

ORDINARY MEETING AGENDA

24 MARCH 2014

Held in the Boorowa Council Chamber, 6-8 Market, Boorowa

14/25 – PLANNING PROPOSAL NO. 2 BOOROWA TOWNSHIP WATER CATCHMENT

Reference: 15.1.2
Responsible Officer: General Manager

PURPOSE

The purpose of this report is to obtain a Resolution of Council to proceed with the abovementioned planning proposal by submitting it to the Department of Planning and Infrastructure for Gateway Determination and subsequent public exhibition.

REPORT

Council at its Meeting on Monday 23 December 2013 considered a report relating to possible contamination of the Boorowa Township Water Catchment. Council resolved to prepare a planning proposal for amendment of Boorowa LEP 2012.

Justification for the proposed amendment of Boorowa LEP 2012 was explained in detail at the Council Meeting mentioned above. In addition such justification is provided in the content of the attached planning proposal.

The planning proposal has been prepared in accordance with the requirements of the Department of Planning and Infrastructure that commenced on October 2012.

A copy of the assessment of the planning proposal is provided in the report and the draft Planning Proposal No 2 is provided in attachment 1 to this report.

Details of amendments to the written instrument and the mapping forming part of Boorowa LEP 2012 are provided in the Planning Proposal No 2 in the form prescribed by the Department of Planning and Infrastructure.

It is recommended that Council approve Planning Proposal No 2 Boorowa Township Water Catchment and request that the planning proposal be forwarded to the Department of Planning and Infrastructure for issue of the Gateway Determination. The Determination will include complete details of Community Consultation that Council must follow, identify the public authorities that Council must contact during public exhibition. In addition requirements for the two planning studies would be issued by the Department.

STATUTORY PROVISIONS

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- Environmental Planning and Assessment Act 1979 sections 53 to 60 as relevant.

CONSULTATION

In accordance with standard practice, the Gateway Determination when issued by the Department of Planning and Infrastructure will contain details of Community Consultation and consultation with public authorities.

POLICY IMPLICATIONS

There are no policy implications.

FINANCIAL IMPLICATIONS

Budget 2013/2014 covers the cost of preparing the planning proposal.

ATTACHMENTS

Attachment - Planning Proposal No 2 Boorowa Township Water Catchment

RECOMMENDATION

It is recommended that Council resolve to:

- 1) To prepare Draft Planning Proposal No 2 Boorowa Township Water Catchment
- 2) To submit the Draft Planning Proposal No 2 Boorowa Township Water Catchment to the Department of Planning and Infrastructure for Gateway Determination;
- 3) To conduct public exhibition in accordance with the requirements of the Gateway Determination utilising delegations from the Department where issued;
- 4) Resolves to carry out any requirements of the Department of Planning and Infrastructure regarding the preparation of planning studies, if any;
- 5) Delegated authority be granted to the General Manager to make any procedural or administrative changes required during the Gateway process.

PLANNING PROPOSAL No. 2

BOOROWA TOWNSHIP WATER CATCHMENT



BOOROWA COUNCIL

Date Council resolved to prepare:	24 March 2014
Date Gateway Determination dated	XX
[Amended to satisfy Gateway Determination]	
Date Council Meeting determined submissions:	XX
Date Final Version sent to Department:	XX

LOCAL GOVERNMENT AREA: Boorowa Council

ADDRESS OF LAND: VARIOUS LOTS AS LISTED

MAPS AND AERIAL PHOTOS: REFER TO ATTACHMENTS

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PART 1 – OBJECTIVES OR INTENDED OUTCOMES

The purpose of the planning proposal is to protect the water catchment for the Boorowa Township by amendment of Boorowa LEP 2012.

The amendment proposed in the planning proposal complies generally with the provisions of Boorowa Strategic Land Use Plan 2006.

PART 2 – EXPLANATION OF THE PROVISIONS OF THE PROPOSED LEP

The proposed LEP will amend the Boorowa LEP 2012 as described below.

Written instrument will be amended by inserting a new clause as follows:

- Delete existing clause 6.5 Riparian lands and watercourses;
- Insert proposed clause 6.5 Water protection as follows;

6.5 Water protection

(1) The objective of this clause is to maintain the hydrological functions of riparian land, waterways and aquifers, including protecting the following:

- (a) water quality,
- (b) natural water flows,
- (c) the stability of the bed and banks of waterways,
- (d) groundwater systems.

