



Amend Bombala LEP 2012 to rezone land SP2 Infrastructure Zone (Water Storage Facility)

Proposal Title : Amend Bombala LEP 2012 to rezone land SP2 Infrastructure Zone (Water Storage Facility)

Proposal Summary : Snowy Monaro Regional Council seek to amend Bombala LEP 2012 and rezone land along the Coolumbooka River and Bombala River to SP2 Infrastructure (Water Storage Facility) Zone.

The subject land is the existing impoundment along the Coolumbooka River (Bombala water supply) and a proposed extension of the impoundment on land on and adjacent to the Bombala River.

PP Number : PP_2017_SMONA_001_00

Dop File No : 17/03950

Proposal Details

Date Planning : 23-Mar-2017

Proposal Received :

LGA covered : Snowy Monaro Regional

Region : Southern

RPA : Snowy Monaro Regional Council

State Electorate : MONARO

Section of the Act : 55 - Planning Proposal

LEP Type : Spot Rezoning

Location Details

Street : Coolumbooka River

Suburb :

City : Bombala

Postcode : 2632

Land Parcel : Existing impoundment Lots 1-6 DP 1122951, Lots 1-7 DP 1161886, Lots 41-50 DP 264454 , Pt Lot 1 DP 863574, Part lot 6 DP 112091.

Street : Bombala River

Suburb :

City : Bombala

Postcode : 2632

Land Parcel : Proposed impoundment Lots 7017-7018 DP 94005, Lot 7024 DP 1024462, Lot 7016 DP 94006, Lot 7013 DP 1026178, Pt Lot 511 DP 1152280, Part Lots 1, 80, 154, 155, 352 DP 756819, Lot 7009 DP 94007, Lots 7,8 Pt 1 Sec 56 DP 758129, Pt Lot 790 DP 1150989, Lot 7303 DP 1148011, Pt Lot 132 DP 1166322, Lot 7501 DP 1145394, Lot 701 DP 1028120, Pt Lots 5-6 DP 749463

Amend Bombala LEP 2012 to rezone land SP2 Infrastructure Zone (Water Storage Facility)

DoP Planning Officer Contact Details

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Land Release Data

Growth Centre :	N/A	Release Area Name :	N/A
Regional / Sub Regional Strategy :	N/A	Consistent with Strategy :	N/A
MDP Number :		Date of Release :	
Area of Release (Ha) :	0.00	Type of Release (eg Residential / Employment land) :	N/A
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 :

External Supporting Notes : The Department sought further information from Council on the 9 March 2017 regarding flood impacts (s117 Direction 4.3 Flood Prone Land) associated with the new impoundment and if Council intends acquiring land proposed to be zoned SP2 Infrastructure for the proposed water storage facility (s117 Direction 6.2 Reserving Land for Public Purposes).

Council's consultant Allen Grimwood, Zenith Town Planning, provided the additional information on the 9 March 2017 as follows;

Amend Bombala LEP 2012 to rezone land SP2 Infrastructure Zone (Water Storage Facility)

"Acquisition of private land

Council is not intending to acquire any private land affected by the rezoning as the actual impact on the land is likely to be minimal given the minor increase in water levels and topography. However, this would be subject to negotiation with landowners depending on the consequences of raising water levels. It is understood that if Council does resolve to acquire land at some point in the future then an amendment would need to be made to the Land Reservation Acquisition Map of Bombala LEP 2012."

"Impact on flood levels

The impact of a weir up to 2 metres high had been modelled as one of the scenarios in the recent Bombala Floodplain Management Plan preparation. The analysis of flood behaviour indicated that there would be no impact on the 1:100 flood level as the waterway restriction feature was actually some 1 km further downstream."

"Water quality improvements

It is likely that an improvement to water quality will result from the use of the Bombala River water over the existing Coolumbooka weir source. This is largely due to the nature of the parent geology characteristics in the catchments. The Bombala catchment is largely granite-based which provides substantial areas of sandy river bed which aids natural filtration. The Coolumbooka River catchment contains peat swamps elevated in the catchment which impart high levels of colour, taste and odour into the water making chemical treatment necessary. With such treatment comes the associated cost and environmental impacts."

