

Wingecarribee LGA - Amend the land use tables for certain zones in the WLEP 2010

Proposal Title : **Wingecarribee LGA - Amend the land use tables for certain zones in the WLEP 2010**

Proposal Summary : **Wingecarribee Shire Council wishes to amend the land use tables for the RU1, RU2, RU4, R3, R5, B1, B2, B4, B5, B7, IN1, IN2, IN3, SP3, RE1, RE2, E3 and E4 Zones in the Wingecarribee LEP 2010 in accordance with the directions of the Standard Instrument (Local Environmental Plans) Amendment Order 2011.**

PP Number : **PP_2012_WINGE_002_00** Dop File No : **12/01886**

Proposal Details

Date Planning Proposal Received : **30-Jan-2012** LGA covered : **Wingecarribee**

Region : **Southern** RPA : **Wingecarribee Shire Council**

State Electorate : **GOULBURN** Section of the Act : **55 - Planning Proposal**

LEP Type : **Spot Rezoning**

Location Details

Street :

Suburb : City : **Wingecarribee** Postcode :

Land Parcel : **Entire Wingecarribee LGA**

DoP Planning Officer Contact Details

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RPA Contact Details

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DoP Project Manager Contact Details

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Land Release Data

Growth Centre : **N/A** Release Area Name : **N/A**

Regional / Sub Regional Strategy : **Sydney-Canberra Corridor** Consistent with Strategy : **Yes**

Regional Strategy : **Regional Strategy**

MDP Number :	0	Date of Release :	
Area of Release (Ha) :	0.00	Type of Release (eg Residential / Employment land) :	
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 : **The Standard Instrument (Local Environmental Plans) Amendment Order 2011 clarifies the intention of zones through new and amended directions and mandatory land uses.**

The Planning Proposal responds to this new Order and seeks to amend the land use tables predominantly in line with the Order and also in response to Councils review of preferred land uses within certain zones.

The omission of the 'Cellar door premises' in the E3 zone and 'Recreation facility (outdoor)' and 'Recreation facility (major)' in the RE1 zone is a result of mistakes made during the update of the drafting of the current WLEP 2010 as a result of the Standard Template changes. This planning proposal will rectify these mistakes.

External Supporting Notes : **The Standard Instrument (Local Environmental Plans) Amendment Order 2011 has amended definitions and changed directions for various land uses permissible within zones. This Planning Proposal responds to this new Order and seeks to amend the land use tables predominantly in line with the Order and also in response to Council's review of preferred land uses within certain zones.**

Adequacy Assessment

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

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

Comment : **A statement of objectives for the Planning Proposal has been provided which is to amend the WLP 2010 land use tables for various zones in order to address amendments to the Standard Instrument.**

The statement of objectives is generally consistent with the Department's 'A Guide to Preparing a Planning Proposal'.

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

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

Comment : **The Planning Proposal will effect an amendment to the Wingecarribee LEP 2010 land use tables as follows:**

RU1 - PRIMARY PRODUCTION

- Insert 'Ecotourist facilities' under 3. Permitted with consent.
- Remove 'Open cut mining' from 3. Permitted with consent.

RU2 - RURAL LANDSCAPE

- Insert 'Ecotourist facilities' under 3. Permitted with consent.

RU4 - PRIMARY PRODUCTION SMALL LOTS

- Insert 'Ecotourist facilities' under 3. Permitted with consent.

R3 - MEDIUM DENSITY RESIDENTIAL

- Insert 'Highway service centres' under 4. Prohibited.
- Insert 'Open cut mining' under 4. Prohibited.

R5 - LARGE LOT RESIDENTIAL

- Insert 'Highway service centres' under 4. Prohibited.
- Insert 'Open cut mining' under 4. Prohibited.

B1 - NEIGHBOURHOOD BUSINESS

- Insert 'Highway service centres' under 4. Prohibited.
- Insert 'Open cut mining' under 4. Prohibited.
- Remove 'Plant nurseries' from 4. Prohibited.

