

Planning Proposal

Amendment to Inverell Local Environmental
Plan 2012

Proposal to Enable Water Extraction and
Bottling Facilities in the RU1 Primary
Production Zone.



INVERELL
SHIRE COUNCIL



Document Control Page

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1. Introduction & Context

Brief & Background

In May 2017, Kellie Shapland Town Planning (KSTP) on behalf of Lochiel Projects Pty Ltd, lodged a request with Inverell Shire Council seeking a Planning Proposal to amend the Inverell Local Environmental Plan (LEP) 2012. The purpose of the request was to enable commercial water extraction for bottling at the 'Lochiel' property located at Tarwoona Road, Camp Creek.

This was a request for a site specific LEP amendment which was considered by Inverell Shire Council at its ordinary meeting of 23 August 2017. At this meeting it was resolved that:

- i) *Council not support the Planning Proposal by Kellie Shapland Town Planning to permit the extraction of groundwater from 'Lochiel' for commercial bottling purposes;*
- ii) *Council advise Kellie Shapland Town Planning that Council is willing to consider a general Planning Proposal to permit the extraction of groundwater for commercial bottling purposes within the RU1 Primary Production zone;*
- iii) *The applicant be responsible for the costs, in accordance with Council's Fees and Charges, associated with a general Planning Proposal to permit the extraction of groundwater for commercial bottling purposes within the RU1 Primary Production zone.*

In accordance with item (ii) of this resolution, this planning proposal request seeks a modification to the Inverell LEP 2012 to permit the extraction of groundwater for commercial bottling purposes within the RU1 Primary Production Zone.

This request has been prepared in accordance with the requirements of 'A guide to preparing planning proposals', (Department of Planning and Environment, 2016).

Section 1 of this report provides a background to the proposal. The Planning Proposal request is contained in Section 2.

Planning Controls - Permissibility

Prior to the gazettal of the Inverell LEP 2012 on 7 December 2012, the extraction of water and its associated bottling fell under the definition of a "rural industry" which was a use that was permitted with development consent under the Inverell LEP 1988 in the 1 (a) Rural (Agricultural) Zone.

Inverell LEP 2012 contains an amended definition of 'rural industry' which is:

rural industry means the handling, treating, production, processing, storage or packing of animal or plant agricultural products for commercial purposes, and includes any of the following:

- (a) *agricultural produce industries,*
- (b) *livestock processing industries,*
- (c) *composting facilities and works (including the production of mushroom substrate),*
- (d) *sawmill or log processing works,*
- (e) *stock and sale yards,*
- (f) *the regular servicing or repairing of plant or equipment used for the purposes of a rural enterprise.*

This definition no longer covers the extraction of water and associated processing.

Other definitions which are associated with agricultural and extractive land uses include:

agricultural produce industry means a building or place used for the handling, treating, processing or packing, for commercial purposes, of produce from agriculture (including dairy products, seeds, fruit, vegetables or other plant material), and includes wineries, flour mills,



cotton seed oil plants, cotton gins, feed mills, cheese and butter factories, and juicing or canning plants, but does not include a livestock processing industry.

agriculture means any of the following:

- (a) aquaculture,
- (b) extensive agriculture,
- (c) intensive livestock agriculture,
- (d) intensive plant agriculture.

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).

extractive industry means the winning or removal of extractive materials (otherwise than from a mine) by methods such as excavating, dredging, tunnelling or quarrying, including the storing, stockpiling or processing of extractive materials by methods such as recycling, washing, crushing, sawing or separating, but does not include turf farming.

extractive material means sand, soil, gravel, rock or similar substances that are not minerals within the meaning of the Mining Act 1992.

Water extraction for commercial bottling purposes (which may be either on-site or off-site) does not strictly fall within any of these definitions and therefore this land use may be considered as a "commercial premises", which is prohibited in the RU1 Primary Production zone.

The effect of the gazettal of Inverell LEP 2012 using the state-wide standard template and definitions has been to prohibit a previously permitted rural land use. This is considered to be an unintended consequence of the standard LEP template.

In addition to the provisions contained in the Inverell LEP 2012, the extraction of groundwater in Inverell Shire is also controlled by the following legislation:

Water Act 1912 (NSW)

The Water Act controls the extraction of water, the use of water, the construction of works such as dams and weirs and the carrying out of activities in or near water sources in New South Wales where no water sharing plan is in place. This Act will be fully repealed when the Water Management Act is operational in its entirety.

Water Management Act 2000 (NSW)

The Water Management Act governs the issuance of new water licences, trading of licences and allocation of water resources in NSW where the water sources are 'regulated'; that is, where a water sharing plan is in place.

