

Update Mineral Resource and Transition Area mapping

Proposal Title : **Update Mineral Resource and Transition Area mapping**

Proposal Summary : **This Planning Proposal updates mineral resource and transition area mapping to reflect information provided by the NSW Department of Trade and Investment (Resources and Energy) obtained through its state wide resource audit.**

The proposal maps 5 properties as Mineral Resource that were not previously mapped; maps 20 additional properties as Transition Area; and removes the reference to mineral resource or transition area from 65 properties.

The proposal will also result in changes to clause 6.10 Significant extractive resource to reflect the terminology of the new mapping - e.g. 'Quarry Buffer' changed to 'Transition Area'; and 'Significant extractive resource' changed to 'Significant mineral resource'.

PP Number : **PP_2013_SHELL_002_00** Dop File No : **13/10368-1**

Proposal Details

Date Planning Proposal Received :	20-Jun-2013	LGA covered :	Shellharbour
Region :	Southern	RPA :	Shellharbour City Council
State Electorate :	SHELLHARBOUR	Section of the Act :	55 - Planning Proposal
LEP Type :	Precinct		

Location Details

Street : **Various lands**

Suburb : **Dunmore** City : **Shellharbour** Postcode : **2529**

Land Parcel : **Properties affected by the PP are shown on the map entitled "Lands to be added or removed".**

DoP Planning Officer Contact Details

Contact Name : **Louise Wells**

Contact Number : **0242249463**

Contact Email : **louise.wells@planning.nsw.gov.au**

RPA Contact Details

Contact Name : **Ian Rankine**

Contact Number : **0242216136**

Contact Email : **ian.rankine@shellharbour.nsw.gov.au**

DoP Project Manager Contact Details

Contact Name : **Graham Judge**

Contact Number : **0262297906**

Contact Email : **graham.judge@planning.nsw.gov.au**

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Land Release Data

Growth Centre :	N/A	Release Area Name :	N/A
Regional / Sub Regional Strategy :	Illawarra Regional Strategy	Consistent with Strategy :	Yes
MDP Number :		Date of Release :	
Area of Release (Ha) :	0.00	Type of Release (eg Residential / Employment land) :	N/A
No. of Lots :	0	No. of Dwellings (where relevant) :	0
Gross Floor Area :	0	No of Jobs Created :	0

The NSW Government Lobbyists Code of Conduct has been complied with : **Yes**

If No, comment :

Have there been meetings or communications with registered lobbyists? : **No**

If Yes, comment :

Supporting notes

Internal Supporting Notes :

BACKGROUND

NSW Department of Trade and Investment (Resources and Energy) has undertaken a state-wide audit of mineral resources to be incorporated into relevant local environmental plans. The Shellharbour LEP 2013 had already been submitted to the Minister to be made when the updated mapping was provided to the Council.

Discussions were held between the Department of Trade and Investment (Resources and Energy) and the Council and it was agreed that the resource mapping should be undertaken as an amendment to the Shellharbour LEP 2013 following notification.

DELEGATION

Council has stated in its covering letter that it has no "delegation in this matter". Council has confirmed that it has not yet accepted the Minister's delegation for plan making.

External Supporting Notes :

Adequacy Assessment

Statement of the objectives - s55(2)(a)

Is a statement of the objectives provided? **Yes**

Comment : **The Statement of Objectives adequately explains the intent of the Planning Proposal.**

Explanation of provisions provided - s55(2)(b)

Is an explanation of provisions provided? **Yes**

Comment : **The explanation of provisions adequately identifies the LEP changes that will result from the Planning Proposal.**

Justification - s55 (2)(c)

a) Has Council's strategy been agreed to by the Director General? **No**

b) S.117 directions identified by RPA :

1.2 Rural Zones

* May need the Director General's agreement

1.3 Mining, Petroleum Production and Extractive Industries

1.5 Rural Lands

2.1 Environment Protection Zones

5.1 Implementation of Regional Strategies

Is the Director General's agreement required? **No**

c) Consistent with Standard Instrument (LEPs) Order 2006 : **Yes**

d) Which SEPPs have the RPA identified?

SEPP (Mining, Petroleum Production and Extractive Industries) 2007

e) List any other matters that need to be considered :

Have inconsistencies with items a), b) and d) being adequately justified? **Yes**

If No, explain :

Council has identified that Section 117 Direction 1.3 Mining, Petroleum Production and Extractive Industries applies however this Direction only applies when a Planning Proposal will prohibit mining or extraction or will allow land uses that are potentially incompatible with mining or extraction.

This Proposal does not prohibit or restrict mining or extraction activities and, therefore, Direction 1.3 does not apply.

The Planning Proposal is consistent with relevant SEPPs and Section 117 Directions.

Mapping Provided - s55(2)(d)

Is mapping provided? **Yes**

Comment :

Council has prepared mapping to identify the properties that will be mapped as a resource or transition/buffer area. It has also mapped those areas which will no longer be identified as resource or transition/buffer area.

Community consultation - s55(2)(e)

Has community consultation been proposed? **Yes**

Comment :

Council has proposed an exhibition period of 28 days. This is considered appropriate.