B2 - LOCAL CENTRE

- Insert 'Highway service centres' under 4. Prohibited.
- Insert 'Open cut mining' under 4. Prohibited.

B4 - MIXED USE

- Insert 'Highway service centres' under 4. Prohibited.
- Insert 'Open cut mining' under 4. Prohibited.

B5 - BUSINESS DEVELOPMENT

- Insert 'Highway service centres' under 4. Prohibited.
- Insert 'Open cut mining' under 4. Prohibited.

B7 - BUSINESS PARK

- Insert 'Highway service centre' under 4. Prohibited.
- Insert 'Open cut mining' under 4. Prohibited.
- Remove 'Garden centres' from 4. Prohibited.

IN1 - GENERAL INDUSTRIAL

- Insert 'Open cut mining' under 4. Prohibited.
- Insert 'Camping grounds' under 4. Prohibited.
- Remove 'Animal boarding and training establishments' from 4. Prohibited.

IN2 - LIGHT INDUSTRIAL

- Insert 'Camping grounds' under 4. Prohibited.
- Insert 'Open cut mining' under 4. Prohibited.

IN3 - HEAVY INDUSTRIAL

- Insert 'Open cut mining' under 4. Prohibited.

SP3 - TOURIST

- Insert 'Open cut mining' under 4. Prohibited.
- Insert 'Highway service centres' under 4. Prohibited.

RE1 - PUBLIC RECREATION

- Insert 'Recreation facility (outdoor)', under 3. Permitted with consent.
- Insert 'Recreation facility (major)', under 3. Permitted with consent.

RE2 - PRIVATE RECREATION

- Insert 'Ecotourist facilities' under 3. Permitted with consent.

E3 - ENVIRONMENTAL MANAGEMENT

- Insert 'Agricultural produce industries' under 3. Permitted with consent.
- Insert 'Ecotourist facilities' under 3. Permitted with consent.
- Insert 'Cellar door premises', under 3. Permitted with consent.

E4 - ENVIRONMENTAL LIVING

- Insert 'Ecotourist facilities' under 3. Permitted with consent.
- Remove 'Plant nurseries' from 3. Permitted with consent.
- Remove 'Landscaping material supplies' from 3. Permitted with consent.

The explanation of provisions is consistent with the Department's 'A Guide to Preparing a Planning Proposal'.

Justification - s55 (2)(c)

a) Has Council's strategy been agreed to by the Director General? **Yes**

b) S.117 directions identified by RPA :

* May need the Director General's agreement

1.1 Business and Industrial Zones
1.2 Rural Zones
1.3 Mining, Petroleum Production and Extractive Industries
1.5 Rural Lands
2.1 Environment Protection Zones
2.3 Heritage Conservation
2.4 Recreation Vehicle Areas
3.1 Residential Zones
3.2 Caravan Parks and Manufactured Home Estates
3.3 Home Occupations
3.4 Integrating Land Use and Transport
4.3 Flood Prone Land
4.4 Planning for Bushfire Protection
5.2 Sydney Drinking Water Catchments

Is the Director General's agreement required? **Yes**

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

d) Which SEPPs have the RPA identified?

SEPP (Mining, Petroleum Production and Extractive Industries) 2007
SEPP (Rural Lands) 2008
Drinking Water Catchments Regional Environmental Plan No. 1

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

N/A

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

If No, explain :

S117 - 1.1 BUSINESS AND INDUSTRIAL ZONES

The Planning Proposal proposes amendments to the B1, B2, B4, B5, B7, IN1, IN2 and IN3 zones that could affect land within these zones.

It is noted that the Planning Proposal would not hamper employment growth in suitable locations, compromise employment land nor impact upon the viability of identified strategic centres. Furthermore, the Planning Proposal would not reduce potential floor space area in employment or industrial areas.

