

### **11.3 LEP REVIEW PROGRAM STAGE 1 PLANNING PROPOSAL - OUTCOME OF PUBLIC EXHIBITION AND FINALISATION**

At 7:17 pm, Cr Blair Briggs returned to the meeting.

#### **RESOLUTION 154/2020**

Moved: Cr Michael Banasik

Seconded: Mayor Matthew Deeth

#### **That Council:**

- 1. Endorses the LEP Review Program Stage 1 Planning Proposal and the amendment of Wollondilly Local Environmental Plan 2011 subject to the following changes:**
  - a. Amendment 1 (Embedding health in land use planning) - Update the proposed new zone objective for the E1, E2 and E3 land use zones to refer to 'suitable' opportunities for people to engage with nature;**
  - b. Amendment 2 (Metropolitan Rural Area) - Include 'protecting water catchments' as a matter for consideration;**
  - c. Amendment 3 (Rezoning Sydney Water Land) as follows:**
    - (i) Remove mapping from Part 4 associated with 550 Wilton Road, Appin (Lots 1 to 3 in DP 808006 and Lots 3 & 4 in DP 1085929);**
    - (ii) Update property reference for included land at Douglas Park to Lot 1 in DP 1200484, Moreton Park Road, Douglas Park.**
  - d. Amendment 4 (Sponsorship Advertising at sporting facilities) as follows:**
    - i. Refine the proposed standard provision prohibiting signs advertising tobacco or alcohol related products to also refer to gambling;**
    - ii. Remove development standards relating to mesh fencing, maximum advertising display area, rounded corners, and metal frame and include these in a guideline; and**
    - iii. Include new development standards to:**
      - 1. Prevent illuminated advertising signs being exempt development;**
      - 2. Require compliance with Council's guidelines and specifications for sponsorship advertising at sporting facilities; and**
      - 3. Enable balcony signage at Victoria Park, Picton, as exempt development but limited to a club identification sign.**
- 2. Notes that the wording of proposed amendments in the planning proposal is indicative only and that the final wording will be drafted by the NSW Parliamentary Counsel's Office.**
- 3. Agrees that a Council guideline for Sponsorship Advertising at Sporting Facilities be prepared to support the planning proposal.**
- 4. Submits the planning proposal to the Department of Planning, Industry & Environment to finalise in accordance with Section 3.36 to the Environmental Planning and Assessment Act, 1979; and**
- 5. Notifies all persons who made submissions regarding the Planning Proposal of Council's decision, *and about any future exhibition the draft LEP Review strategies and offers an opportunity to have their submission considered as part of the LEP review if they wish to do so.***
- 6. Amend Point 3 of LEP Amendment No.4 to read "*property perimeter fencing*".**

7. ***Amend Point 4 of LEP Amendment No 4 to read “must be primarily orientated towards the playing field”.***
8. ***In light of the agreed milestone deadlines delegate to the CEO the ability to remove Amendment No.4 and or make any other minor changes as required if the amendment is not consistent with Councils endorsed position.***

On being put to the meeting the motion was declared **CARRIED 8/0**

In Favour: Crs Matthew Deeth, Judith Hannan, Robert Khan, Michael Banasik, Matthew Gould, Blair Briggs, Simon Landow and Noel Lowry

Against: Nil

### 11.3 LEP REVIEW PROGRAM STAGE 1 PLANNING PROPOSAL - OUTCOME OF PUBLIC EXHIBITION AND FINALISATION

**File Number:** 12275#32

**Applicant:** Wollondilly Shire Council

**Proposal:** LEP Review Program Stage 1 Planning Proposal

**Current Zoning:** Amendments 1, 2, 4, 6 & 7 (Not applicable)/ Amendments 5 & 6 (Various)

**Address:** Various

**Lot & DP:** Various and/or Shire Wide

#### EXECUTIVE SUMMARY

This report presents the outcomes of the public exhibition for the LEP Review Program Stage 1 Planning Proposal and seeks Council support to finalise the proposal in an amended form.

The Council initiated Planning Proposal proposes a range of separate updates to the *Wollondilly Local Environmental Plan 2011* which have been identified through the Accelerated LEP Review Program and to give effect to the Western City District Plan.

Council is required to prepare this planning proposal as part of the NSW Government's Accelerated LEP Review Program to update local environmental plans to give effect to the Western City District Plan. As part of this agreement, the draft LEP is to be submitted to the Department of Planning, Industry and Environment (DPIE) for finalisation before 30 August 2020.