(2) This clause applies to land identified by cross hatching as “sensitive land” on the Riparian lands and watercourses Map.

(3) Before determining a development application for development on land to which this clause applies, the consent authority must consider any adverse impact of the proposed development on the following:

- (a) the water quality of receiving waters,
- (b) the natural flow regime,
- (c) the natural flow paths of waterways,
- (d) the stability of the bed, shore and banks of waterways,
- (e) the flows, capacity and quality of groundwater systems.

- (4) Development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that:
- (a) the development is designed, sited and will be managed to avoid any adverse environmental impact, or
 - (b) if that impact cannot be avoided—the development is designed, sited and will be managed to minimise that impact, or
 - (c) if that impact cannot be minimised—the development will be managed to mitigate that impact.

Mapping will be amended as follows and as shown in attachment 1:

- Delete existing map WCL_002 and WCL_003;
- Insert proposed map WCL_002 and WCL_003.

PART 3 – JUSTIFICATION

Section A – Need for the planning proposal

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

No. A specific strategic study or report has not been done for the proposed amendment but the proposed amendment complies generally with the provisions of Boorowa Strategic Land Use Plan 2006, in particular protection of Boorowa Township Water Supply by sound Catchment Management principles.

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

It is considered that the planning proposal is the best means of achieving the intended outcomes because the LEP clause and mapping is an overt means of identifying that biosolids or other waste other than inert waste cannot be deposited in the water supply catchment.

An alternative means of achieving the objectives would be a regime of strict enforcement and public education campaign aimed towards persons and organisation involved in biosolids disposal and similar potentially dangerous wastes. The LEP clause and mapping is the best means because it advises the wider community of the importance of the water catchment. People and organisation across industry groups generally use the NSW legislation website to check local council controls in any LGA.

Section B – Relationship to strategic planning framework

3 Is the planning proposal consistent with the objectives and actions contained within the applicable regional or sub-regional strategy (including the Sydney Metropolitan Strategy and exhibited draft strategies)?

There are no regional or sub-regional strategies applying to land in Boorowa Local Government Area.

4 Is the planning proposal consistent with Council's Local Landuse Strategy 2010, Council's Community Strategic Plan, or other local strategic plan?

The planning proposal is consistent with the following provisions of the Boorowa Community Strategic Plan 2032.

Council's Community Strategic Plan has been adopted by Council and the relevant section is explained below.

Section 3.4.1 – land use planning delivers balance between development and conservation;

Section 3.4.2 – Environmental hazards and risks will be responded to and managed;

Section 3.4.3- Encourage environmentally sustainable building and design.

5 Is the planning consistent with applicable State Environmental Planning Policies?

SEPPs identified below relate to the issues in the planning proposal and their consistency and relevance are addressed.

SEPP (Rural Lands) 2008

The aim of the policy is to facilitate the orderly and economic use and development of rural lands for rural and related purposes.

Relevance to planning proposal:

The planning proposal includes some land generally located in zone RU1 Primary Production. The lands that are currently productive rural lands can continue unaltered..

Consistency:

The planning proposal is consistent with the SEPP.

Implications:

There are no implications.

SEPP (Exempt and Complying Codes) 2008

The aim of the policy is to provide streamlined assessment processes for development that complies with development standards.

Relevance to planning proposal:

Disposal of biosolids does not require Part 4 development application and consent but only part 5 assessment and approval under the Environmental Planning and Assessment Act. Part 5 assessment would lead to review of LEP, leading the proponent to the need for water protection in the water catchment.

Consistency:

The planning proposal is consistent with the SEPP.

Implications:

There are no implications.

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6 Is the planning proposal consistent with applicable Ministerial Directions (s.117 directions)?

S117 Ministerial Directions impose certain requirements on the preparation of a draft LEP. Directions identified below relate to the issues in the planning proposal and their consistency and relevance is addressed.

Ministerial Direction: 1.2 - Rural Zones

The objective is to protect the agricultural production value of rural land.

Relevance:

For the land in zone RU1 Primary Production that are identified in the LEP clause and mapping.

