

# ***Attachments for Report***

## **12.02 LAND USE STRATEGY & LOCAL ENVIRONMENTAL PLAN SUMMARY OF SUBMISSIONS AND FINAL ENDORSEMENT**

**ATTACHMENT 2 - Summary of Issues presented  
by the Government Agencies  
during the submission period.**

Draft Oberon LEP Submissions – Government Agencies					
Submission Number	Submitter Details	Submission Matter	Supportive of Draft LEP	Concerned with Draft LEP	Recommendation
1	NSW Department of Primary Industries (Fisheries)	Clause 6.6 DLEP	Fisheries NSW supports the inclusion of Clause 6.6 Riparian Land and Watercourses within Part 6 Additional Local Provisions of the LEP which addresses development within watercourses and riparian areas.		Noted
2	The Sydney Catchment Authority	MLS for R1 zone	The SCA supports the changes proposed in the LUS amendment relating to MLS, zoning and riparian land and watercourses and riparian clauses.		Noted
			SCA notes intensive livestock agriculture is permitted with consent and intensive plant agriculture without consent in the R1 zone. SCA recommends intensive plant agriculture is made a use permissible with consent.		Noted and will be considered
			The SCA strongly supports 100 hectare MLS applied to the rural zones to help prevent inappropriate rural/res development for unsewered areas in the LGA		Noted
			The SCA supports the inclusion of Clause 6.6 riparian and watercourse mapping. If practicable the SCA recommends Council add the following subclause to Clause 6.6, under 6.6(4) - (d) <i>the development will have a neutral or beneficial effect on water quality if it is in land that is in the Sydney drinking water catchment.</i> Further Council should consider the following NOTE that indicates: <i>A neutral or beneficial effect on water quality is satisfied if the development has no identifiable potential impact on water quality, or will contain any water quality impact on the development site and</i>		Noted and can be implemented

			<i>prevent it from reaching any watercourse, waterbody, or drainage depression on the site, or will transfer any water quality impact outside the site where it is treated and disposed of the standards approved by the consent authority.</i>		
3	Central West Catchment Management Authority	Additional zones requested	The CMA indicated that SEPP 44 - Koala Habitat prevails over the Oberon LGA		
			The CMA indicated that Council should consider the provision of additional zones including: W1 - Natural Waterways Zone for local rivers and their tributaries, such as the Fish River, particularly in areas where the waterways are likely to be impacted upon rural residential development. W2 Recreational zoning is recommended for areas such as the Oberon Dam, to cover such activities as fishing etc. E2 & E3 Environmental Management Zones could also be used for example to cover land that forms the water catchment for the LGA or to better protect the connectivity of biodiverse areas, particularly if they are likely to be impacted upon by R5 zones.		Noted and can be considered
				It is recommended that MLS of 100ha be amended in some areas of the LGA to recognise the varying quality of soils	That no change be made to the current draft as justification has been previously supplied with support from concerned agency, being the SCA.

				Concerns held for creeks around O'Connell where R5 zone could impact on local creeks such as Wisemans Creek	The LUS considered groundwater and surface water vulnerability and as part of identifying suitable sites for large lot residential, and establishing suitable MLS. Increase of MLS for Llambada Estate will significantly reduce potential lot yield, and minimise overall additional dwelling potential in proposed R5 areas. Government agencies have not objected to MLS of 10ha for O'Connell
				R5 development in around Oberon is considered prime agricultural land reduced to allotments down to 4000m2. It is recommended that this area be reviewed and removed in relation to future development.	The LUS undertook an assessment of lands around the LGA and identified preferred areas based on agreed strategic criteria
				CMA also question the 4000m2 and the provision of on-site effluent disposal in the R5 zone around Oberon.	All areas of this nature are proposed to be reticulated.
			The CMA would recommend the inclusion of local stormwater management clause to help protect the receiving waters of the LGA and provide Council with greater leverage and an overarching aim for improved stormwater management including water re-use		That no change be made to the current plan as this clause could prohibit development where other opportunities exist to consider stormwater and the lack of information Council has to direct developers.
4	Rural Fire Service		The RFS note that Grasslands are now a bushfire hazard under AS3959-2009 and any application should address these provisions for construction of buildings in bushfire prone areas.		Noted