Specifically, the proposed changes to the land use tables for the B1, B2, B4, B5 and B7 zones seek to prohibit 'Open cut mining' and 'Highway service centres'. These prohibitions would not adversely impact the objectives of this s117 Direction. The only

new permissible land uses are 'Plant nurseries' in the B1 zone and 'Garden centres' in the B7 zone (as they were not intended to be prohibited). It is considered that these land uses would promote employment opportunities and would assist to strengthen the existing business areas.

The Planning Proposal seeks to prohibit 'Open cut mining' and 'Highway service centres' from all industrial zones and 'Camping grounds' under the IN1 and IN2 zones. These prohibitions would not adversely impact the objectives of the s117 Direction. The only new permissible land use is 'Animal boarding and training establishments' in the IN1 (as it will no longer be prohibited). This land use would also promote employment opportunities.

As a result the proposal is considered consistent with the Objectives of this Direction and could be considered of minor significance.

S117 - 1.2 RURAL ZONES

The Planning Proposal proposes amendments to the RU1, RU2 and RU4 zones that could affect rural land within these zones.

It is noted that the Planning Proposal would not adversely impact upon the agricultural value of the rural land in the LGA as the only new permitted use proposed in these zones is 'Ecotourist facilities' (as it will no longer be prohibited). Any land use application would assess the impact of a proposed 'Ecotourist facility' on the agricultural value of the land and would also address the Rural Lands SEPP. The use of 'Ecotourist facilities' is considered to be consistent with the Rural Lands Planning Principles.

The Planning Proposal also seeks the prohibition of 'Open cut mining' in the RU1 zone. 'Open cut mining' is mandated as permitted with consent in the RU1 zone in the Standard Instrument template. This prohibition cannot be considered as part of this Planning Proposal as Direction 2 relating to the Land Use Tables in the Standard Instrument notes that 'specific uses may be added to (but not removed from) the list of development that is permitted or prohibited in a zone'.

As a result "Open cut mining" will be retained and the Proposal is therefore considered consistent with the Objectives of this Direction and could be considered of minor significance.

S117 - 1.3 MINING, PETROLEUM PRODUCTION AND EXTRACTIVE INDUSTRIES

THE RPA has identified that this s117 Direction is relevant to this Planning Proposal, however also indicates that the Planning Proposal is considered to be justifiably inconsistent for the following reasons:

- The RPA does not support such open cut mining within any zones in the Shire.
- Clause 5(3) of State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industry) 2007 results in the SEPP prevailing over the LEP in the case of any inconsistency.

It is noted that under the Mining SEPP, mining is permissible with consent on land where development for the purposes of agriculture (including aquaculture, extensive agriculture, intensive livestock agriculture, intensive plant agriculture) or industry (general, light and heavy industry) may be carried out (with or without development consent) – in essence the RU1, RU2, RU4, IN1, IN2, IN3, SP3, RE2, E3 and E4 zones. It is noted that in the R3, R5, B1, B2, B4, B5 and B7 zones, mining is not permissible under the Mining SEPP and the Planning Proposal also seeks to prohibit "Open cut mining" in these zones under the WLEP 2010.

The Department considers that the removal of 'Open cut mining' from the land use tables (other than the RU1 zone) is acceptable in this instance as this land use would be permissible in the RU1, RU2, RU4, IN1, IN2, IN3, SP3, RE2, E3 and E4 zones under the

Mining SEPP, which is considered suitable. Furthermore, the Planning Proposal is consistent with the objective of the Direction as the future extraction of coal/minerals/petroleum/extractive materials would not be compromised as, under the Mining SEPP, mining is permissible in numerous zones in the WLEP 2010 and it is unlikely that the proposed new permissible land uses would be incompatible with a mining use.

The s117 Direction does require that the RPA consult the Director-General of the Department of Primary Industries (DPI) to identify any:

- (i) resources of coal, other minerals, petroleum or extractive material that are of either State or regional significance, and
- (ii) existing mines, petroleum production operations or extractive industries occurring in the area subject to the Planning Proposal.

