



Memorandum

To Natasha Highman, Brendon Jenkins
cc. Brett Whitworth
From Mark Parker
Local Planning Manager
Southern Region
Date 20th December 2011 **File no** 11/03408 **File**

SUBJECT: REQUEST FOR A LEGAL OPINION TO CORRECT CERTAIN ZONING AND NOTATION ERRORS IN WINGECARRIBEE LEP 2010-PP_2011_WINGE_002_00 Amendment No 6

PURPOSE

- To request a Local Environmental Plan (LEP) be drafted to give effect to a Planning Proposal to amend Wingecarribee Local Environmental Plan 2010.

RECOMMENDATION

- That Legal Branch request a LEP for the subject Planning Proposal be drafted by Parliamentary Counsel.

BACKGROUND

- The Planning Proposal seeks to correct errors made in the colouring on the Natural Resources Sensitivity Map, amend two Land Zoning and Lot Size Map sheets; correct land description and numbering errors in Schedule 1, and on the Schedule 1 Map.
- A summary of the purpose and intent of the LEP with more information about each matter is also at Attachment 1.

ISSUE

- The Gateway Determination was to correct a number of zoning and lot size errors; amend land descriptions in Schedule 1 and numbers on Schedule 1 Map; and amend incorrect colouring on Natural Resources Map.
- The Planning Proposal is consistent with the Gateway Determination on the 2nd of May 2011 - (attached) for all sites, maps and notations.
- The Planning Proposal was exhibited from 25th May 2011 to the 8th June 2011 and copies of the Planning Proposal were sent to government agencies as required in the Gateway Determination. No public hearing was held or required for any of the matters, and the Director General considers that any inconsistencies with s117 Directions are of a minor significance.
- No public submissions were received during the exhibition period.
- Subject to consultation with Wingecarribee Shire Council regarding the final drafting of the LEP, the draft plan will be put to the Minister and/or his delegate to be made.


Mark Parker

Local Planning Manager

Attachment 1

	Item description and original proposal	Gateway Determination
<u>1</u>	Amend the legend for Riparian Land on the Natural Resources Sensitivity Map to show Category 2 (Aquatic and Terrestrial Habitat) as green instead of blue, and Category 3 (Bank Stability and Water Quality) as blue instead of green.	Proposal to proceed as requested. (Exhibited as per Council resolution)
<u>2</u>	Amend Schedule 1 to correct certain property description errors and amend the relevant Schedule 1 Map to correct the reference numbers shown on those maps.	Proposal to proceed as requested. (Exhibited as per Council resolution)
<u>3</u>	Amend the Land Zoning Map Sheet LZN_007G to rezone Lot 1 DP 1067486 from R2 Low Density Residential to RE1 Public Recreation. Also amend the Lot Size Map sheet LZN_007G to show a change in lot size for this land from 800sqm to no minimum lot size.	Proposal to proceed as requested. (Exhibited as per Council resolution)
<u>4</u>	Amend the Land Zoning Map LZN_007J to rezone Lot 1 743008 from part SP2 Infrastructure and part R2 Low Density Residential to all R2. Also amend the Lot Size Map Sheet LSZ_0075 to show a change from no minimum lot size for this land to 700m2.	Proposal to proceed as requested. (Exhibited as per Council resolution)

Corrections to Schedule 1	Property description	Changes Required in bold
7	Use of certain land at Old Hume Highway, Braemar	Correction of subclause (1) to read DP 792
8	Use of certain land at Moss Vale Road, Burradoo	Correction of subclause (1) to read ".... DP 793738 and Lots 1 and 8, Sec A , DP 2144"
20	Use of certain land at Elizabeth Street, Moss Vale	Correction of subclause (1) from DP 1003779 to read DP 1003729
23	Use of certain land known as Renwick Urban Release Area	Correction of subclause (1) to change '30' to Schedule 1 Map and numbered 23
26	Use of Certain land at Hume Highway, Sutton Forest	Correction of subclause (1) to read: "....Hume Highway, being Lots 7 and 10, DP 811912 and part Lot 11 and Lot 12, DP 857127
30	Use of part road reserve, Hume	Correction of subclause (1) to read " This

	Highway, Yerrinbool	clause applies to part road reserve, Hume Highway, Yerrinbool, being Lots 15 and 17, DP 245509 , Lot 7311, DP 1147309 and part Lot 171, DP 751267.
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Schedule 1 Number	Property Description	Changes required are bolded
16	Use of certain land at Old Hume Highway, Mittagong	Correction of relevant number on Schedule 1 Map Sheet CLI_007G from 17 to 16
17	Use of certain land at Old Hume Highway, Mittagong	Correction of relevant number on Schedule 1 Map Sheet CL1_007G from 16 to 17
23	Use of certain land known as Renwick Urban Release Area	Correction of relevant number on Schedule 1 Map Sheet CL1_007G from 30 to 23
24	Use of certain land at Illawarra Highway, Robertson	Correction of relevant number on Schedule 1 Map Sheet CL1_011A from 23 to 24
25	Use of certain land Vandenberg Road, Robertson	Correction of relevant number on Schedule 1 Map Sheet CL1_011B from 24 to 25
26	Use of certain land at Hume Highway, Sutton Forest	Correction of relevant number on Schedule 1 Map Sheet CL1_004A from 25 to 26
27	Use of certain land at Illawarra Highway, Sutton Forest	Correction of relevant number on Schedule 1 Map Sheet CL1_007B from 26 to 27
28	Use of certain land at Old Hume Highway, Welby	Correction of relevant number on Schedule 1 Map Sheet CL1_007C from 27 to 28
29	Use of certain land at Bresnahans Lane, Wildes Meadow	Correction of relevant number on Schedule 1 Map Sheet CL1_008C from 28 to 29
30	Use of a part road reserve, Hume Highway, Yerrinbool	Correction of relevant number on Schedule 1 Map Sheet CL1_009B from 29 to 30