

Moved: Doney
Second: Morgan

That:

1. The new Developer Servicing Plan is placed on exhibition for 30 working days for public comment.
2. Once the public exhibition period has concluded, the Developer Servicing Plan will be finalised and brought before the next Ordinary Meeting of Council for Adoption.

Carried 16 180417

13.04 PLANNING PROPOSAL - INSERT "FUNCTION CENTRES" AS A PERMISSIBLE USE WITHIN THE PRIMARY PRODUCTION ZONE (RU1)

File No: PR1-397

Author: Brendan O'Loan Consulting Town Planner

Summary

This planning proposal which seeks to amend the Oberon Local Environmental Plan 2013 and add 'function centre' as a permissible land use in the RU1 Primary Production Zone was supported by Council at the Ordinary Meeting 17 May 2016. Gateway determination followed and agency responses were received by NSW Rural Fire Service, Water NSW and Department of Primary Industries with no objections.

Community consultation commenced 27 January 2017 and was completed 3 March 2017. No submissions were received and no public hearing was held. No changes are required to the Planning Proposal prior to seeking an opinion from the Parliamentary Counsel Office.

Moved: McCarthy
Second: Lord

That:

1. Council support the Planning Proposal PP_2016_OBERO_001_00 as consulted with the community.
2. Delegate the Deputy General Manager to submit the Planning Proposal to the Parliamentary Council Office to draft the planning instrument.

Carried 17 180417

13.05 2016/17 FEES & CHARGES AMENDMENTS

File No: Governance/Finance/February 2017

Author: Lynette Safraneck, Acting General Manager

Summary

Council's 2016/17 Fees & Charges were placed on public exhibition with no feedback from the community regarding minor changes.

SECTION 59 PLANNING REPORT

Planning proposal details:

PP_2016_OBERO_001_00

Planning proposal summary:

Insert function centres as a permissible use within the Primary Production Zone (RU1)

Date of Gateway determination:

15 July 2016

1.0 SUMMARY

The Oberon Local Environmental Plan 2013 included an *Additional Permitted Uses Map* which permitted Function Centres on one allotment within the Oberon Council area. There has been an increasing demand for Function Centres within the RU1 Primary Production Zone and Oberon Council considers this to be an appropriate means of diversifying an agricultural property.

The use of Function Centre will need to be included in item 3 of the RU1 Primary Production Zone and the *Additional Permitted Uses Map* omitted.

The planning proposal was exhibited and no submissions from the public were made.

2.0 GATEWAY DETERMINATION

Gateway determination was issued 15 July 2016 and the timeframe for completion was 22 July 2017. The gateway determination was amended by NSW Planning and Environment to allow an additional three (3) months to complete the plan and the revised date was 22 October 2017.

The conditions of the gateway required Council to seek agency responses from NSW Rural Fire Service, Water NSW and Department of Primary Industries. No objection to the planning proposal was received from these agencies.

3.0 COMMUNITY CONSULTATION

The date of exhibition was from 27 January 2017 to 3 March 2017. No submissions were received and no consultation was undertaken. No amendments were made to the planning proposal.

4.0 VIEW OF PUBLIC AUTHORITIES

Council consulted with NSW Rural Fire Service, Water NSW and Department of Primary Industries. Responses were received by all agencies.

The NSW Rural Fire Service responded 12 December 2016 and raised no objections to the proposal subject to future development applications for Function Centres on bushfire prone land addressing the requirements of:

- Section 4.2.6 of PBP in relation to applying special fire protection purpose (SFPP) objectives to other types of development, and

- The NSW RFS *Fast Fact 2/14 Places of Worship and Other Public Assemble Buildings on Bushfire Prone Land*.

Water NSW responded stating that prior to Council granting consent, they will need to determine that the development would have a neutral or beneficial effect on water quality in accordance with the State Environmental Planning Proposal (Sydney Drinking Water Catchment) 2011.

The Department of Primary Industries responded stating that they had no issued regarding impacts on agricultural land and rural industries as a result of the amendment.