Further additional information was received from Zenith Town Planning on the 23 March 2017 to clarify that the following current zones are affected by the proposal to rezone land to SP2 Infrastructure Zone;

"Lot 132 DP 1166322 will be affected to a very minor degree. This lot is zoned R1 General Residential. The remainder of affected properties are zoned RE1, RU1 and R5."

Council's consultant, Zenith Town Planning, provided additional information on the 27 March 2017 indicating that private (10) and public (3) landowners (other than Council) are affected by the proposed SP2 Infrastructure Zone. A list of the affected property owners and site descriptions is attached as a document to this report.

Zenith Town Planning also advised that there "will be negligible impact on development potential as the area of these allotments proposed to be rezoned is minor in relation to the total area of the allotments. There will be no loss of dwelling entitlement on any of the affected lots. All areas proposed to be rezoned along the Bombala River are within the flood planning area under the Bombala LEP."

Adequacy Assessment

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

Is a statement of the objectives provided? Yes

Comment : The planning proposal clearly indicates Council's intention to zone the subject land to SP2 Infrastructure (Water Storage Facility) Zone and that the rezoning will permit the extension of the existing impoundment (water storage facility) to include land along the Bombala River.

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

Is an explanation of provisions provided? Yes

Comment : The planning proposal clearly indicates that Council intends to amend the Land Zoning Map LZN_004G to change the zoning of the subject land to SP2 Infrastructure (Water Storage Facility) Zone.

Council's consultant confirmed on the 23 March 2017 that the proposed SP2 Infrastructure Zone will replace the following Zones;

Amend Bombala LEP 2012 to rezone land SP2 Infrastructure Zone (Water Storage Facility)

The proposed SP2 Infrastructure Zone will replace the following zones;

Existing Impoundment

- RU1 Primary Production Zone. The zone change is likely to have minimal impact because it affects land within the existing impoundment.

New Impoundment

- R1 General Residential Zone. Lot 132 DP 1166322 will be affected to a very minor degree.

- R5 Large Lot Residential Zone.

- RE1 Public Recreation Zone.

The Explanation of Provisions should be revised to indicate that the Lot Size Map will be amended to identify no minimum lot size for land to be zoned as SP2 Zone.

Justification - s55 (2)(c)

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

b) S.117 directions identified by RPA :

1.2 Rural Zones

1.5 Rural Lands

* May need the Director General's agreement

6.1 Approval and Referral Requirements

6.3 Site Specific Provisions

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 (Infrastructure) 2007

SEPP (Rural Lands) 2008

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

BOMBALA LAND USE STRATEGY

The Bombala Land Use Strategy was adopted by Bombala Council on 17 March 2010 and endorsed by DPE on the 3 June 2010.

Although the proposed rezoning of the land and the proposed impoundment are not identified in the Bombala Land Use Strategy the planning proposal indicates that Council resolved in 2015 to commence planning approval process for a new low level weir and road crossing on the Bombala River to expand the towns water supply.

The council resolution is a strategic action that supersedes the 2010 Bombala Strategy. The proposal has merit because it seeks to improve the security and water quality of the water supply for Bombala.

No further action is required on this matter.

SURFACE WATER LICENSE - WATER ACT 1912

The planning proposal states that in response to a Council application submitted to the DPI - Water under the Water Act 1912, DPI advised it would not assess the application because the proposed water storage facility was prohibited under the current RE1 Public Recreation Zone. The response from DPI Water further supports the need for the land to be zoned SP2 Infrastructure (water storage facility) Zone to enable Council to progress the proposal with relevant state agencies.

Have Inconsistencies with items a), b) and d) being adequately justified? No

If No, explain :

SECTION 117 DIRECTION 1.2 RURAL ZONES

This Direction does apply to the planning proposal as it will affect land within an existing rural zone (i.e. RU1 Primary Production Zone).

The proposal is considered to be consistent with this direction and no further action is required.