The proposed amendments aim to:

1. Embed the consideration of health in the assessment of development;
2. Recognise the role and function of the Metropolitan Rural Area within the LEP;
3. Protect land required to provide essential services to support existing and future populations;
4. Enable advertising signage on sports fields;
5. Strengthen provisions relating to the subdivision of land within Original holdings;
6. Ensure that relevant land is reserved for certain public purposes; and
7. Clarify the application of the proposed amendments.

92 submissions were received in response to the public exhibition; including 82 community and stakeholder submissions, seven public agency submissions and two submissions from adjoining councils.

A number of minor refinements are proposed to the planning proposal in response to the submissions.

This report considers the exhibition feedback and recommends that Council support some minor amendments to the planning proposal in response to the submissions before submitting to DPIE for finalisation.

In the coming months it is intended that a further planning proposal will be brought forward for consideration to address matters that were removed from Council's original LEP Review Program planning proposal.

## RECOMMENDATION

That Council:

1. Endorses the LEP Review Program Stage 1 Planning Proposal and the amendment of Wollondilly Local Environmental Plan 2011 subject to the following changes:
  - a. Amendment 1 (Embedding health in land use planning) - Update the proposed new zone objective for the E1, E2 and E3 land use zones to refer to 'suitable' opportunities for people to engage with nature;
  - b. Amendment 2 (Metropolitan Rural Area) - Include 'protecting water catchments' as a matter for consideration;
  - c. Amendment 3 (Rezoning Sydney Water Land) as follows:
    - (i) Remove mapping from Part 4 associated with 550 Wilton Road, Appin (Lots 1 to 3 in DP 808006 and Lots 3 & 4 in DP 1085929)
    - (ii) Update property reference for included land at Douglas Park to Lot 1 in DP 1200484, Moreton Park Road, Douglas Park
  - d. Amendment 4 (Sponsorship Advertising at sporting facilities) as follows:
    - i. Refine the proposed standard provision prohibiting signs advertising tobacco or alcohol related products to also refer to gambling;
    - ii. Remove development standards relating to mesh fencing, maximum advertising display area, rounded corners, and metal frame and include these in a guideline; and
    - iii. Include new development standards to:
      1. Prevent illuminated advertising signs being exempt development;
      2. Require compliance with Council's guidelines and specifications for sponsorship advertising at sporting facilities; and
      3. Enable balcony signage at Victoria Park, Picton, as exempt development but limited to a club identification sign.
2. Notes that the wording of proposed amendments in the planning proposal is indicative only and that the final wording will be drafted by the NSW Parliamentary Counsel's Office.
3. Agrees that a Council guideline for Sponsorship Advertising at Sporting Facilities be prepared to support the planning proposal.
4. Submits the planning proposal to the Department of Planning, Industry & Environment to finalise in accordance with Section 3.36 to the *Environmental Planning and Assessment Act, 1979*; and
5. Notifies persons who made submissions regarding the Planning Proposal of Council's decision.

## Background

In response to a number of planning related announcements and legislative changes introduced by the NSW Government, Wollondilly along with other Councils within the Greater Sydney Region is required to undertake a review of their local environmental plans (LEPs).

The purpose of the LEP Review Program is to update the *Wollondilly Local Environmental Plan* (WLEP 2011) to give effect to the Western City District Plan through upfront strategic planning.

The LEP Review Program is being undertaken over six phases and including seven main project deliverables as follows:

1. Submission of LEP Review Report (completed in November 2018);
2. Submission of Project Plan (completed in January 2019);
3. Submission of draft Local Strategic Planning Statement (completed September 2019);
4. Completion of Local Housing Strategy and specialist reports;
5. Submission of final Local Strategic Planning Statement (LSPS)(completed in February 2020);
6. Submission of Planning Proposal to the Department for a Gateway determination (completed in December 2019); and
7. Submission of draft LEP to Department of Planning, Industry and Environment to make the plan.

This report relates to project deliverable 7.

Wollondilly is one of 13 priority Councils selected on the basis of their opportunity to bring forward housing supply and housing delivery by updating local environmental plans to reflect District Plans. The priority Councils include high growth Councils in the new Western Sydney City Deal.

As a priority Council, Wollondilly was offered and has signed a funding agreement with the NSW Government to receive up to \$2.5 million to fund this review in an accelerated timeframe. As part of this agreement the draft LEP component of the LEP Review (the deliverables noted above) is to be submitted to the Department for finalisation by 30 August 2020.

The purpose of the planning proposal, under the LEP Review Program is to identify the statutory mechanisms to achieve the spatial or policy-based recommendations outlined in Council's Local Strategic Planning Statement. Council is currently progressing a number of specialist studies that, once finalised, will inform more comprehensive amendments to the local environmental plan in future stages.

In the short term, the LEP Review Program tight timeframes have directed the scope and content of this initial planning proposal and has meant that only limited amendments can be considered at this time.