Consistency:

The planning proposal is consistent with the Direction because the use of affected land identified in the LEP clause and mapping can continue unaltered.

Implications:

There are no implications.

Ministerial Direction: 1.5 - Rural Lands

The objective is to protect the agricultural production value of rural land.

Relevance:

For the land in zone RU1 Primary Production that are identified in the LEP clause and mapping.

Consistency:

The planning proposal is consistent with the Direction because the use of affected land identified in the LEP clause and mapping can continue unaltered.

Implications:

There are no implications.

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Section C – Environmental, social and economic impact

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?

There are no known critical habitats or threatened species in the affected area.

The minimal land use changes in the planning proposal will not have any detrimental effect if such environmental circumstances were to exist.

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

Similar comments to those in Item 7 above.

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

In respect of social effects, the proposal is designed to protect water supply of Boorowa Township.

There are no known economic effects.

Section D – State and Commonwealth Interests

10 Is there adequate public infrastructure for the planning proposal?

No public infrastructure is required.

11 What are the views of State and Commonwealth public authorities consulted in accordance within this gateway determination?

The views of Commonwealth and State public authorities will be sought as required by the Gateway Determination when issued by the Department of Planning and Infrastructure.

PART 4 MAPPING

Mapping to be carried out in accordance with mapping requirements

PART 5 – COMMUNITY CONSULTATION

Consultation with the Community and public authorities will be carried out in accordance with the requirements of the Gateway Determination issued by the Department of Planning and Infrastructure.

PART 6 – PROJECT TIMELINES

Action	Timeline
Commencement date –	Date of Gateway Determination
Commencement date - Public Exhibition	May 2014
Completion date - Public Exhibition	28 days after commencement of public exhibition.
Timeframe for consideration of submissions	One month after close of public exhibition.
Council Meeting Date for consideration of submissions	Next available Council Meeting date.
Letter sent to Department of Planning and Infrastructure post Submissions determination by Council.	Within one week of Council Meeting date.
Last date Council must lodge to Department to satisfy Gateway Determination	As prescribed by Gateway Determination
Completion date for LEP amendment	As prescribed by Gateway Determination.

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ATTACHMENT 1

MAPPING

INDICATING EXISTING & PROPOSED MAPPING CHANGES AS A RESULT OF THIS PLANNING PROPOSAL

MAP SHOWING EXISTING MAP WCL_002 AND WCL_003



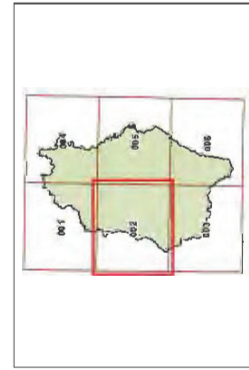
Boorowa Local Environmental Plan 2012

Riparian Lands and Watercourses Map - Sheet WCL_002

Riparian Land and Watercourses

Cadastral

Cadastral 21/01/2011 © Land and Property Information (LPI)