This consultation has not been undertaken.

Although the Department agrees that the removal of 'Open cut mining' from the land use tables (other than the RU1 zone) is acceptable in this instance, it is still considered necessary that the RPA consult with the Director-General of the Department of Primary Industries as detailed in the s117 Direction.

As a result, the Planning Proposal is considered to be justifiably inconsistent with the Objectives of this Direction and would be considered of minor significance.

S117 - 1.5 RURAL LANDS

The Planning Proposal proposes amendments to the RU1, RU2, RU4, E3 and E4 zones that could affect rural or environmental protection land within these zones.

It is noted that the Planning Proposal would not adversely impact upon the agricultural value of the rural land in the LGA as the only new permitted use proposed in the rural zones is 'Ecotourist facilities' (as it will no longer be prohibited). This land use could facilitate the orderly and economic development of rural land, particularly in response to the changing nature of agriculture and of trends; demands and issues in agriculture in the area (see Rural Land Planning Principle (b)).

Furthermore, any development application would assess the impact of a proposed 'Ecotourist facilities' on the agricultural production value of the land and would also address the Rural Lands SEPP. The use of 'Ecotourist facilities' is consistent with the Rural Lands Planning Principles.

The impact of any 'Agricultural produce industry' and 'Cellar door premises' in the E3 zone would be assessed during the development assessment stage. It is unlikely that these land uses would reduce the environmental protection of the E3 zone.

The Planning Proposal also seeks the prohibition of 'Open cut mining' in the RU1 zone. 'Open cut mining' is detailed as permitted in the RU1 zone in the Standard Instrument template. This prohibition cannot be considered as part of this Planning Proposal as Direction 2 relating to the Land Use Tables in the Standard Instrument notes that 'specific uses may be added to (but not removed from) the list of development that is permitted or prohibited in a zone'.

As a result the proposal is considered consistent with the Objectives of this Direction and could be considered of minor significance.

S117 - 2.1 ENVIRONMENT PROTECTION ZONES

The RPA has identified that this s117 Direction applies to the Planning Proposal. As the Planning Proposal does not seek to reduce the environmental protection standards that apply to the land, it is considered that the s117 Direction is not relevant. Furthermore,

any future development application should include provisions that facilitate the protection and conservation of environmentally sensitive areas which would satisfy the objective of this Direction.

S117 - 2.3 HERITAGE CONSERVATION

There are areas of known heritage (European and Aboriginal) value in the Wingecarribee LGA.

As the Planning Proposal seeks amendments over the entire LGA, and not just one particular site/s, it is difficult to conclude whether the proposed amendments to the land use tables would have an affect on items of heritage significance or indigenous heritage significance.

It is considered that the matter of heritage conservation is best considered at the development application stage where provisions can be included that facilitate the protection and conservation of heritage items (when relevant) which would satisfy the objective of this Direction.

Wingecarribee LEP 2010 already includes standard heritage provisions.

S117 - 2.4 RECREATION VEHICLE AREAS

It appears that Council has misinterpreted the intent of this Direction. The proposed amendments to the WLEP 2010 do not seek to permit or prohibit 'recreation vehicle areas' so the Direction is not relevant.

S117 - 3.1 RESIDENTIAL ZONES

Although the Planning Proposal only seeks to prohibit 'Highway service centres' and 'Open cut mining' in the R3 and R5 zones, still has the potential to affect land within these zones. The prohibition of these land uses is considered to be consistent with the objectives of the zone as it will not restrict the provision of housing or housing choice in these residential zones.

Therefore, the Direction is considered relevant, but also consistent or any inconsistency is of minor significance.

S117 - 3.2 CARAVAN PARKS AND MANUFACTURED HOME ESTATES

It appears that Council has misinterpreted the intent of this Direction. The proposed amendments to the WLEP 2010 do not seek to prohibit 'Caravan parks', only 'Camping grounds' and therefore the Direction is not relevant.