SECTION 117 DIRECTION 1.5 RURAL LANDS

This Direction does apply to the planning proposal as it will affect land within an existing rural zone (i.e. RU1 Primary Production Zone).

The proposal is considered to be consistent with this direction and no further action is required.

SECTION 117 DIRECTION 3.1 RESIDENTIAL ZONES

This Direction does apply to the planning proposal as it will affect land within an existing or proposed residential zone (R5 Large Lot Residential Zone).

The proposal is considered to be consistent with this direction and no further action is required.

SECTION 117 DIRECTION 4.3 FLOOD PRONE LAND

The planning proposal does not address the inconsistency with Section 117 Direction 4.3 Flood Prone Land.

The planning proposal will rezone land zoned RU1 Primary Production Zone and RE1 Public Recreation Zone to SP2 Infrastructure Zone.

Clause (5) of the Direction states that a planning proposal must not rezone land within flood planning areas from Recreation or Rural zones to a Special Use Zone and is therefore inconsistent with this Direction.

Council's consultant, Zenith Town Planning, provided additional information on flood impacts on the 9 March 2017 as follows:

"Impact on flood levels

The impact of a weir up to 2 metres high had been modelled as one of the scenarios in the recent Bombala Floodplain Management Plan preparation. The analysis of flood behaviour indicated that there would be no impact on the 1:100 flood level as the waterway restriction feature was actually some 1 km further downstream."

The additional information from Zenith Town Planning also included a copy of the 'Bombala Floodplain Risk Management Study and Floodplain Risk Management Plan May 2013'.

The additional information from Council's consultant provides justification for the inconsistency with s117 Direction 4.3 Flood Prone Land.

The planning proposal should be revised prior to state agency/community consultation to provide a response to the requirements of s117 Direction 4.3 Flood Prone Land and to include information on potential flood impacts of the new impoundment.

It is also recommended that Council refer the PP to WaterNSW and OEH (Flood Unit) as part of the state agency consultation.

RECOMMENDATIONS:

1. The Secretary can be satisfied that the inconsistency is in accordance with a floodplain risk management plan prepared in accordance with the principles and guidelines of the Floodplain Development Manual 2005 and is of minor significance.
2. That a Gateway condition require Council to;
 - revise the PP to address the inconsistency with s117 Direction 4.3 Flood Prone Land,
 - revise the PP to include information on potential flood impacts of the expansion of the impoundment.
 - undertake consultation with WaterNSW and OEH (Flood Unit).

SECTION 117 DIRECTION 6.2 RESERVING LAND FOR PUBLIC PURPOSES

This Direction does apply to the planning proposal as it will create/alter/reduce existing zonings or reservations of land for public purposes and requires the approval of the relevant public authority and the Secretary of the Department.

The proposed SP2 Infrastructure Zone will replace the following zones;

Existing Impoundment

- RU1 Primary Production Zone and 40 ha minimum lot size. The zone change is likely to have minimal impact because it affects land within the existing impoundment.

New Impoundment

- R1 General Residential Zone and no minimum lot size. Lot 132 DP 1166322 will be affected to a very minor degree.

- R5 Large Lot Residential Zone and 2 ha minimum lot size.

- RE1 Public Recreation Zone and no minimum lot size.

The land use table of the R1 General Residential Zone and R5 Large Lot Residential Zone permit a number of landuses, including dwellings, that will become prohibited under an SP2 Infrastructure Zone.

The planning proposal does not provide a response to this Direction.

In response to a request to Council for further information on whether Council intends acquiring private land proposed to be zoned SP2 Infrastructure Zone Council's consultant, Zenith Planning, provided the following response;

"Council is not intending to acquire any private land affected by the rezoning as the actual impact on the land is likely to be minimal given the minor increase in water levels and topography. However, this would be subject to negotiation with landowners depending on the consequences of raising water levels. It is understood that if Council does resolve to acquire land at some point in the future then an amendment would need to be made to the Land Reservation Acquisition Map of Bombala LEP 2012."