Additional Director General's requirements

Are there any additional Director General's requirements? **No**

If Yes, reasons :

Overall adequacy of the proposal

Does the proposal meet the adequacy criteria? **Yes**

If No, comment :

The documentation provided - including Planning Proposal and mapping clearly identifies and justifies the proposal.

Proposal Assessment**Principal LEP:**

Due Date :

Comments in
relation to Principal
LEP :**Shellharbour LEP 2013 was notified in April 2013.****Assessment Criteria**Need for planning
proposal :**NSW Trade and Investment (Resources and Energy) has undertaken a State-wide Mineral Resource audit to provide up-to-date information to Councils to inform LEPs.****This mapping has been prepared for the Shellharbour LGA so it is appropriate to update the Shellharbour LEP to include the updated information.**Consistency with
strategic planning
framework :**The Planning Proposal is consistent with the Illawarra Regional Strategy and will implement the strategic work undertaken by NSW Trade and Investment (Resources and Energy).**Environmental social
economic impacts :**The Planning Proposal does cover land which contains Endangered Ecological Communities however the proposal does not exacerbate the potential impact on these Communities.****The Proposal will provide certainty for Quarry owners and other landowners in the area by accurately mapping resource and transition/buffer areas.****Assessment Process**

Proposal type :	Consistent	Community Consultation Period :	28 Days
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Timeframe to make LEP :	9 months	Delegation :	DDG
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Public Authority Consultation - 56(2) (d) :	Southern Rivers Catchment Management Authority Office of Environment and Heritage Department of Trade and Investment
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Is Public Hearing by the PAC required?	No
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(2)(a) Should the matter proceed ?	Yes
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If no, provide reasons :

Resubmission - s56(2)(b) : **No**

If Yes, reasons :

Identify any additional studies, if required. :

If Other, provide reasons :

Identify any internal consultations, if required :

No internal consultation required

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Is the provision and funding of state infrastructure relevant to this plan? **No**

If Yes, reasons :

Documents

Document File Name	DocumentType Name	Is Public
PP cover letter to DoPI.pdf	Proposal Covering Letter	Yes
Planning Proposal_v1.pdf	Proposal	Yes
6900_COM_SER_018_010_20130606.pdf	Map	Yes
6900_COM_SER_019_010_20130606.pdf	Map	Yes
6900_COM_SER_020_010_20130606.pdf	Map	Yes
6900_COM_SER_021_010_20130606.pdf	Map	Yes
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6900_COM_SIM_026_010_20130606.pdf	Map	Yes
6900_COM_SIM_027_010_20130606.pdf	Map	Yes
6900_COM_SIM_031_010_20130606.pdf	Map	Yes
6900_COM_SIM_032_010_20130606.pdf	Map	Yes
6900_COM_SIM_033_010_20130606.pdf	Map	Yes
Attachment 5 Dept Trade & Invest Min Audit.pdf	Study	Yes
Mineral Resource & Transition Area map.pdf	Map	Yes
Lands to be added or removed.pdf	Map	Yes
Existing clause.pdf	Proposal	Yes
Proposed clause.pdf	Proposal	Yes

Planning Team Recommendation

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

S.117 directions:

- 1.2 Rural Zones
- 1.3 Mining, Petroleum Production and Extractive Industries
- 1.5 Rural Lands
- 2.1 Environment Protection Zones
- 5.1 Implementation of Regional Strategies

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 Shellharbour Local Environmental Plan 2013 to update the mapping of Mineral Resource and Transition Areas should proceed subject to the following conditions:

1. 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).

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2. Consultation is required with the following public authorities under section 56(2)(d) of the EP&A Act:

- *Office of Environment and Heritage
- *NSW Trade and Investment - Resources and Energy Division
- *Southern Rivers Catchment Management Authority

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.

3. 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).

4. The timeframe for completing the LEP is to be 9 months from the week following the date of the Gateway determination.

SECTION 117 DIRECTIONS

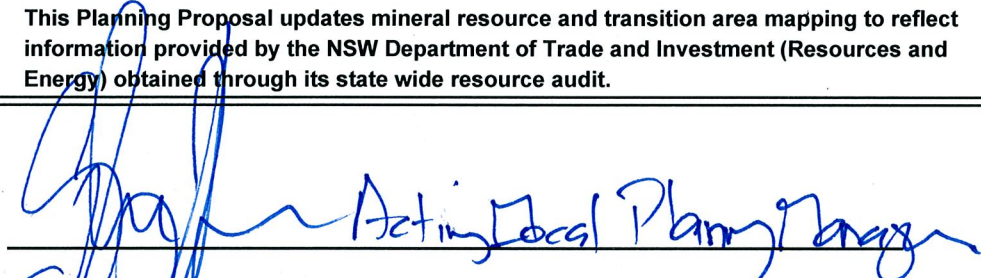
5. The Director General can be satisfied that the planning proposal is consistent with all relevant s117 Directions or that any inconsistencies are only of minor significance.

6. Further referral under these Directions is not required for the Plan while it remains in its current form.

Supporting Reasons :

This Planning Proposal updates mineral resource and transition area mapping to reflect information provided by the NSW Department of Trade and Investment (Resources and Energy) obtained through its state wide resource audit.

Signature:


Acting Local Planning Manager

Printed Name:

Graham Judge

Date:

2 July 2013