S117 - 3.3 HOME OCCUPATIONS

It appears that Council has misinterpreted the intent of this Direction. The proposed amendments to the WLEP 2010 do not seek to prohibit 'Home occupations'. In any case Wingecarribee LEP 2010 adopts the Standard Instrument which directs where this land use should apply.

S117 - 3.4 INTEGRATING LAND USE AND TRANSPORT

It appears that Council has misinterpreted the intent of this Direction. The proposed amendments to the WLEP 2010 do not seek create, alter or remove a zone or a provision relating to urban land.

S117 - 4.3 FLOOD PRONE LAND

The proposed amendments to the WLEP 2010 could affect flood prone land. Any

development application would be assessed against the NSW Government's Flood Prone Land Policy and the principles of the Floodplain Development Manual 2005.

Wingecarribee LEP 2010 also contains the standard flooding clause.

Therefore, the Direction is considered relevant, but also consistent or any inconsistency only of minor significance.

S117 - 4.4 PLANNING FOR BUSHFIRE PROTECTION

Parts of the Wingecarribee LGA are identified as bushfire prone and therefore this s117 Direction is relevant to this Planning Proposal.

The development application process would ensure the future development meets the requirements of Planning for Bushfire Protection 2006 and the conditions of consent would satisfy the requirement of the Direction. The development application process would also enable further consultation with the NSW Rural Fire Service.

Under this Direction, the Planning Proposal is required to be referred to the NSW Rural Fire Service and its comments taken into account. This action is proposed by Council and would be consistent with this s117 Direction.

S117 - 5.1 IMPLEMENTATION OF REGIONAL STRATEGIES

Council has not identified that this Direction applies. The LGA is located in the area to which the Sydney-Canberra Corridor Regional Strategy applies and therefore the Department considers the Direction applicable.

Most specifically to the LGA as a whole, the Strategy requires consideration of water quality (i.e. drinking water catchment SEPP requirements). The potential for endangered ecological communities and riparian corridors should also be considered.

The development application process would ensure that Regional Strategy issues would be addressed and appropriately conditioned. The Planning Proposal is considered to be consistent with the s117 Direction.

S117 - 5.2 SYDNEY DRINKING WATER CATCHMENTS

The LGA is located within the Sydney Drinking Water Catchment and therefore this s117 Direction is relevant to this Planning Proposal.

The Planning Proposal is considered consistent with this Direction with the exception of clause (5)(d) where the RPA is required to consult with the Sydney Catchment Authority.

The Sydney Catchment Authority has not yet been informed of this Proposal by Council. Council has advised that it will consult with the SCA during the public exhibition of the Planning Proposal as:

- The amendments to the land use table do not in themselves impact on the matters with which the SCA is concerned.
- These matters are addressed on a site specific basis during the development assessment process.

Council is of the opinion that any issues raised by the SCA would apply to the DA assessment process and that consultation during the public exhibition phase of the Planning Proposal is therefore appropriate, unless otherwise advised in the Gateway Determination.

The Department is of the opinion that consultation with the SCA during the exhibition period is acceptable in this instance due to the reasons stated above. The inconsistency with clause (5)(d) of the Direction is considered to be of minor significance and therefore the Planning Proposal is considered justifiably inconsistent with this Direction.

Mapping Provided - s55(2)(d)

Is mapping provided? **No**

Comment : **No mapping is provided as the proposed amendments are to the land use tables that apply to the entire LGA. The Department agrees with the RPA that mapping is not required at this stage in this instance.**

Community consultation - s55(2)(e)

Has community consultation been proposed? **Yes**

Comment : **The RPA is proposing a public exhibition period of 28 days which is considered acceptable. Consultation will need to be consistent with section 4.5 of the Department's 'A Guide to Preparing Local Environmental Plans'.**

It is also recommended that the RPA consult with the Director-General of the Department of Primary Industries as detailed in the s117 Direction 1.3 (during the public exhibition of the Planning Proposal). Consultation with the Sydney Catchment Authority under s117 Direction 5.2 should also be undertaken at this stage. Consultation with the NSW Rural Fire Service under s117 Direction 4.4 is required prior to exhibition.