The additional information from Council's consultant provides justification for the inconsistency with s117 Direction 6.2 Reserving Land for Public Purposes on the basis that the inconsistency is of minor significance.

The planning proposal however should be amended to address s117 Direction 6.2 Reserving Land for Public Purposes.

Affected private landholders should also be notified as part of the public exhibition of the proposal.

RECOMMENDATIONS:

1. The Secretary of the Department approves of the proposal under s117 Direction 6.2 Reserving Land for a Public Purpose, i.e. SP2 Infrastructure (water storage facility) Zone.
2. That a Gateway condition require Council to revise the planning proposal to address s117 Direction 6.2 Reserving Land for Public Purposes.
3. That a Gateway condition require Council to notify all private landholders affected by the proposed rezoning to SP2 Infrastructure Zone.

SEPP (INFRASTRUCTURE) 2007

The SEPP permits water storage facilities without consent in RU1 Primary Production Zone and SP2 Infrastructure where the facility is being carried out by, or on behalf, of a public authority.

The SEPP (Infrastructure) 2007 does not identify the R5 Large Lot Residential Zone and RE1 Public Recreation Zone as a 'prescribed zone' and therefore 'water storage facilities' remain prohibited in the R5 Large Lot Residential Zone and RE1 Public Recreation Zone under the Bombala LEP 2012.

The main purpose of the planning proposal is to enable the proposed extension of the impoundment (water storage facility) to be permissible by changing the zoning of the

Amend Bombala LEP 2012 to rezone land SP2 Infrastructure Zone (Water Storage Facility)

land affected by the new impoundment from R5 Large Lot Residential Zone and RE1 Public Recreation Zone to an SP2 Infrastructure (Water Storage Facility) Zone.

The planning proposal to rezone the subject land to SP2 Infrastructure (Water Storage Facility) Zone should proceed to enable Council to continue with obtaining the necessary approvals for the extension of the impoundment.

SEPP (RURAL LANDS) 2008

The SEPP is linked with s117 Direction 1.5 Rural Lands. The planning proposal satisfies the 'Planning Principles' contained within the SEPP.

Mapping Provided - s55(2)(d)

Is mapping provided? Yes

Comment : Adequate Maps have been provided in the planning proposal to identify the current and proposed zones of the subject and adjoining land.

The maps and diagrams are adequate for community consultation provided Council notifies each affected private landowner of the planning proposal as part of community consultation.

Council will be required to prepare a draft LEP Map sheet for LZN_004G and LSZ_004G that is consistent with the Departments LEP Mapping requirements if it decides to proceed to formal approval of the plan under s59 of the Environmental Planning and Assessment Act 1979.

RECOMMENDATION:

Council notify all private landholders of the planning proposal as part of the community consultation process.

Community consultation - s55(2)(e)

Has community consultation been proposed? Yes

Comment : The planning proposal has indicated that Council intends to exhibit the PP for a 28 day period. The planning proposal is not a minor spot rezoning and therefore a 28 day community consultation period proposed by Council is appropriate.

It is also recommended that Council notify all private landholders of the planning proposal as part of the community consultation process.

RECOMMENDATION:

- Community consultation be undertaken for a minimum of 28 days.
- Council notify all private landholders of the planning proposal as part of the community consultation process.

Additional Director General's requirements

Are there any additional Director General's requirements? No

If Yes, reasons : No further requirements.

Overall adequacy of the proposal

Does the proposal meet the adequacy criteria? No

If No, comment : The Planning Proposal should be amended to address s117 Direction 4.3 Flood Prone Land, provide information on flood impacts associated with the extension of the impoundment on the Bombala River and address s117 Direction 6.2 Reserving Land for a Public Purpose.

The planning proposal will meet the adequacy criteria provided that, as a condition of

Amend Bombala LEP 2012 to rezone land SP2 Infrastructure Zone (Water Storage Facility)

the Gateway, it is revised to address the s117 Direction 4.3 Flood Prone Land, flood impacts and address s117 Direction 6.2 Reserving Land for a Public Purpose.