Environmental Planning and Assessment Act 1979 (NSW)

Under this Act, proposed developments require the submission and approval of a Development Application (DA) by the relevant approval authority before commencement. Consideration of the impacts of a proposal on groundwater is required as part of the assessment of a DA. As part of the integrated development approval scheme, the consideration of contamination, protection of groundwater systems and other environmental health requirements can be incorporated into the conditions of consent.



Contaminated Land Management Act 1997 (NSW)

This Act regulates the management of currently contaminated site, including groundwater that has been impacted by point source pollution.

Protection of the Environment Operations Act 1997 (NSW)

This Act regulates the pollution of all water, including groundwater, in New South Wales. It empowers regulatory authorities to issue pollution licences which authorise pollution to certain capped levels and pollution notices which notify breaches of licences.

Local Government Act 1993 (NSW)

Councils have responsibilities under this Act to manage groundwater resources by the regulation of waste management and disposal practices, protection of environmentally sensitive areas, application of standards to the construction, operation and maintenance of various facilities and prevention of contamination and environmental degradation.

Threatened Species Conservation Act 1995 (NSW), National Parks and Wildlife Act 1974 (NSW) and Fisheries Management Act 1995 (NSW)

These Acts require that native species, particularly threatened species, communities and populations are protected unless otherwise authorised. Groundwater dependent ecosystems may be listed under these Acts.

Environment Protection and Biodiversity Conservation Act 1999

This Act applies 'controlled actions'. Controlled actions are actions that are proposed to take place in Commonwealth owned regions, activities that are to be carried out by the Commonwealth and activities that are likely to have a significant impact on a 'matter of national environmental significance'. Matters of national environmental significance include Ramsar wetlands as well as migratory and threatened species and communities, all of which could potentially be dependent on groundwater. Where a proposed activity related to a controlled action the activity must be referred to the Commonwealth Government for assessment by the Environmental Minister. In this way, the Commonwealth Government can oversee certain developments that will impact of groundwater.

This overview of legislation demonstrates that there are adequate controls in place to regulate the extraction of groundwater, and ensure that potential impacts are addressed, evaluated and controlled through the development application process.

This Planning Proposal request evaluates the strategic justification for the proposed amendment to the Inverell LEP 2012 to enable water extraction and bottling facilities in the RU1 Primary Production Zone.



2. The Planning Proposal Request

PART 1- OBJECTIVES AND INTENDED OUTCOMES

The objective of this planning proposal is to elevate an amendment to the Inverell LEP 2012 enabling, with Councils consent, water extraction and bottling facilities on land zones RU1 Primary Production.

PART 2 – EXPLANATION OF PROVISIONS

Tweed Shire Council has gone through a similar process as this proposal which involved amending the Tweed LEP 2014 to enable water extraction and bottling facilities within its RU2 Rural Landscape Zone (Tweed LEP 2014 (Amendment No. 16) gazetted on 8 July 2016). This was achieved through a specific Part 7 Additional local provisions enabling clause. A similar approach is proposed with respect to this planning proposal, in relation to the Inverell LEP 2012 Part 6 Additional local provisions.

Therefore, it is proposed to amend the Inverell LEP 2012 by inserting additional provisions, which:

- Permit development for purposes of a water bottling facility to be carried out with development consent in the RU1 Primary Production zone;
- Permit development ancillary to water bottling facility to be carried out with development consent in the RU1 Primary Production zone;
- Prove a definition for a water bottling facility consistent with the intent of this Planning Proposal.

Subject to the planning proposal process, the exact terms of the additional provisions will be determined in consultation with Parliamentary Counsel.

PART 3 – JUSTIFICATION

This part of the planning proposal is split into the following sections:

Section A	Need for the planning proposal
Section B	Relationship to strategic planning framework
Section C	Environmental, social and economic impact
Section D	State and Commonwealth interests

Information provided under each section is presented as a response to questions listed in the Department of Planning and Environment's document '*A guide to preparing planning proposals*'.

Section A – Need for the planning proposal

Question 1 - Is the planning proposal a result of any strategic study or report?

No, the planning proposal request is being made by the owner of the 'Lochiel' property located at Tarwoona Road, Camp Creek, but would facilitate desirable outcomes that are put forward in various planning policies and strategic plans described in Section B.

Question 2 -Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?

A planning proposal is considered the best way of ensuring that there is no question over the interpretation of whether water extraction and bottling facilities are a land use that is permitted with consent in the RU1 Primary Production Zone, and thereby enabling an increased range of rural land uses, where they are demonstrated to be appropriate.