5	Roads & Maritime Services	Zoning matters	The RMS indicated that roads need to be permitted either with or without consent in RU1, RU3, RU5, RU6, R1, R5, B2, B6, IN1, RE2 & E1 zones		Can be easily rectified as part of final document.
			Duckmaloi, O'Connell and Jenolan Caves Road are state classified roads and as such should be zoned and identified as SP2 Infrastructure.		Can be imported across the mapping and into LEP, with minimal impact.
			Any reference to RTA should be amended to read RMS		Noted
			RMS requests that provisions relating to classified roads be either incorporated into the LEP or DCP that manage access off the arterial road networks.		Current provisions in current LEP. Can be included in Draft LEP however can be provided through DCP requirements.
6	Forestry Corporation NSW	Mapping	There seems to be discrepancies between agency mapping and any changes should not impinge on any aspect of NSWFC business		The maps have utilised Forests NSW and OEH National Parks data. Any issue in mapping is between the government departments.
			Reference to the Forestry Act 1916 should be amended to include Forestry Act 2012		Noted

7	Department of Primary Industries - Office of Water	MLS for R5 zones		<p>A key aspect of the exhibited Oberon LEP for the MLS for R5 zone relate to servicing. Broad objectives and comment on specific areas to be up zoned have been provided on 2 separate occasions. Given the proposed area for the extension to the Titania Estate is within an area of groundwater vulnerable to contamination as mapped by the NSW Office of Water it is recommended a MLS of 5ha be adopted to address the Environment and Health buffer requirements of 250m between bore and an on site disposal system.</p>	<p>Council has previously indicated an area of 2ha minimums with a 4ha average. A public submission has been provided seeking Council to consider a greater lot yield in this release zone with a minimum 1ha with 2ha average. Officers have discussed this with NOW who have indicated that they will investigate the issue based on no bores being provided to the land in the existing Titania Estate and in the context of bore requirements under Councils current DCP.</p>
				<p>As identified previously the high number of groundwater bores at the existing Titania Estate indicates the need to supplement water supply in addition to on site collection.</p>	<p>Officers have discussed this with NOW who have indicated that they will investigate the issue based on no bores being provided to the land in the existing Titania Estate and in the context of bore requirements under Councils current DCP.</p>

				<p>It is recognised that R5 zoning is proposed for the western side of Oberon with MLS of 2ha. Due to the presence of vulnerable groundwater and the water demand likely to be in excess of what can be provided on site collection the Office of Water supports reticulation in this instance. If reticulated servicing is not to be provided a larger lot size is recommended to cater for water demands and buffer requirements to mitigate impacts to water users and the groundwater system.</p>	<p>The LUS considered groundwater and surface water vulnerability and as part of identifying suitable sites for large lot residential, and establishing suitable MLS.</p>
			<p>NOW supports the inclusion of Clause 6.6 in the local clauses of the LEP</p>		<p>Noted</p>

8	Heritage Council of NSW	Local Clauses	The Heritage Branch is satisfied with the set out of the Heritage Schedule	Clause 6.5 relates to Earthworks. The objectives of this clause seek to ensure that earthworks will not have a detrimental impact on environmental functions and processes, neighbouring uses of heritage items and features of the surrounding land. However the clause does not include such provisions or mechanisms that require consent for earthworks so as it can be satisfied that earthworks will not have a detrimental effect on heritage items. In this regard the Heritage Branch recommends the insertion of the following <i>Clause 6.5(3) the proximity to and potential for adverse impacts on any heritage item, archaeological site, or heritage eco-conservation area.</i>	For Council consideration
				Jenolan Caves is correctly identified however it is also identified as a item of local archaeological significance. The archaeological site listing of Jenolan Caves is to be amended to identify the items State Heritage significance.	Schedule to be amended.
			The Heritage Branch raises no objections to the list proposed to be included as part of Schedule 5 of Draft LEP 2013		Noted
			Dictionary definitions should be used to be consistent with those within the Standard Instrument.		Noted

			Maps are in accordance with the local Instrument and considered to be supported by the Heritage Branch		Noted
			Overall the Heritage Branch supports the draft Oberon LEP 2013.		Noted