The Explanation of Provisions should be revised to indicate that the Lot Size Map will be amended to identify the minimum lot size to be applied to land to be zoned as SP2 Zone is 'nil' minimum lot size.

RECOMMENDATION:

- The Gateway Determination include a condition that requires Council to address s117 Direction 4.3 Flood Prone Land and to include information on the potential flood impacts.
- The Gateway Determination include a condition that requires Council to address s117 Direction 6.2 Reserving Land for a Public Purpose.
- The Gateway Determination include a condition that the Explanation of Provisions be revised to indicate that the Lot Size Map will be amended to identify a 'nil' minimum lot size to be applied to land to be zoned as SP2 Zone.

Proposal Assessment

Principal LEP:

Due Date :

Comments in relation to Principal LEP : Bombala LEP 2012 is a principal Standard Instrument LEP that was notified in 2012.

Assessment Criteria

Need for planning proposal :

The current R5 Large Lot Residential Zone and RE1 Public Recreation Zone over land that is proposed as an extension of the existing impoundment (water storage facility) in Bombala prohibits 'water storage facilities'. The SEPP (Infrastructure) 2007 does not identify the R5 Large Lot Residential Zone and RE1 Public Recreation Zone as a 'prescribed zone' and therefore 'water storage facilities' remain prohibited in the R5 Large Lot Residential Zone and RE1 Public Recreation Zone.

The main purpose of the planning proposal is to enable the proposed extension of the impoundment (water storage facility) to be permissible by changing the zoning of the land affected by the new impoundment from R5 Large Lot Residential Zone and RE1 Public Recreation Zone to an SP2 Infrastructure (Water Storage Facility) Zone. The rezoning to SP2 Infrastructure (Water Storage Facility) Zone will permit the extension of the impoundment.

The extension of the impoundment is required to provide greater water security for the town of Bombala during drought periods and for the expansion of the town and to improve the water quality of the town's potable water supply.

The zoning change will enable Council to proceed with preparation of a detailed design of the weir structure and impoundment area as part of further discussions/approvals from the Department of Primary Industries - Water under the Water Act 1912 and Water Sharing Plan.

Council has also decided to rezone land affected by the existing impoundment from RU1 Primary Production Zone to SP2 Infrastructure Zone so that there is a consistent zone applied to both the existing and proposed extension of the impoundment.

The planning proposal states that in response to a Council application submitted to the DPI - Water under the Water Act 1912, DPI advised it would not assess the application because the proposed water storage facility was prohibited under the current RE1 Public Recreation Zone.

The response from DPI Water further supports the need for the land to be zoned SP2

Amend Bombala LEP 2012 to rezone land SP2 Infrastructure Zone (Water Storage Facility)

Infrastructure (water storage facility) Zone to enable Council to progress the proposal with relevant state agencies.

The planning proposal has adequately justified the need to proceed.

RECOMMENDATION:

The planning proposal has merit and it is recommended that a Gateway Determination be issued to enable Council to proceed with the next stage of consultation with relevant state agencies and the community.

Consistency with strategic planning framework :

BOMBALA LAND USE STRATEGY

The Bombala Land Use Strategy was adopted by Bombala Council on 17 March 2010 and endorsed by DPE on the 3 June 2010.

Although the proposed rezoning of the land and the proposed impoundment are not identified in the Bombala Land Use Strategy the planning proposal states that Council resolved in 2015 to commence the planning approval process for a new low level weir and road crossing on the Bombala River to expand the town's water supply.

The council resolution is a strategic action that supersedes the 2010 Bombala Strategy. The proposal has merit because it seeks to improve the security and water quality of the water supply for Bombala.

No further action is required on this matter.

Environmental social economic impacts :

ECONOMIC AND SOCIAL BENEFITS

The planning proposal states that the rezoning to SP2 Infrastructure Zone to enable the extension of the water storage facility is "expected to bring positive and economic effects by securing an additional 50 to 60 megalitres of town water supply. This would support population growth and any consequent increases in commercial and industrial activity".