Section B – Relationship to strategic planning framework

Question 3 - Is the planning proposal consistent with the objectives and actions of the applicable regional or sub-regional strategy or district plan or strategy (including any exhibited draft plans or strategies)?

The Inverell Local government area is subject to the provision of the 'New England North West Regional Plan 2036' (NENWRP). The NENWRP 2036 contains a vision for '*Nationally valued landscapes and strong, successful communities from the Great Dividing Range to the rich black soil plains*'.

To achieve this vision, the NSW Government has:

Acknowledged the opportunities provided by natural resources and strong communities and set the following regionally focused goals:

- *A strong and dynamic regional economy*
- *A healthy environment with pristine waterways*
- *Strong infrastructure and transport networks for a connected future*
- *Attractive and thriving communities*

Development for water extraction and bottling facilities in the form proposed under Part 2 of this planning proposal is consistent with this vision statement as the outcome would utilise a natural resource to benefit the regional economy and communities, where it can be demonstrated through the development application process, that the use is sustainable.

The planning proposal is consistent with the relevant Goals and Directions contained in the Strategy as demonstrated on the following table.

Table 1: New England North West Regional Plan

Goal & Direction	Comment
Goal 1: A strong and dynamic regional economy Direction 1: Expand agribusiness and food processing sectors Direction 2: Build agricultural productivity Direction 3: Protect and enhance productive agricultural lands Direction 4: Sustainably manage mineral resources Direction 5: Grow New England North West as the renewable energy hub of NSW Direction 6: Deliver new industries of the future Direction 7: Build strong economic centres Direction 8: Expand tourism and visitor opportunities Direction 9: Coordinate growth in the cities of Armidale and Tamworth	The proposal is consistent with this goal. However, to ensure that water extraction does not affect agricultural resources, the development application process will need to demonstrate that the site is suitable for water extraction. This is achieved through the application of proposed clause 6.8 of the Inverell LEP 2102.



<p>Goal 2: A healthy environment with pristine waterways</p> <p>Direction 10: Sustainable manage and conserve water resources</p> <p>Direction 11: Protect areas of potential high environmental value</p> <p>Direction 12: Adapt to natural hazards and climate change</p>	<p>The proposed clause will require the development application to demonstrate the suitability of the site for water extraction. The allocation of groundwater resources would be considered on a case-by-case basis as part of the development application process, with extraction rates controlled by the licensing requirements of the NSW Department of Primary Industries-Water.</p>
<p>Control 3: Strong infrastructure and transport networks for a connected future</p> <p>Direction 13: Expand emerging industries through freight and logistics connectivity</p> <p>Direction 14: Enhance transport and infrastructure networks</p> <p>Direction 15: Facilitate air and public transport infrastructure</p> <p>Direction 16: Coordinate infrastructure delivery</p>	<p>The development application process will address the suitability of any particular site for the transport of water to the market.</p>
<p>Goal 4: Attractive and thriving communities</p> <p>Direction 17: Strengthen community resilience</p> <p>Direction 18: Provide great places to live</p> <p>Direction 19: Support healthy, safe and social engaged communities</p> <p>Direction 20: Deliver greater housing diversity to suit changing needs</p> <p>Direction 21: Deliver will planned rural residential housing</p> <p>Direction 22: Increase the economic self-determination of Aboriginal communities</p> <p>Direction 23: Collaborate with Aboriginal communities to respect and protect Aboriginal culture and heritage</p> <p>Direction 24: Protect the regions historic heritage assets</p>	<p>The Directions relating to housing are not relevant to this planning proposal. Existing policies and statutory procedures are in place to ensure that Aboriginal cultural and heritage issues, as well as historic heritage are addressed and considered during the development application process.</p>

Question 4 - Is the planning proposal consistent with the local Council's Community Strategic Plan, or other local strategic plan?

Council has adopted the Inverell Strategic Plan 2009 – 2029. The Strategic Plan provides information on the aspirational goals (defined 'Destinations') for the Community, including the organisation's Mission and the Purpose.

The proposal is generally consistent with the relevant 'Destinations' identified in the table below.

Table 2: Consistency with the Inverell Strategic Plan 2009 – 2029

Destination	Comment
A recognised leader in the broader context	Consistent. The proposal will facilitate the broadening of the Shires economic base which is important for enhancing Inverells position in the Region.
A community that is healthy educated and sustainable	The proposal is not inconsistent with this destination



An environment that is protected and sustained	Consistent. The proposal facilitates groundwater extraction generally in the RU1 zone but the DA process and licensing process would ensure that only those properties suitable for groundwater extraction would be approved.
A strong local economy	The proposal provides an opportunity to expand the Shires economic base.
The community is supported by sustainable services and infrastructure.	Consistent. The proposal would not impact on local government services and the future development application would address impact on infrastructure.

