

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

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.

Panel Recommendation

please note qA.62469

Recommendation Date : 01-Mar-2012

Gateway Recommendation : Passed with Conditions

Panel

The planning proposal should proceed subject to the following conditions:

Recommendation :

1. The prohibition of 'Open cut mining' from the RU1 Primary Production, IN1 General Industrial, IN2 Light Industrial and IN3 Heavy Industrial zones is not supported by the Department as it is inconsistent with the Standard Instrument template and the SEPP (Mining, Petroleum Production and Extractive Industries) 2007. Therefore, Council is to retain 'Open cut mining' under item '3. Permitted with Consent' in the RU1 Primary Production zone and remove reference to inserting 'Open cut mining' under item '4 Prohibited' in the IN1 General Industrial, IN2 Light Industrial and IN3 Heavy Industrial zones. Council is to ensure compliance with this condition prior to public authority consultation.
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:

- Hawkesbury - Nepean Catchment Management Authority
- Office of Environment and Heritage
- NSW Rural Fire Service
- NSW Department of Primary Industries – Mining and Petroleum
- Sydney Catchment 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, or to indicate that they 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. Further to Condition 3 above, Council is to consult with the NSW Department of Primary Industries – Minerals and Petroleum prior to undertaking community consultation and take into account any comments made and amend the planning proposal (if necessary) as per the requirements of S117 Direction 1.3 Mining, Petroleum Production and Extractive Industries.

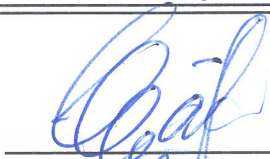
5. Further to Condition 3 above, Council is to consult with the Sydney Catchment Authority prior to undertaking community consultation and take into account any comments made and amend the planning proposal (if necessary) as per the requirements of S117 Direction 5.2 Sydney Drinking Water Catchments.

6. Further to Condition 3 above, Council is to consult with the Commissioner of the NSW Rural Fire Service prior to undertaking community consultation and take into account any comments made and amend the planning proposal (if necessary) as per the requirements of S117 Direction 4.4 Planning for Bushfire Protection.

7. 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).

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

Signature:



Printed Name:

Neil McGaffin

Date:

7.3.12