### Description of Proposal

The LEP Review Program Stage 1 Planning Proposal has been initiated by Council and proposes a range of amendments to the Wollondilly *Local Environmental Plan 2011*. A copy of the planning proposal, as exhibited, is provided at **Attachment 1**.

The planning proposal was endorsed for progression by Council on 16 December 2019 included 17 different proposed amendments. 11 of these amendments have since been removed from the proposal;

- Seven of these amendments were removed by the Gateway determination issued by the Department of Planning, Industry and Environment;
- Following consultation with NSW RFS Council requested a further four amendments be removed from the planning proposal on the basis that a Strategic Bush Fire Study would be required for these amendments and could not be prepared within the Gateway timeframe. The need for flexibility has always been acknowledged which is reflected by the Council resolution on 16 December 2019 that components may be removed from the planning proposal if they could not be delivered in the timeframe available to finalise the planning proposal under the Accelerated LEP Review Program Funding Agreement.

One new amendment, a savings and transition provision, was also added to the Planning Proposal by the Gateway determination.

The Planning Proposal, in its current form, has the following objectives or intended outcomes:

- Give effect to the Western City District Plan,
- Enhance the health and wellbeing of communities
- Better manage rural areas
- Housekeeping amendments to ensure the local environmental plan reflects changes on the ground or updates to legislation.

Seven amendments are now sought and are summarised in the table below.

	Intended outcome	Description of change
1	Embed the consideration of health in the assessment of development	Amending the WLEP 2011, Clause 1.2 <b>Aims of Plan</b> and <b>Land Use Table “Objectives of zone”</b> to embed health considerations in land use planning by encouraging development that supports the health and wellbeing of local residents, workers and visitors.
2	Recognising the role and function of the Metropolitan Rural Area within the LEP	Including a <b>new local provision</b> and associated mapping that confirms the objectives of the clause which is to protect and enhance the values of the Metropolitan Rural Area.
3	Protect land required to provide essential services to support existing and future populations	Amending the WLEP 2011 <b>Land Zoning Map</b> to rezone land (33 lots) containing operational infrastructure and owned by Sydney Water to SP2 2 Infrastructure
4	Enable advertising signage on sports fields	Amend WLEP 2011, <b>Schedule 2 Exempt development</b> to include new exempt development provisions for <b>“Sponsorship advertising at sporting facilities”</b> to be carried out as exempt development (i.e. without the need for development consent) so long as certain development standards are met.
5	Strengthen provisions relating to the subdivision of land within Original holdings	Amending WLEP 2011, Clause 4.1B Subdivision of certain land in Zone E4 Environmental Living to strengthen the intent of the clause for land identified as <b>“Original holdings”</b> by clarifying that the density standard applies to; <ol style="list-style-type: none"> <li>1. all land within the original holding and not just land within a development application, and</li> <li>2. land possessing two essential characteristics, namely; <ol style="list-style-type: none"> <li>a. zoned E4 Environmental Living, and</li> <li>b. identified as ‘Original holdings’ on the Original Holdings Map.</li> </ol> </li> </ol>
6	Ensure that relevant land is reserved for certain public purposes	Amending the WLEP 2011 <b>Land Reservation Acquisition Map</b> to remove land which has now been acquired by the

	Intended outcome	Description of change
		relevant acquisition authority.
7	Clarify the application of the proposed amendments	Including a new provision under Clause 1.8A <b>'Savings provision relating to development applications'</b> to clarify that this amendment, once commenced, will not apply to development applications or appeal processes that have not been finally determined.

A more comprehensive summary of the proposed amendments, including what land they apply to is provided at **Attachment 2**.

### Gateway Determination

A Gateway Determination was initially issued by the NSW Department of Planning, Industry and Environment on 6 April 2020 and determined that the amendments should proceed subject to a number of conditions. A copy of the Gateway determination is provided at **Attachment 3**.

The Gateway determination has been altered on two occasions to rectify errors (dated 15 April 2020) and in response to Council's request to remove four matters (dated 14 May 2020).

The current Planning Proposal is consistent with the conditions set out in the determination. An assessment of how the conditions have been addressed is provided at **Attachment 4**.

## PLANNING CONTEXT

### Greater Sydney Region Plan (Region Plan) and Western City District Plan 2018 (District Plan)

The Greater Sydney Commission's A Metropolis of Three Cities – the Greater Sydney Region Plan and the Western City District Plan were finalised in March 2018. The Region Plan aligns land use, transport and infrastructure planning to reshape Greater Sydney as three unique but connected cities. The Western City District Plan along with the four other district plans guide the implementation of the Region Plan at a District Level.