Question 5 - Is the planning proposal consistent with the applicable State Environmental Planning Policies (SEPP's) ?

An assessment of relevant SEPP's is as contained in Attachment A. The proposal is not inconsistent with any provisions.

Question 6 - Is the planning proposal consistent with the applicable Ministerial Directions (s117 Directions)?

The following 117 Directions, discussed further in Attachment B, apply to the subject site:

- 1.2 Rural Zones;
- 1.5 Rural Lands;
- 2.3 Heritage Conservation;
- 3.3 Home Occupations
- 4.3 Flood Prone Land;
- 4.4 Planning for Bushfire Protection;
- 6.1 Approval and Referral Requirements, and
- 6.3 Site Specific Provisions.

No inconsistencies are considered sufficient to prevent the planning proposal from proceeding.

Section C – Environmental, social and economic impact

Question 7 - Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal?

It is unlikely that there would be adverse impacts on critical habitat, threatened species, populations or ecological communities or their habitat as part of this planning proposal. The impacts of specific water extraction proposals will be assessed as part of the development application process.

Question 8 - Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?

Water supply

Water extraction and bottling facilities would only be located where there is an adequate water supply and in accordance with licensing requirements from New South Wales Department of Primary Industries – Water.

Groundwater is a public resource. In New South Wales, the entitlement (often call a license) to access and use this resource is granted by the NSW Office of Water (part of the Department of Primary Industries). The license generally specifies matters related with management of groundwater use such as volume of water permitted to be extracted, length of tenure and other conditions of use. One of the conditions is the permissibility of water extraction in a local environmental plan. Should this LEP amendment be finalised, development applications for water extraction facilities will be assessed by council, whilst granting a licence will remain a matter for the Office of Water.



Procedures are therefore in place as part of the existing approval framework to ensure that impacts on groundwater resources are appropriately identified and managed.

Heritage

Development applications for water extraction and bottling facilities will need to address potential impacts on Aboriginal and European heritage.

Traffic

Future development applications for water extraction and bottling facilities will need to address this issue in detail.

Question 9 - How has the planning proposal adequately addressed any social and economic effects?

It is considered that water extraction and processing facilities are suitable rural land use which in general terms are consistent with the rural amenity. Again, site specific assessment would occur through the development application process, as mandated by the existing planning framework for assessing impacts of proposed development on scenic landscape.

This land use also results in positive economic impacts through additional rural employment and an alternative land use for property owners.

Section D – State and Commonwealth Interests

Question 10 - Is there adequate public infrastructure for the planning proposal?

Making an alteration to the Inverell LEP 2012 to facilitate the approval of water extraction and bottling facilities on rural land is unlikely to raise any significant public infrastructure issue. Each proposal would be assessed on its merits at the development application stage to ensure that the development can be adequately serviced.

Question 11 - What are the views of State and Commonwealth public authorities consulted in accordance with the gateway determination?

Views of relevant government authorities would be sought by Council as part of the statutory planning proposal process.

PART 4 – MAPPING

This planning proposal does not include mapping.

PART 5 – COMMUNITY CONSULTATION

The planning Proposal is considered to be low impact and a 14 day exhibition period is proposed for the planning Proposal, which includes:

- 1 notification of exhibition in the local newspaper;
- A display at Council's Administration Centre; and
- Exhibition on Council's website.

PART 6 – PROJECT TIMELINE

Task	Anticipated timeframe
Date of Gateway Determination	March 2018
Completion of required technical information, studies	No further studies expected.



Government agency consultation (pre exhibition as required by Gateway Determination)	April 2018 – May 2018
Any changes made to Planning Proposal resulting from technical studies and government agency consultations. Resubmit altered Planning Proposal to Gateway panel. Revised Gateway determination issued, if required.	No changes expected.
Commencement and completion dates for public exhibition.	May 2018 – June 2018
Consideration of submissions, report Planning Proposal post exhibition	July 2018
Council resolves to adopt and make draft LEP	August 2018
Council requests a draft instrument be prepared by parliamentary counsel	September 2018
Formal notification of the plan	October 2018

3. Summary and Conclusions

It is intended that the Inverell LEP 2012 be amended to provide that a 'water bottling facility' a (as defined in proposed Clause 6.8) is a land use that is permissible with consent on land zoned RU1 Primary Production. The preferred method to achieve this is by including an Additional Local Provision in Part 6 for water bottling facilities in zone RU1 Primary Production.

