: Listed in schedule as Lot 3 DP1154053, however maps shows the item to also cover Lots 1 & 2 DP1154053. The listing is correct.

Amendment required: Amend the Map HER_008C to show Item I257 as applying only to Lot 3 DP 1154053.

As listed in Schedule 5:

Thirlmere House 1-3 North Street Lot 3, DP1154052; Local I257

As shown on Map Sheet HER_008C



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Issue: Listed in schedule as "Remnant sandstone kerbs, gutters and culverts" which includes Lot 2 DP229679 in the property description to Schedule 5. The map shows the land affected to only include land adjacent to the road reserve. Therefore the description does not match the map.

As listed in Schedule 5:

Pidon	Remnant sandstone Kerbs, gutters and Culverts	53, 55 and 181 Argyle Street, 9 and 14 Campbell Street, 48-60, 55-67, 77-105, 94-98, 108-114, 113-213, 136-154, 188-192, 199 and 213-217 Menangle Street and 8-14 and 38 Pidon Avenue	Lot 2, DP229679;	Local	A8
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Report of Wollondilly Shire and its Planning and Economy to the Ordinary Meeting of Council
held on Monday 16 April 2012

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Item I122

Issue: Listed in schedule as within Lot 201 DP 1133065. The correct property description is Lot 20 DP 1133065.

Amendment required: Amend the LEP Instrument to correct the Property Description to Lot 20 DP 1133065 for the listing in Schedule 5.