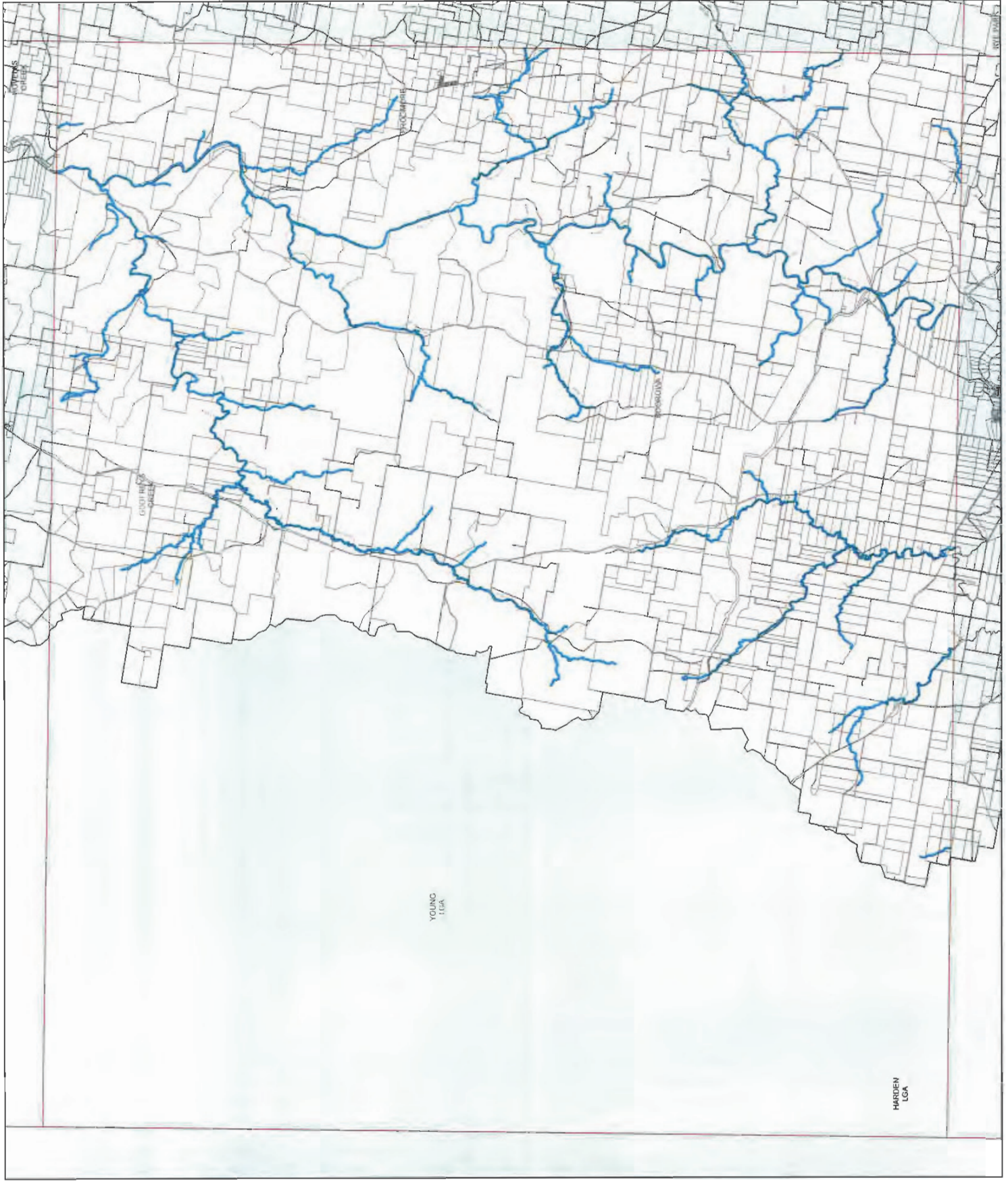


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Projection: GDA 1984
MGA Zone 55

Map identification number: 1050_COW_WCL_002_120_20120417





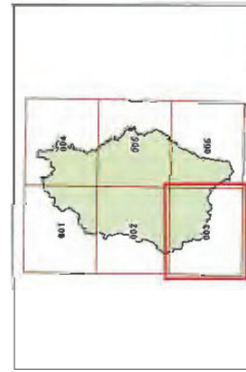
Boorowa Local Environmental Plan 2012

Riparian Lands and Watercourses Map - Sheet WCL_003

 Riparian Land and Watercourses

 Cadastre

 Cadastre 21/01/2011 © Land and Property Information (LPI)