Evaluation of this desired outcome, carried out in this Planning Proposal indicates that the proposed amendment is broadly consistent with the New England North West Regional Plan, applicable State Environmental Planning Policies and Ministerial Directions provided under Section 117 of the Environmental Planning & Assessment Act 1979.

The proposal would enable an alternative rural land use that broadens the Shire's economic base, where it can be demonstrated that water extraction is suitable and sustainable.

The proposal is considered to be justified in terms of consistency with relevant planning policies, the desirability of broadening the rural economic land base and opportunities, and the ability of existing development controls to ensure that water extraction and bottling facilities are only located where it has been demonstrated to be suitable.



Attachment A - Consideration of State Environmental Planning Policies

State Environmental Planning Policy (SEPP)	Applicable to Inverell LGA	Consistency	Reason for inconsistency/comment
SEPP No.1 - Development Standards	Yes	Not relevant	Not applicable
SEPP No. 14 – Coastal Wetlands	No	Not applicable	Not applicable
SEPP No. 19 - Bushland in Urban Areas	No	Not applicable	Not applicable
SEPP No. 21- Caravan Parks	Yes	Not relevant to the planning proposal	Not applicable
SEPP No.26 – Littoral Rainforests	No	Not relevant	Not applicable
SEPP No. 30 - Intensive Agriculture	Yes	The proposal does not involve intensive agriculture	Not applicable
SEPP No. 33 – Hazardous and Offensive Development	Yes	Not relevant to the planning proposal	Not applicable
SEPP No. 36 - Manufactured Home Estates	Yes	Not relevant to the planning proposal	Not applicable
SEPP No 44 - Koala Habitat Protection	Yes	Individual development applications will need to address the provisions of this Policy	Consistent
SEPP No. 47 – Moore Park Showground	No	Not applicable	Not applicable
SEPP No 50 - Canal Estate Development	Yes	Not relevant	Not applicable
SEPP No.52 - Farm Dams and Other Works in Land and Water Management Plan Areas	No	Not relevant	Not applicable
SEPP No. 55 - Remediation of Land	Yes	Consistent	No land is proposed to be rezoned. No sensitive land uses over and above agricultural uses which are already permitted in this zone would occur. Notwithstanding, this issue would need to be addressed as part of any development application.



State Environmental Planning Policy (SEPP)	Applicable to Inverell LGA	Consistency	Reason for inconsistency/comment
SEPP No.62 - Sustainable Aquaculture	Yes	Not relevant to planning proposal	Not applicable
SEPP No.64 - Advertising and Signage	Yes	Not relevant to planning proposal	Not applicable
SEPP No 65 - Design Quality of Residential Flat Development	Yes	Not relevant to planning proposal	Not applicable
SEPP No 70 - Affordable Housing (Revised Schemes)	No	Not applicable	Not applicable
SEPP No 71 - Coastal Protection	No	Not applicable	Not applicable
SEPP (Affordable Rental Housing) 2009	No	Not relevant to planning proposal	Not applicable
SEPP (Building Sustainability Index: BASIX) 2004	Yes	Not relevant to planning proposal	Not applicable
SEPP (Exempt and Complying Development Codes) 2008	Yes	Consistent	Not applicable
SEPP (Housing for Seniors or People with a Disability) 2004	Yes but not applicable as it doesn't relate to a residential zone, or land adjacent to a residential zone	Consistent	Not applicable
SEPP (Infrastructure) 2007	Yes	Consistent	Not applicable
SEPP (Kosciuszko National Park – Alpine Resorts) 2007	No	Not applicable	Not applicable
SEPP (Mining, Petroleum Production and Extractive Industries) 2007	Yes	Consistent	Consistent. The proposal does not impact on the provisions of this plan. Nothing in this planning proposal will alter the permissibility of mining or extractive industries.
SEPP (Miscellaneous Consent Provisions) 2007	Yes	Not relevant to proposal	Not applicable
SEPP (Rural Lands) 2008	Yes	Consistent	This SEPP identifies rural planning principles (clause 7) that must be taken into account when a Council prepares a



State Environmental Planning Policy (SEPP)	Applicable to Inverell LGA	Consistency	Reason for inconsistency/comment
			planning proposal. These are brought into effect through a s117 Direction, which is discussed in a separate Table. The proposal is considered to be consistent with this policy.
SEPP (State and regional Development) 2011	Yes	Not relevant to proposal	Not applicable
SEPP (State Significant Precinct) 2005	Yes	Not relevant to proposal	Not applicable
SEPP (Western Sydney Employment Area) 2009	No	Not applicable	Not applicable
SEPP (Western Sydney Parklands) 2009	No	Not applicable	Not applicable