10 private landholders and 3 state agency landholders are affected by the proposal. The majority of private landholders (8) are affected by the proposed SP2 Zone on land affected by an extension of the impoundment on the Bombala River.

Council's consultant, Zenith Town Planning, has provided additional information that, in summary, Council is not intending to acquire any private land affected by the rezoning.

Zenith Town Planning has also indicated that "There will be negligible impact on development potential as the area of these allotments proposed to be rezoned is minor in relation to the total area of the allotments. There will be no loss of dwelling entitlement on any of the affected lots. All areas proposed to be rezoned along the Bombala River are within the flood planning area under the Bombala LEP."

To ensure private landholders are informed of the change of zone to SP2 Infrastructure Zone it is recommended that Council notify these landholders as part of the community consultation process.

ENVIRONMENTAL EFFECTS

The planning proposal includes a Terrestrial and Aquatic Biodiversity Assessment for the proposed Bombala Weir and Low-level Bridge prepared by EnviroKey dated February 2016.

The planning proposal concludes that, based on the concept design for the weir, the proposal is 'unlikely' to have a significant effect on any listed threatened flora or fauna species, communities, populations and their habitats in accordance with the Threatened Species Act or Fisheries Management Act.

The planning proposal states that a search of the Aboriginal Heritage Information Management Service database maintained by the OEH indicates that there are no Aboriginal sites recorded in or near the selected location and no Aboriginal places have been declared in or near the selected location.

Council should be required to consult with the OEH and DPI (Fisheries) to enable these agencies to assess and comment on the environmental reports and statements contained in the planning proposal.

FLOOD IMPACTS

The planning proposal does not address flood impacts of the proposed impoundment or an inconsistency with s117 Direction Flood Prone Land.

Council's consultant, Zenith Town Planning, provided additional information on flood impacts on the 9 March 2017 noted above, and in summary, that the impact of a weir up to 2 metres high had been modelled indicating there would be no impact on the 1:100 flood level.

The planning proposal should be revised prior to state agency/community consultation to provide a response to the requirements of s117 Direction 4.3 Flood Prone Land and to include information on potential flood impacts of the new impoundment included as part of the Bombala Floodplain Risk Management Study and Floodplain Risk Management Plan 2013.

It is also recommended that Council refer the planning proposal to WaterNSW and OEH, DPI (Fisheries) as part of the state agency consultation.

RECOMMENDATION: That a Gateway condition require Council to;

- revise the planning proposal to address the inconsistency with s117 Direction 4.3 Flood Prone Land,
- revise the planning proposal to include information on potential flood impacts of the new impoundment, and
- undertake consultation with WaterNSW, DPI (Fisheries) and OEH (Flood Unit).
- notify private landholders of the planning proposal as part of the community consultation process.

Assessment Process

Proposal type :	Routine	Community Consultation Period :	28 Days
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Timeframe to make LEP :	12 months	Delegation :	DG
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Public Authority Consultation - 56(2)(d) :	Office of Environment and Heritage NSW Department of Primary Industries - Fishing and Aquaculture NSW Department of Primary Industries - Forests Transport for NSW Other
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Is Public Hearing by the PAC required?	No
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(2)(a) Should the matter proceed ?	Yes
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If no, provide reasons : The planning proposal should proceed subject to Gateway conditions.

Council has not formally requested Authorisation to use its delegation for plan making. It is recommended that Council NOT be given Authority to use its delegation for plan making to avoid any perceived conflict of interest because the planning proposal relates to a council project affecting council and private land that involves rezoning land for a public purpose, i.e. the expansion of an existing impoundment to be used as a 'water storage facility'.

Resubmission - s56(2)(b) : No

If Yes, reasons :

Amend Bombala LEP 2012 to rezone land SP2 Infrastructure Zone (Water Storage Facility)

Identify any additional studies, if required. :

Other - provide details below

If Other, provide reasons :

FLOODING

The planning proposal should be revised prior to state agency/community consultation to provide a response to s117 Direction 4.3 Flood Prone Land and to include information on potential flood impacts of the new impoundment.