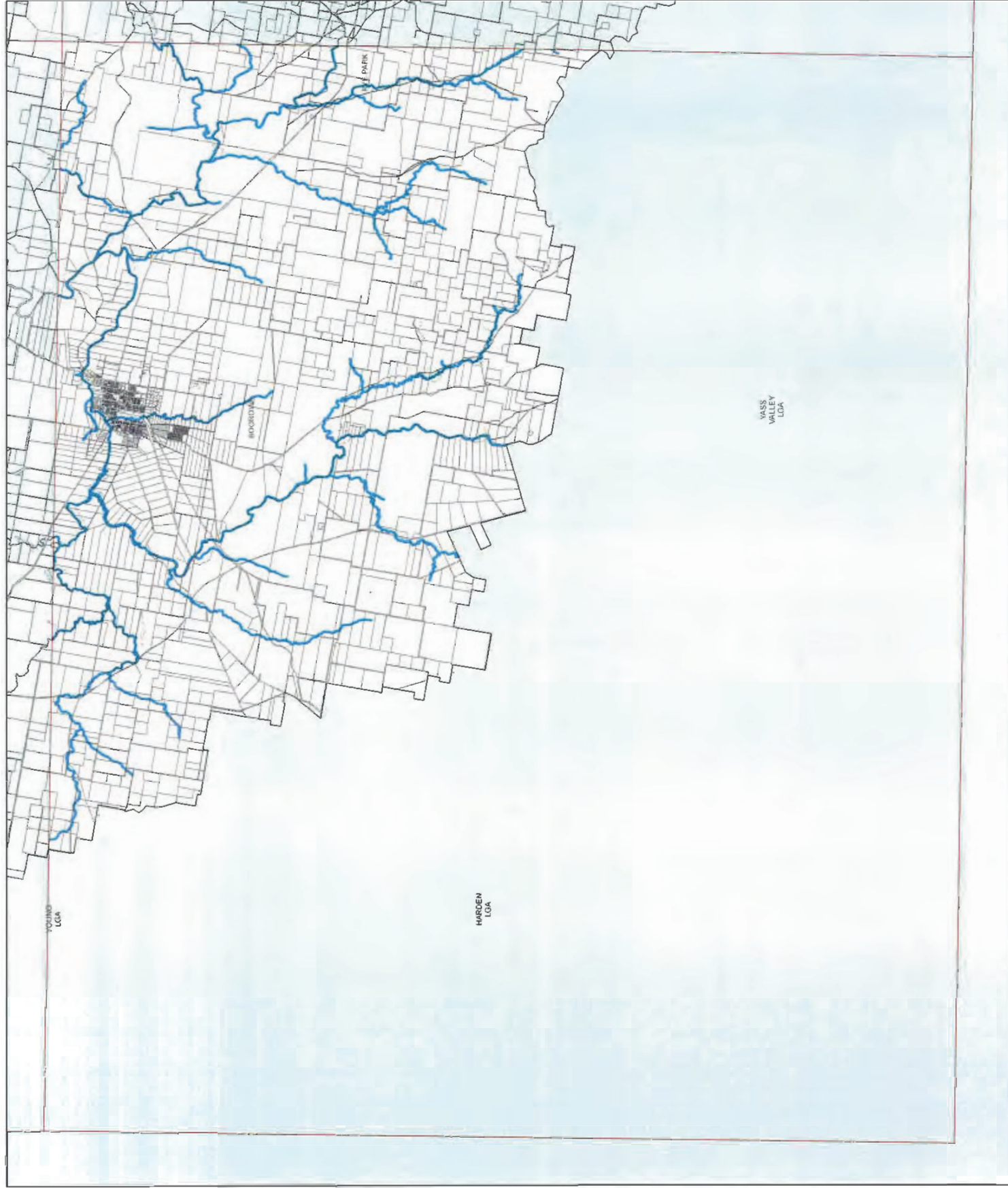
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0 1,200 2,400 3,600 4,800
Metres

Scale 1:120,000 @ A3

Projection: GDA 1984
MGA Zone 55

Map Identification number 1050_COW_WCL_003_120_20120417



MAP SHOWING PROPOSED MAPs WCL_002 AND WCL-003



Boorowa Local Environmental Plan 2012

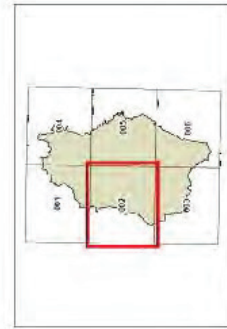
Riparian Lands and Watercourses Map - Sheet WCL_002