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 :

Proposal Assessment

Principal LEP:

Due Date : **June 2010**

Comments in relation to Principal LEP : **Wingecarribee Local Environmental Plan 2010 was notified on 16 June 2010.**

Assessment Criteria

Need for planning proposal : **A Planning Proposal is the best way to make the WLEP 2010 land use table changes. A Planning Proposal also allows for justification and exhibition of the proposal.**

Consistency with strategic planning framework :

The Wingecarribee Strategic Plan 2002 is an older strategy. It is understood that Council is working towards a revised Strategic Plan that should be available at the end of 2012. The proposal is not considered inconsistent with the 2002 strategic plan.

Drinking Water Catchments Regional Environmental Plan No. 1 (now State Environmental Planning Policy (Sydney Drinking Water Catchment) 2011) - The proposal is not inconsistent with this SEPP. A Neutral or Beneficial Effects report will need to be prepared for subsequent development applications.

State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) 2007 - This Planning Proposal, seeks to prohibit 'Open cut mining' in all zones across the LGA. The proposed 'Open cut mining' prohibition in the RU1 zone cannot be considered as part of this Planning Proposal as Direction 2 relating to the Land Use Tables in the Standard Instrument notes that 'specific uses may be added to (but not removed from) the list of development that is permitted or prohibited in a zone'. 'Open cut mining' is permissible with consent in the RU1, RU2, RU4, IN1, IN2, IN3, SP3, RE2, E3 and E4 under the Mining SEPP and therefore the proposal is not considered inconsistent with the Mining SEPP.

State Environmental Planning Policy (Rural Lands) 2008 – S117 Direction 1.5 'Rural Lands' calls for the Planning Proposal to be consistent with the Rural Subdivision Principles in the SEPP. The proposal is not inconsistent with the SEPP as it provides options to respond to the changing nature of agriculture and of trends, demands and issues in agriculture in the area.

Environmental social economic impacts :

The proposed changes to the WLEP 2010 land use tables are generally in response to issues that have arisen from the Standard Instrument (Local Environmental Plans) Amendment Order 2011.

The omission of the 'Cellar door premises' in the E3 zone and 'Recreation facility (outdoor)' and 'Recreation facility (major)' in the RE1 zone is a result of mistakes made during the update of the drafting of the current WLEP 2010 as a result of the Standard Template changes. This planning proposal will rectify these mistakes.

The RPA have identified that the proposed land use changes will:

- Help protect and improve environmental amenity across the shire;
- Help generate new employment opportunities.

The Department agrees that the changes to the land use tables has the potential to generate new employment opportunities. The changes to the WLEP 2010 are just to the land use tables, and as a result, no adverse environmental, social or economic impacts are expected. The development application process for any subsequent applications will also consider environmental, social and economic impacts under Section 79C 'Matters for consideration' of the Environmental Planning and Assessment Act 1979.

The RPA has a very strong position against open cut mining and it is of the opinion that by prohibiting open cut mines, the amenity of the LGA will improve or not be adversely impacted. It is noted again that under many zones, open cut mines are permissible with consent under the Mining SEPP. The assessment stage would consider amenity as well as other merit considerations.

Assessment Process

Proposal type : **Routine** Community Consultation Period : **28 Days**

Timeframe to make LEP : **6 Month** Delegation : **DDG**

Public Authority : **Hawkesbury - Nepean Catchment Management Authority**
 Consultation - 56(2)(d) : **Office of Environment and Heritage**
 : **NSW Rural Fire Service**

Is Public Hearing by the PAC required? **No**

(2)(a) Should the matter proceed ? **Yes**

If no, provide reasons : **The matter should progress. It is recommended that all land use changes are made with the exception of prohibiting 'Open cut mining' from the RU1 Zone, due to the requirements of the Standard Instrument.**

It is also recommended that the RPA consult with the Director-General of the Department of Primary Industries as detailed in the s117 Direction (during the public exhibition of the Planning Proposal). The Sydney Catchment Authority and the NSW Rural Fire Service should also be consulted at this time.