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
SMRC Planning Proposal - SP2 Water supply system - 6 March 2017.pdf	Proposal	Yes
Biodiversity Assessment.pdf	Proposal	Yes
Email_Additional_Information_Zenith_Town_Planning_20170309.pdf	Proposal	Yes
Bombala River flood plans.pdf	Proposal	Yes
SMRC Minute 22 February 2017.pdf	Proposal	Yes
Weir design Drawings.pdf	Proposal	Yes
Addtn Info_Copy of Lots Owners Bombala Weir SMONA 20170327.pdf	Proposal	Yes
Email_SMONA_Additn_Info_20170327.pdf	Proposal	Yes
Email_Zenith_Planning_Additn_Info_20170323.pdf	Proposal	Yes

Planning Team Recommendation

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

S.117 directions:

- 1.2 Rural Zones
- 1.5 Rural Lands
- 6.1 Approval and Referral Requirements
- 6.3 Site Specific Provisions

Additional Information : The Director Regions, Southern, as delegate of the Minister for Planning, determine under section 56(2) of the EP&A Act that an amendment to the Bombala Local Environmental Plan 2012 to rezone land to SP2 Infrastructure (Water Storage Facility) Zone should proceed subject to the following conditions:

1. The planning proposal is to be revised prior to community consultation and consultation with state agencies to address s117 Direction 4.3 Flood Prone Land and include additional information on any potential flood impacts associated with the expansion of the water storage facility.
2. The planning proposal is to be revised prior to community consultation and consultation with state agencies to address s117 Direction 6.2 Reserving Land for Public Purposes.
3. The Explanation of Provisions in the planning proposal is to be revised to indicate that the Lot Size Map will be amended to show 'nil' minimum lot size for land proposed to be zoned SP2 Infrastructure Zone.
4. Council is to provide a copy of the revised planning proposal to the Department's Director Regions, Southern for consideration prior to consultation with state agencies and

the community.

5. Community consultation is required under Sections 56(2)(c) and 57 of the Act as follows:

(a) the Planning Proposal must be made publicly available for a minimum of 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 5.5.2 of A guide to preparing local environmental plans (Department of Planning and Environment 2016).

6. Council must notify all affected private landholders as part of the community consultation.

7. Consultation is required with the following public authorities and / or organisations under Section 56(2)(d) of the Act and/or to comply with the requirements of relevant Section 117 Directions:

- Office of Environment and Heritage (biodiversity and flooding)
- WaterNSW
- Department of Primary Industries – Fisheries
- Land and Property Management Authority
- Transport for NSW
- Forestry Corporation

Each public authority/organisation is to be provided with a copy of the Planning Proposal and any relevant supporting material, and given at least 21 days to comment on the proposal.

8. A public hearing is not required to be held into the matter by any person or body under Section 56(2) (e) of the 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).

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

10. The final LEP maps shall be prepared in accordance with the requirements of the Department's "Standard Technical Requirements for Spatial Datasets and Maps" Vers: 1.0 November 2015.

s117 DIRECTIONS

1. The Secretary can be satisfied that the inconsistency with s117 Direction 4.3 Flood Prone Land has been justified because it is in accordance with a floodplain risk management plan and is of minor significance.

2. The Secretary of the Department approves of the proposal under s117 Direction 6.2 Reserving Land for a Public Purpose, i.e. rezoning land to SP2 Infrastructure (water storage facility) Zone.

Supporting Reasons :

Revisions are required to the planning proposal to;

- reflect changes to the Lot Size Map (no minimum lot size on land zoned SP2 Infrastructure) and to address flooding impacts of expanding the Impoundment,
- address s117 Directions 4.3 Flood Prone Land and 6.2 Reserving Land for Public Purposes

Community consultation must ensure affected landholders are notified during public exhibition of the planning proposal.

Amend Bombala LEP 2012 to rezone land SP2 Infrastructure Zone (Water Storage Facility)

Signature:

Printed Name:

Graham Lodge

Date:

27 March 2017