Riparian Land and Watercourses

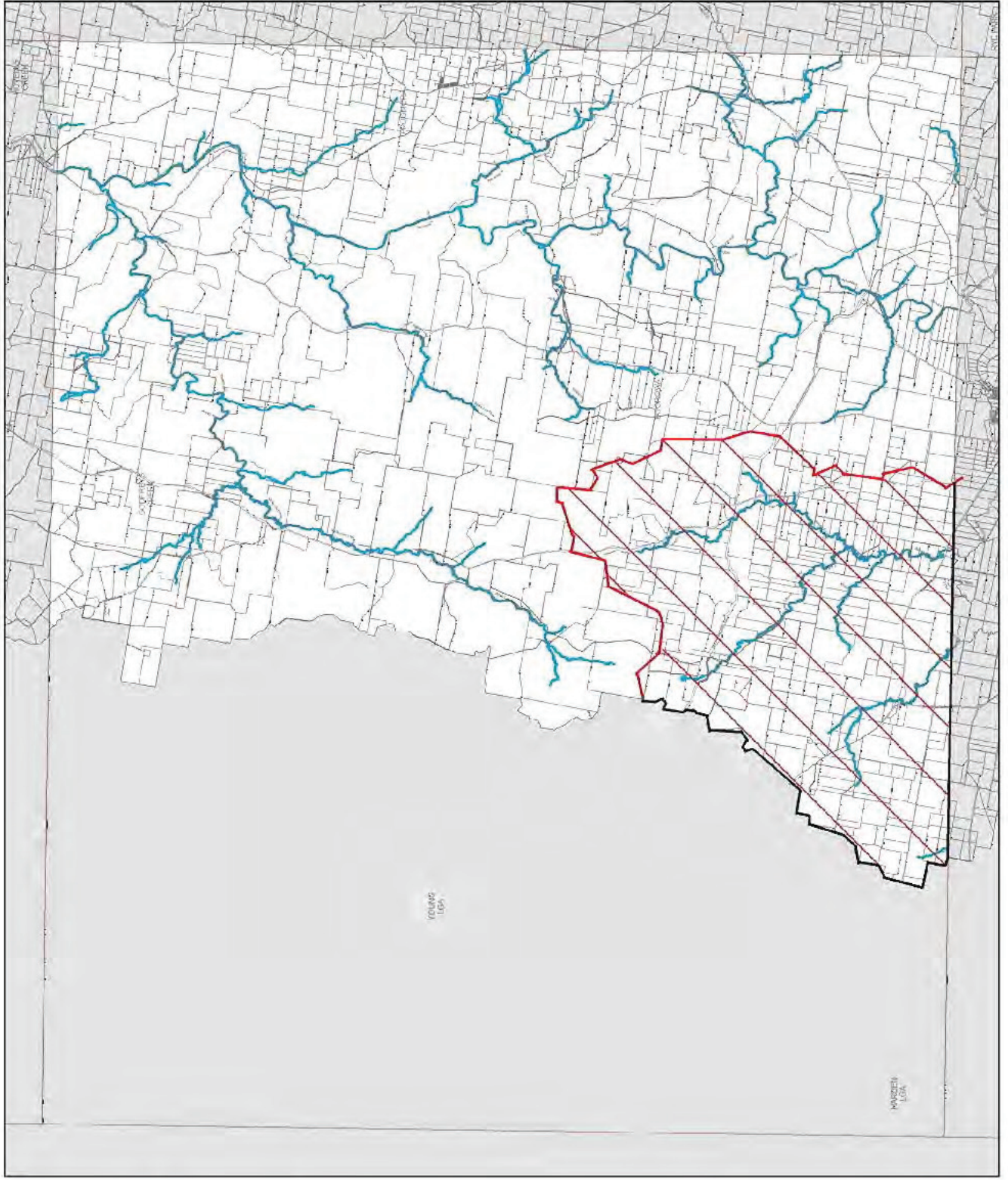
Water Catchment Area - Protection From Certain Land Uses

Cadastral

© Cassette 21/01/2011 © Land and Property Information (LPI)



Project: LGA 1584
Drawing: WCL_002
Map Identification Number: WCL_002_10120117





Boorowa Local Environmental Plan 2012

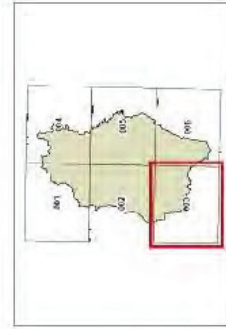
Riparian Lands and Watercourses Map - Sheet WCL_003

 Riparian Land and Watercourses

 Water Catchment Area - Protection from Certain Land
Uses

 Cadastre

 Cadastre 21/01/2011 @ Land and Property Information (LPI)



Project: EDA 1594
Map Zone: 55
Map identification number: 1550_CoLWCL_003_V02_20150417