Attachment B - Consideration of Section 117 Directions

S.117 DIRECTION	APPLICATION	RELEVANCE TO THIS PLANNING PROPOSAL
1. Employment & Resources		
1.1 Business and Industrial Zones	Applies when a relevant planning authority prepares a planning proposal that will affect land within an existing or proposed business or industrial zone (including the alteration of any existing business or industrial zone boundary).	Not Applicable
1.2 Rural Zones	Applies when a relevant planning authority prepares a planning proposal that will affect land within an existing or proposed rural zone (including the alteration of any existing rural zone boundary).	This planning proposal will not alter the zone of any rural land or impact on rural housing provisions. The planning proposal is consistent with this Direction.
1.3 Mining, Petroleum Production and Extractive Industries	Applies when a relevant planning authority prepares a planning proposal that would have the effect of: <ul style="list-style-type: none"> a) prohibiting the mining of coal or other minerals, production of petroleum, or winning or obtaining of extractive materials, or b) restricting the potential development of resources of coal, other minerals, petroleum or extractive materials which are of State or regional significance by permitting a land use that is likely to be incompatible with such development. 	Nothing in this planning proposal will prohibit or restrict exploration or mining. It will however facilitate the extraction of water from the RU1 zone for bulk supply or bottling.
1.4 Oyster Aquaculture	Applies when a relevant planning authority prepares any planning proposal that proposes a change in land use which could result in impacts on a Priority Oyster Aquaculture Area.	Not applicable
1.5 Rural Lands	Applies when: <ul style="list-style-type: none"> (a) a relevant planning authority prepares a planning proposal that will affect land within an existing or proposed rural or environment protection zone (including the alteration of any existing rural or environment protection zone boundary), or (b) a relevant planning authority prepares a planning proposal that 	This planning proposal will affect land which is zoned RU1. It is consistent with the Rural Planning Principles listed in State Environmental Planning Policy (Rural Lands) 2008 as follows: <ul style="list-style-type: none"> (a) <i>the promotion and protection of opportunities for current and potential</i>



S.117 DIRECTION	APPLICATION	RELEVANCE TO THIS PLANNING PROPOSAL
	<p>changes the existing minimum lot size on land within a rural or environment protection zone.</p> <p>The planning proposal is to be consistent with the relevant sections of SEPP (Rural Lands) 2008.</p>	<p><i>productive and sustainable economic activities in rural areas – the proposed amendment is not intended to undermine or create conflict with agriculture or other rural land uses, but rather facilitate other economic activity in rural areas.</i></p> <p>(b) <i>recognition of the importance of rural lands and agriculture and the changing nature of agriculture and of trends, demands and issues in agriculture in the area, region or State – water extraction and bottling facilities have traditionally been undertaken in rural areas as rural industries. The proposal does not alter the nature and issues associated with agriculture but rather clarifies that this is an acceptable land use in the RU1-Primary Production Zone.</i></p> <p>(c) <i>social and economic benefits of rural land use and development – the use of rural land for commercial water extraction and the success that existing facilities have experienced in other areas demonstrates that this can have beneficial social and economic impacts.</i></p> <p>(d) <i>in planning for rural lands, to balance the social, economic and environmental interests of the community – the</i></p>



S.117 DIRECTION	APPLICATION	RELEVANCE TO THIS PLANNING PROPOSAL
		<p>nature of rural land use is changing and the socio-economic interests of the community will be best served by permitting both traditional and alternative forms of rural development.</p> <p>(e) <i>the identification and protection of natural resources, having regard to maintaining biodiversity, the protection of native vegetation, the importance of water resources and avoiding constrained land – the future development applications will require consideration of the physical environment in which the development will be located as well as its visual impact.</i></p> <p>(f) <i>the provision of opportunities for rural lifestyle, settlement and housing that contribute to the social and economic welfare of rural communities - the planning proposal does not involve rural housing however does have the potential to contribute to the welfare of rural communities by providing employment opportunities associated with the development of rural land.</i></p> <p>(g) <i>the consideration of impacts on services and infrastructure and appropriate location when providing for rural housing –the</i></p>



S.117 DIRECTION	APPLICATION	RELEVANCE TO THIS PLANNING PROPOSAL
		<p>proposal does not provide for rural housing.</p> <p>(h) <i>ensuring consistency with any applicable regional strategy of the Department of Planning or any applicable local strategy endorsed by the Director-General.</i> This planning proposal is consistent with the New England North West Regional Plan, as discussed in the Planning Proposal request.</p>
2 Environment and Heritage		
2.1 Environment Protection Zones	<p>A planning proposal must include provisions that facilitate the protection and conservation of environmentally sensitive areas.</p> <p>A planning proposal that applies to land within an environment protection zone or land otherwise identified for environment protection purposes in a LEP must not reduce the environmental protection standards that apply to the land (including by modifying development standards that apply to the land). This requirement does not apply to a change to a development standard for minimum lot size for a dwelling in accordance with clause (5) of Direction 1.5 "Rural Lands".</p>	The planning proposal does not alter or remove any environment protection zone.
2.2 Coastal Protection	The objective of this direction is to implement the principles in the NSW Coastal Policy and applies to the coastal zone, as defined in the Coastal Protection Act 1979.	Not applicable
2.3 Heritage Conservation	The objective of this direction is to conserve items, areas, objects and places of environmental heritage significance and indigenous heritage significance and applies to all relevant planning authorities.	Inverell LEP 2012 currently contains provisions that are consistent with this Direction. This planning proposal will not alter those provisions.
2.4 Recreation Vehicle Areas	The objective of this direction is to protect sensitive land or land with significant conservation	The proposal does not enable land to be developed for the purpose of a recreation vehicle



S.117 DIRECTION	APPLICATION	RELEVANCE TO THIS PLANNING PROPOSAL
	values from adverse impacts from recreation vehicles. This direction applies to all relevant planning authorities.	area.
2.5 Application of E2 and E3 Zones and Environmental Overlays in Far North Coast LEP's	Does not apply to the Inverell Local Government Area.	Not Applicable
3. Housing, Infrastructure and Urban Development		
3.1 Residential Zones	<p>This direction applies when a relevant planning authority prepares a planning proposal that will affect land within:</p> <ul style="list-style-type: none"> (a) an existing or proposed residential zone (including the alteration of any existing residential zone boundary), (b) any other zone in which significant residential development is permitted or proposed to be permitted. <p>The objective is to encourage a variety and choice of housing types, to make efficient use of existing infrastructure and services and to minimise the impact of residential development on the environment and resource lands.</p>	Not Applicable.
3.2 Caravan Parks and Manufactured Home Estates	The objective of this direction is to provide for a variety of housing types, and to provide opportunities for caravan parks and manufactured home estates. This direction applies to all relevant planning authorities.	This proposal does not seek development for the purposes of a caravan park or manufactured homes estate.
3.3 Home Occupations	Planning proposals must permit home occupations to be carried out in dwelling-houses without the need for development consent.	This proposal does not alter home occupation provisions in the Inverell LEP 2012.
3.4 Integrating Land Use and Transport	Applies when a relevant planning authority prepares a planning proposal that will create, alter or remove a zone or a provision relating to urban land, including land zoned for residential, business, industrial, village or tourist purposes.	The planning proposal does not affect urban land.
3.5 Development Near Licensed Aerodrome	Applies when a relevant planning authority prepares a planning proposal that will create, alter or remove a zone	The planning proposal does not create, alter or remove a zone or provision relating to a



S.117 DIRECTION	APPLICATION	RELEVANCE TO THIS PLANNING PROPOSAL
	or a provision relating to land in the vicinity of a licensed aerodrome.	licensed aerodrome.
3.6 Shooting Ranges	This direction applies when a relevant planning authority proposes a planning proposal that will affect, create, alter or remove a zone or provision relating to land adjacent to and/or adjoining an existing shooting range.	Not applicable
4. Hazard and Risk		
4.1 Acid Sulfate Soils	Applies when a relevant planning authority prepares a planning proposal that will apply to land having a probability of containing acid sulfate soils as shown on the Acid Sulfate Soils Planning Maps.	Not applicable
4.2 Mine Subsidence and Unstable Land	The objective of this direction is to prevent damage to life, property and the environment on land identified as unstable or potentially subject to mine subsidence. This direction applies to land that: is within a Mine Subsidence District proclaimed pursuant to section 15 of the Mine Subsidence Compensation Act 1961, or has been identified as unstable land.	This proposal does not impact on any mine subsidence area.
4.3 Flood Prone Land	Applies when a relevant planning authority prepares a planning proposal that creates, removes or alters a zone or a provision that affects flood prone land. A planning proposal must include provisions that give effect to and are consistent with the NSW Flood Prone Land Policy and the principles of the Floodplain Development Manual 2005 (including the Guideline on Development Controls on Low Flood Risk Areas). A planning proposal must not rezone land within the flood planning areas from Special Use, Special Purpose, Recreation, Rural or Environment Protection Zones to a Residential, Business, Industrial, Special Use or Special Purpose Zone.	The planning proposal will not rezone any land. Inverell LEP 2012 already contains a flood planning clause that would apply to any development application that is on flood prone land.
4.4 Planning for Bushfire Protection	Applies when a relevant planning authority prepares a planning proposal that will affect, or is in proximity to land mapped as bushfire prone land. In the preparation of a planning proposal the relevant planning authority must consult with the Commissioner of the NSW Rural Fire Service following receipt of a gateway	Some land zoned RU1 in Inverell Shire is identified as bushfire prone land. This will be a consideration in the assessment of any development application for the water extraction and bottling facility. Consultation will be required with NSW Rural Fire