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

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

If Yes, reasons :

Documents

Document File Name	DocumentType Name	Is Public
Letter_to_DOPI_re_PP_for_land_use_Table.pdf	Proposal Covering Letter	Yes
Planning_Proposal_to_Amend_Land_Use_Table.pdf	Proposal	Yes
Report_to_Council_12_Oct2011_to_amend_Land_Use_Table.pdf	Proposal	Yes
Report_to_Council_12_Oct_2011_to_amend_Land_Use_Table_Minutes.pdf	Proposal	Yes
s.117_Directions_Land_Use_Table.pdf	Proposal	Yes
Amended_Planning_Proposal_to_Amend_Land_Use_Table_including_RE1_and_E3.pdf	Proposal	Yes
Amended_Letter_to_DOP_request_for_PP.pdf	Proposal Covering Letter	Yes

Planning Team Recommendation

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

S.117 directions:

- 1.1 Business and Industrial Zones
- 1.2 Rural Zones
- 1.3 Mining, Petroleum Production and Extractive Industries
- 1.5 Rural Lands
- 2.1 Environment Protection Zones
- 2.3 Heritage Conservation
- 2.4 Recreation Vehicle Areas
- 3.1 Residential Zones
- 3.2 Caravan Parks and Manufactured Home Estates
- 3.3 Home Occupations
- 3.4 Integrating Land Use and Transport
- 4.3 Flood Prone Land
- 4.4 Planning for Bushfire Protection
- 5.2 Sydney Drinking Water Catchments

Additional Information :

That the 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 to amend the land use tables should proceed subject to the following conditions:

1. Council amend the Planning Proposal to retain "Open cut mining" as permissible with consent as mandated by the Standard Instrument template within the land use table for RU1 Primary Production.
2. 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 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 4.5 of A Guide to Preparing LEPs (Department of Planning 2009).
3. Consultation is required with the following public authorities under section 56(2)(d) of the EP&A Act:
 - * NSW Department of Primary Industries - Minerals and Petroleum
 - * NSW Rural fire Service
 - * Sydney Catchment Authority
 - * Office of Environment and Heritage
 - * Hawkesbury Nepean Catchment Management Authority
 - * 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 (in the case of DPI this is 40 days under s117 Direction 1.3), 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.
4. No public hearing is required to be held into the matter under section 56(2)(e) of the EP&A Act. This does not have any bearing on the need to conduct a public hearing under the provisions of any other legislation.
5. The timeframe for completing the LEP is to be 6 months from the week following the date of the Gateway Determination.

s117 DIRECTIONS:

6. s117 Direction 1.3 Mining, Petroleum Production and Extractive Industries - Consultation is required with Department of Primary Industries - Minerals and Petroleum and 40 days allowed for a response.

7. s117 Direction 4.4 Planning for Bushfire Protection - Requires consultation with the NSW Rural Fire Service and taking into account its comments prior to exhibition.

8. s117 Direction 5.2 Sydney Drinking Water Catchments - Consultation is required with the Sydney Catchment Authority. It is inconsistent with this Direction to consult during exhibition however this is considered appropriate and the inconsistency is only considered to be of minor significance.

9. The Director General's delegate can be satisfied that the Planning Proposal is consistent with all other s117 Directions or any inconsistencies are only of minor significance.

10. No further referral is required in relation to s117 Directions for the Planning Proposal in its current form and if the above required consultations are made.

Supporting Reasons :

The majority of the changes proposed as part of this Planning Proposal are acceptable and have arisen as a result of the amendment to the Standard Instrument. With the exception of retaining 'Open cut mining' in the RU1 zone, the changes to the land use table in the WLEP 2010 should proceed.

Signature:

Printed Name:

Date:
