



**Planning Proposal
to
amend the Wingecarribee LEP 2010 Land Use Table**

Planning Proposal

LOCAL GOVERNMENT AREA: WINGECARRIBEE SHIRE COUNCIL

ADDRESS OF LAND : SHIREWIDE

PART 1 - OBJECTIVES OR INTENDED OUTCOMES OF PLANNING PROPOSAL

The purpose of this Planning Proposal is to amend the WLEP 2010 Land Use Table for various zones in order to address amendments to the Standard Instrument (in accordance with the Standard Instrument (Local Environmental Plans) Amendment Order 2011) which took effect in WLEP 2010 on 25 June 2011.

PART 2 – EXPLANATION OF PROVISIONS

The provisions of the Planning Proposal will result in an amendment to the Wingecarribee Local Environmental Plan 2010 Land Use Table as follows:

Zone affected	Amended to
RU1 Primary Production	- o Insert Ecotourist facility under 3 Permitted with consent. - o Remove Open cut mining from 3 Permitted with consent.
RU2 Rural Landscape	o Insert <i>Ecotourist facility</i> under 3 Permitted with consent.
RU4 Primary Production Small Lots	o Insert <i>Ecotourist facility</i> under 3 Permitted with consent.
R3 Medium density Residential	- o Insert <i>Highway service centre</i> under 4 Prohibited. - o Insert <i>Open cut mining</i> under 4 Prohibited.
R5 Large Lot Residential	- o Insert <i>Open cut mining</i> under 4 Prohibited. - o Insert <i>Highway service centre</i> under 4 Prohibited.
B1 Neighbourhood Business	- o Remove <i>Plant nurseries</i> from 4 Prohibited. - o Insert <i>Open cut mining</i> under 4 Prohibited. - o Insert <i>Highway service centre</i> under 4 Prohibited.
B2 Local Centre	- o Insert <i>Open cut mining</i> under 4 Prohibited. - o Insert <i>Highway service centre</i> under 4 Prohibited.
B4 Mixed Use	- o Insert <i>Open cut mining</i> under 4 Prohibited. - o Insert <i>Highway service centre</i> under 4 Prohibited.
B5 Business Development	o Insert <i>Open cut mining</i> under 4 Prohibited.

Zone affected	Amended to
	o Insert <i>Highway service centre</i> under 4 Prohibited.
B7 Business Park	o Remove <i>Garden centres</i> from 4 Prohibited. o Insert <i>Highway service centre</i> under 4 Prohibited. o Insert <i>Open cut mining</i> under 4 Prohibited.
IN1 General Industrial	o Insert <i>Camping grounds</i> under 4 Prohibited. o Insert <i>Open cut mining</i> under 4 Prohibited. o Remove <i>Animal boarding and training establishments</i> from 4 Prohibited.
IN2 Light Industrial	o Insert <i>Camping grounds</i> under 4 Prohibited. o Insert <i>Open cut mining</i> under 4 Prohibited.
IN3 Heavy industrial	o Insert <i>Open cut mining</i> under 4 Prohibited.
SP3 Tourist	o Insert <i>Open cut mining</i> under 4 Prohibited. o Insert <i>Highway service centre</i> under 4 Prohibited.
RE1 Public Recreation	o Insert <i>Recreation facility (outdoor)</i> and <i>Recreation facility (major)</i> under 3 Permitted with consent.
RE2 Private Recreation	o Insert <i>Ecotourist facility</i> under 3 Permitted with consent.
E3 Environmental Management	o Insert <i>Agricultural produce industry</i> under 3 Permitted with consent. o Insert <i>Ecotourist facility</i> under 3 Permitted with consent. o Insert <i>Cellar Door Premises</i> under 3 Permitted with consent.
E4 Environmental Living	o Insert <i>Ecotourist facility</i> under 3 Permitted with consent. o Remove <i>Landscaping material supplies</i> from 3 Permitted with consent. o Remove <i>Plant nurseries</i> from 3 Permitted with consent.