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	determination under section 56 of the Act, and prior to undertaking community consultation in satisfaction of section 57 of the Act, and take into account any comments so made.	Service.
5. Regional Planning		
5.1 Implementation of Regional Strategies	Planning proposals must be consistent with a regional strategy released by the Minister for Planning.	This direction does not apply to the Inverell Local Government Area
5.2 Sydney Drinking Water Catchments	Applies when a relevant planning authority prepares a planning proposal that applies to the hydrological catchment.	The proposal is not within this catchment.
5.3 Farmland of State and Regional Significance on the NSW Far North Coast	Applies to certain local government areas when a relevant planning authority prepares a planning proposal for land mapped as: (a) State significant farmland, or (b) regionally significant farmland, or (c) significant non-contiguous farmland, The objective is to ensure that the best agricultural land will be available for current and future generations, to provide more certainty on the status of the best agricultural land, and to reduce landuse conflicts.	This direction does not apply to the Inverell Local Government area, however Council will consider farmland issues when a development application is made.
5.4 Commercial and Retail Development along the Pacific Highway, North Coast	Applies when a relevant planning authority prepares a planning proposal for land in the vicinity of the existing and/or proposed alignment of the Pacific Highway.	Not applicable
5.8 Second Sydney Airport: Badgerys Creek	The objective of this direction is to avoid incompatible development in the vicinity of any future second Sydney Airport at BadgerysCreek.	Not applicable
5.9 North West Rail Link Corridor Strategy	The objective of this direction is to promote transit-oriented development and manage growth around train stations and to ensure development is consistent with the Corridor Strategy and precinct Structure Plans	Not Applicable
5.10 Implementation of Regional Plans	Applies to land to which a Regional Plan has been released by the Minister for Planning	Consistent. The consistency of the proposal with the New England North West Regional Plan is discussed in Table 1 of the Planning Proposal request.
6. Local Plan Making		
6.1 Approval and Referral Requirements	A planning proposal must: (a) minimise the inclusion of provisions that require the concurrence, consultation or referral of development	The planning proposal will not include provisions that require the concurrence, consultation or referral of development applications to a Minister or



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	<p>applications to a Minister or public authority, and</p> <p>(b) not contain provisions requiring concurrence, consultation or referral of a Minister or public authority unless the relevant planning authority has obtained the approval of:</p> <p>(i) the appropriate Minister or public authority, and</p> <p>(ii) the Director-General of the Department of Planning and Environment (or an officer of the Department nominated by the Director-General),</p> <p>prior to undertaking community consultation in satisfaction of section 57 of the Act.</p>	public authority.
6.2 Reserving Land for Public Purposes	A planning proposal must not create, alter or reduce existing zonings or reservations of land for public purposes without the approval of the relevant public authority and the Director-General of the Department of Planning and Environment (or an officer of the Department nominated by the Director-General).	The planning proposal does not create, alter or reduce land reserved for a public purpose.
6.3 Site Specific Provisions	<p>Applies when a relevant planning authority prepares a planning proposal that will allow a particular development to be carried out.</p> <p>The objective is to discourage unnecessarily restrictive site specific planning controls. This direction applies to all relevant planning authorities.</p>	The planning proposal seeks to permit water extraction and bottling facilities land use in the entire zone rather than on a site specific basis. Therefore, it is consistent with the objective of this Direction.
7 Metropolitan Planning		
7.1 The Metropolitan Strategy	This direction applies to Sydney metropolitan Councils only	Not Applicable
7.2 Implementation for Greater Macarthur Land Release Investigation	Does not apply to Inverell Local Government Area	Not applicable