The conditions by the NSW Rural Fire Service and Water NSW are noted however they do not result in further amendments to the Oberon LEP 2013 beyond what is described in the *Summary* Section of this *Section 59 Planning Report*.

5.0 CONSISTENCY WITH S.117 DIRECTIONS NAD OTHER STRATEGIC PLANNING DOCUMENTS

Compliance with Section 117 Directions			
No.	Title	Relevance	Consistency and Implications
1.1	Business and Industrial Zone	No	-
1.2	Rural Zones	No	The planning proposal is not rezoning rural land or increasing the permissible density of land within a rural zone.
1.3	Mining, petroleum production and extractive industry	No	-
1.4	Oyster Aquaculture	No	-
1.5	Rural Lands	No	The planning proposal is not changing the existing minimum lot size of rural land. It is affecting rural land however it is consistent with the objectives of 1.5 as it is protecting the agricultural production value of rural land and facilitating orderly and economic development of rural lands for rural and related purposes.
2.1	Environment Protection Zones	No	-
2.2	Coastal Protection	No	-
2.3	Heritage Conservation	No	-
2.4	Recreation Vehicle Areas	No	-
3.1	Residential Zones	No	-
3.2	Caravan Parks and Manufactured Home Estates	No	-
3.3	Home Occupations	No	-
3.4	Integrating Land Use and Transport	No	The planning proposal is not creating, altering or removing a zone or a provision relating to urban land, including land zoned for residential, business, industrial, village or tourist purposes.

3.5	Development Near Licensed Aerodromes	No	-
3.6	Shooting Ranges	No	-
4.1	Acid Sulphate Soils	No	-
4.2	Mine Subsidence and Unstable Land	No	-
4.3	Flood Prone Land	Yes	There is no alteration to provisions that affect flood prone land. Function Centres will still be subject to consent and flood protection measures will be assessed on its merits.
4.4	Planning for Bushfire Protection	Yes	There is no alteration to provisions that affect bushfire prone land. Function Centres will still be subject to consent and bushfire protection measures will be assessed on its merits.
5.1	Implementation of Regional Strategies	No	-
5.2	Sydney Drinking Water Catchments	Yes	There is no alteration specifically to land within the Sydney drinking water catchment. Function Centres will still be subject to consent and if the land is within the Sydney drinking water catchment then it will be assessed on its merits.
5.3	Farmland of State and Regional Significance on the NSW Far North Coast	No	-
5.4	Commercial and Retail Development along the Pacific Highway, North Coast.	No	-
5.5	Development in the vicinity of Ellalong, Paxton and Millfield (Cessnock LGA)	No	-
5.6	Sydney to Canberra Corridor	No	-
5.7	Central Coast	No	-
5.8	Second Sydney Airport: Badgerys Creek	No	-
6.1	Approval and Referral Requirements	No	-
6.2	Reserving Land for Public Purposes	No	-
6.3	Site Specific Provisions	Yes	The planning proposal is consistent with 6.3 as it is removing the <i>Additional Permitted Uses Map</i> which had a site-specific provision and allowing Function Centres in all RU1 Primary Production Zones.
7.1	Implementation of the Metropolitan Plan for Sydney 2036	No	-

6.0 PARLIAMENTARY COUNSEL OPINION

Parliamentary Counsel Opinion was sought 27 March 2017. The Opinion was received 31 May 2017 stating that the draft environmental planning instrument is legally made and that the *Additional Permitted Uses Map* be revoked.

7.0 OTHER RELEVANT MATTERS

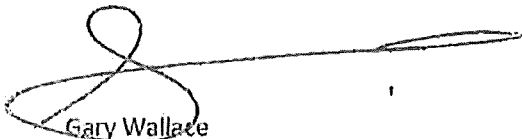
Not applicable.

8.0 MAPPING

No additional maps are to be included within the Oberon Local Environmental Plan 2013. The *Additional Permitted Uses Map* is to be revoked as this map only related to Function Centres on one RU1 Primary Production Zone allotment.

9.0 RECOMMENDATION

It is recommended that amendment No5 be made to the Oberon Local Environmental Plan 2013.


Gary Wallace
General Manager