PART 3 – JUSTIFICATION

NB: A copy of the Report to Council and the resulting Resolution of Council regarding this Planning Proposal is attached.

Section A – Need for the Planning Proposal

1. Is the Planning Proposal the result of any strategic study or report?	No. The Planning Proposal is for the most part the result of amendments to the Standard Instrument on which WLEP 2010 is
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	based. Other proposed amendments are based on Council's review of preferred land uses within certain zones.
2. Is the Planning Proposal the best means of achieving the objectives or intended outcomes, or is there a better way?	Yes.
3. Will the net community benefit outweigh the cost of implementing and administering the Planning Proposal?	Yes. The proposed land uses amendments will facilitate certain types of development and prohibit others which the community has identified as being undesirable development. With respect to permitting certain recreation facilities in the RE1 Public Recreation zone, these land uses will permit a broader range of activity which Council has always intended. Their omission appears to be a drafting error in the making of WLEP 2010. With respect to permitting Cellar Door Premises in the E3 Environmental Management zone, this land use had previously been included as Amendment 1 to WLEP 2010, but was then omitted in a subsequent amendment. This land use is of particular benefit to business operators in the E3 zone.

Section B – Relationship to strategic planning framework

4. Is the Planning Proposal consistent with the objectives and actions contained within the applicable regional or sub-regional strategy (included draft strategies)?	Yes. Both regional and sub-regional strategies rely on WLEP 2010 for efficient and effective land use management within the Shire.
5. Is the Planning Proposal consistent with the local council's Community Strategic Plan, or other local strategic plan?	Yes. Both Council's community strategic plan and the local strategic plan rely on WLEP 2010 for efficient and effective land use management within the Shire.
6. Is the Planning Proposal consistent with applicable state environmental planning policies?	The Planning Proposal is consistent with the following relevant SEPPs: 1. Rural Lands.

	2. Sydney Drinking Water Catchment. The Planning Proposal is not consistent with the following SEPP to the extent that open cut mining is proposed to be prohibited in all zones: 3. Mining, Petroleum Production & Extractive Industries.
7. Is the Planning Proposal consistent with applicable Ministerial Directions (s.117 directions)?	Yes. A copy of the completed s.117 Directions is included.

Section C – Environmental, social and economic impact

8. 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 Planning Proposal?	No. Any Land Use Application made as a result of this Planning Proposal would be required to demonstrate that no threatened communities or habitats are affected by the proposed development.
9. Are there any other likely environmental effects as a result of the Planning Proposal and how are they proposed to be managed?	No. Any Land Use Application made as a result of this Planning Proposal would be required to demonstrate that no negative environmental impacts will result from the proposed development.
10. How has the Planning Proposal adequately addressed any social and economic effects?	Any Land Use Application made as a result of this Planning Proposal would be required to identify any social or economic impacts which might result from the proposed development. With respect to permitting certain recreation facilities in the RE1 Public Recreation zone, these land uses will permit a broader range of activity which Council has always intended. Their omission appears to be a drafting error in the making of WLEP 2010. With respect to permitting Cellar Door Premises in the E3 Environmental Management zone, this land use had previously been included as Amendment 1

	to WLEP 2010, but was then omitted in a subsequent amendment. This land use is of particular benefit to business operators in the E3 zone.
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Section D – State and Commonwealth interests

11. Is there adequate public infrastructure for the Planning Proposal?	Any Land Use Application made as a result of this Planning Proposal would be required to identify the impacts on public infrastructure which might result from the proposed development.
12. What are the views of State and Commonwealth public authorities consulted in accordance with the Gateway Determination?	The SCA has not been approached as these proposed amendments to the land use table affect the entire Shire. Specific impacts regarding SCA concerns would be addressed through the LUA assessment process. Public authority consultation will occur through the exhibition period as required under the Gateway Determination.

PART 4 – COMMUNITY CONSULTATION

The Planning Proposal would be placed on public exhibition for a period of 28 days and identified stakeholders would be notified, unless otherwise advised in the Gateway Determination.