

**To permit a vehicle repair station on Lots 8-17, Section 40 DP758098, Old Hume Highway  
Berrima**

Proposal Title :	To permit a vehicle repair station on Lots 8-17, Section 40 DP758098, Old Hume Highway Berrima		
Proposal Summary :	To amend 'Schedule 1 - Additional permitted uses' of the Wingecarribee Local Environment Plan 2010 to allow a vehicle repair station with consent on Lots 8-17 Section 40 DP758098, 3482 Old Hume Highway, Berrima. An unauthorised vehicle repair station has been operating at the property for nearly 30 years.		
PP Number :	PP_2013_WINGE_007_00	Dop File No :	13/08213

**Planning Team Recommendation**

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

- S.117 directions :
- 1.5 Rural Lands**
  - 2.1 Environment Protection Zones**
  - 2.3 Heritage Conservation**
  - 4.4 Planning for Bushfire Protection**
  - 5.1 Implementation of Regional Strategies**
  - 5.2 Sydney Drinking Water Catchments**
  - 6.1 Approval and Referral Requirements**
  - 6.3 Site Specific Provisions**

Additional Information : The Executive Director, Rural and Regional Planning, as delegate of the Minister for Planning and Infrastructure, determine under section 56(2) of the EP&A Act that an amendment to the Wingecarribee Local Environmental Plan 2010 to enable a vehicle repair station on Lots 8-17 Section 40 DP758098, 3482 Old Hume Highway, Berrima should proceed subject to the following conditions:

1. Council is to confirm, prior to public exhibition, that the planning proposal will only apply to those lots which have existing development associated with Berrima Diesel Services constructed upon them. This appears to be Lots 10-14 and 17 Section 4 DP758098.
2. Further studies on water quality, heritage and noise assessment of Berrima Diesel Services' operations are to be completed. The results of these reports will need to demonstrate that the development can be achieved and is consistent with or justifiably inconsistent with relevant s117 Directions. The reports are to form part of the planning proposal for public exhibition.
3. Community consultation is required under sections 56(2)(c) and 57 of the Environmental Planning and Assessment Act 1979 ("EP&A Act") as follows:
  - (a) the planning proposal is to be made publicly available for 28 days; and
  - (b) the relevant planning authority must comply with the notice requirements for public exhibition of planning proposals and the specifications for material that must be made publicly available along with planning proposals as identified in section 5.5.2 of A guide to preparing local environmental plans (Department of Planning and Infrastructure 2012).
4. Consultation is required with the following public authorities under section 56(2)(d) of the EP&A Act:
  - \* NSW Rural Fire Service;
  - \* Office of Environment and Heritage;
  - \* Sydney Catchment Authority; and
  - \* Hawkesbury Nepean Catchment Management Authority.

**To permit a vehicle repair station on Lots 8-17, Section 40 DP758098, Old Hume Highway  
Berrima**

Each public authority is to be provided with a copy of the planning proposal and any relevant supporting material. Each public authority is to be given at least 21 days to comment on the proposal, or to indicate that it will require additional time to comment on the proposal. Public authorities may request additional information or additional matters to be addressed in the planning proposal.

5. No public hearing is required to be held into the matter under section 56(2)(e) of the EP&A Act. This does not discharge Council from any obligation it may otherwise have to conduct a public hearing (for example in response to a submission or if reclassifying land).

6. The timeframe for completing the LEP is to be 12 months from the week following the date of the Gateway determination.

7. The Director General can be satisfied that the planning proposal is consistent with s117 Directions 6.1 Approval and Referral Requirements and 6.3 Site Specific Provisions.

8. In accordance with the s117 Direction 4.4 Planning for Bushfire Protection, the RPA is to consult with the Commissioner of the NSW Rural Fire Service and take into account any comments. When this consultation is completed the Director-General can then be satisfied that the planning proposal is consistent with s117 Direction 4.4 Planning for Bushfire Protection.

9. Following completion of the further studies, Council will need to confirm in the planning proposal whether the proposal is consistent with the s117 Directions 1.5 Rural Lands, 2.1 Environment Protection Zones, 2.3 Heritage Conservation, 5.1 Implementation of Regional Strategies and 5.2 Sydney Water Drinking Catchments. Any inconsistencies will need to be justified.

10. The Director General can be satisfied that the planning proposal is consistent with all other relevant s117 Directions or that any inconsistencies are only of minor significance.

11. No further referral is required for any other s117 Directions whilst the planning proposal remains in its current form.

11. Council be offered the Minister's plan making delegations under sections 59(2),(3)&(4) of the Environmental Planning and Assessment Act 1979.

Supporting Reasons : The conditions are necessary to ensure that the proposed land use is achievable without environmental, heritage and social impacts and that the level of development is contained to the existing footprint and no further expansion occurs.

**Panel Recommendation**

Recommendation Date : 27-Jun-2013

Gateway Recommendation : Passed with Conditions

Panel Recommendation : The planning proposal should proceed subject to the following conditions:

1. Prior to undertaking public exhibition, Council is to update the planning proposal to confirm whether the proposal will only apply to those lots which have existing development associated with the Berrima Diesel Services constructed on them.

2. Additional information regarding the below matters is to be placed on public exhibition with the planning proposal:

- flora and fauna
- heritage
- bushfire
- water quality
- noise

**To permit a vehicle repair station on Lots 8-17, Section 40 DP758098, Old Hume Highway**

**Berrima**

Once the above information has been obtained and prior to undertaking public exhibition, Council is to update its consideration of S117 Directions 1.5 Rural Lands, 2.1 Environment Protection Zones, 2.3 Heritage Conservation, 5.1 Implementation of Regional Strategies and 5.2 Sydney Water Drinking Catchments to reflect the outcomes of this work.

3. Community consultation is required under sections 56(2)(c) and 57 of the Environmental Planning and Assessment Act 1979 ("EP&A Act") as follows:

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

4. Consultation is required with the following public authorities under section 56(2)(d) of the EP&A Act and/or to comply with the requirements of relevant S117 Directions:

- Office of Environment and Heritage
- Sydney Catchment Authority
- Hawkesbury-Nepean Catchment Management Authority
- NSW Rural Fire Service (S117 Direction 4.4 Planning for Bushfire Protection)

Each public authority is to be provided with a copy of the planning proposal and any relevant supporting material, and given at least 21 days to comment on the proposal.

5. A public hearing is not required to be held into the matter by any person or body under section 56(2)(e) of the EP&A Act. This does not discharge Council from any obligation it may otherwise have to conduct a public hearing (for example, in response to a submission or if reclassifying land).

6. The timeframe for completing the LEP is to be 12 months from the week following the date of the Gateway determination.

Signature:



Printed Name:

M. Selvin

Date:

3/7/13