The District Plan requires councils to review their strategic planning framework. This is to include a review of the existing local environmental plan against the relevant district plan. Updates to local environmental plans are to be guided, in part, by the development of local strategic planning statements.

The Stage 1 Planning Proposal represents an initial amendment to the local environmental plan as part of a broader project to review Wollondilly's strategic planning framework. Further staged amendments are anticipated over the coming years.

Of particular relevance, the Stage 1 planning proposal includes three amendments that are intended to give effect to the Western City District Plan

In particular amendments 1 (Embedding health in land use planning), 2 (Metropolitan Rural Area) and 3 (Rezoning Sydney Water Land) are intended to give effect to the District Plan.

### Section 9.1 Ministerial Directions

The Minister for Planning & Public Spaces has issued a number of Directions under the *Environmental Planning and Assessment Act 1979* which apply to the assessment of planning proposals. An assessment of the proposal against direction relevant to this proposal is included in the planning proposal document provided at Attachment 1.

In particular it is noted that the Department of Planning, Industry and Environment has determined that the following inconsistencies are minor or justified and no further approval is required in relation to these Directions:

- 2.1 Environment Protection Zones
- 3.1 Residential Zones
- 4.3 Flood Prone Land
- 4.4 Planning for Bushfire Protection
- 6.1 Site Specific Provisions.

However, the Department has indicated that Council may still need to obtain the agreement of the Secretary to comply with the following Directions prior to the plan being made:

- 1.5 Rural Lands

The objective of this direction is to protect the agricultural production value of rural land and facilitate the orderly and economic use and development of rural lands for rural and related purposes.

The planning proposal is inconsistent with this direction as it will rezone some rural land to SP2 Infrastructure thereby removing the agricultural potential of the land. However, the inconsistency is considered to be justified as the land is owned by Sydney Water and the rezoning would reflect the existing use of the land.

- 5.2 Sydney Drinking Water Catchment

The Gateway determination required Council to consult with Water NSW to ensure consistency.

Water NSW has requested a more detailed discussion of the planning proposals consistency with Direction 5.2 Sydney Drinking Water Catchments within the body of the planning proposal document.

The planning proposal does not include any amendments that are intended to enable new development within the Sydney drinking water catchment. However, it is noted that as a number of the proposed amendments will apply broadly they will also apply to land in the water catchment. If the Department requires the planning proposal to be updated prior to submitting for finalisation, no objection is raised to including additional support within the planning proposal in response to this submission.

This proposal is considered to be broadly consistent with the relevant Ministerial Directions. Any inconsistencies are either minor or justified.

### **Wollondilly 2040 Local Strategic Planning Statement (LSPS)**

Wollondilly 2040 is Council's Local Strategic Planning Statement (LSPS) outlining a 20 year land use vision for Wollondilly. It will guide the implementation of the District Plan at a local level. It is also required to be consistent with the community strategic plan.

Wollondilly 2040 identifies a number of actions under each of its 18 planning priorities which have informed the scope of the proposed Stage 1 amendments to the local environmental plan.

### **State Environmental Planning Policies (SEPPs)**

An assessment of the proposal against relevant State Environmental Planning Policies (SEPPs) is included within the Planning Proposal provided at Attachment 1 to this report. In summary, the proposal is considered to be consistent with all relevant SEPPs.

### **Create Wollondilly 2033; Wollondilly Community Strategy Plan 2033 (CSP 2033)**

Create Wollondilly 2033 is Council's adopted community strategic plan and is Council's highest level long term plan. It sets out the communities long term aspirations for Wollondilly over a 20 year period up to 2033.



The position statements and strategies from the CSP have informed the preparation of Wollondilly 2040 and consequently, the Stage 1 Planning Proposal to amend the local environmental plan.

## CONSULTATION

### Community Consultation

The LEP Review Program Stage 1 Planning Proposal was publicly exhibited from 28 May 2020 until 30 June 2020.

The exhibition documents were published on Council's engagement platform, Your Say Wollondilly, along with supporting information including summary documents and frequently asked questions.

The exhibition was undertaken in accordance with the Gateway determination, relevant legislation and the Wollondilly Community Participation Plan.

In particular stakeholder and community engagement was encouraged through:

- Council's website
- Notification letters sent to affected properties (owner and occupant)
- Notification letters sent to relevant public agencies
- Notification letters sent to adjoining Councils
- Notified on the NSW Government Planning Portal
- Presentation and discussion to the Rural Industry Community Advisory Committee
- Email notification to database of interested stakeholders
- Email notification to sporting clubs and s355 Committees
- "June updates" Your Say Wollondilly e-newsletter (which would have been received by anyone who made a submission to the local strategic planning statement).

The need to socially distance and protect communities during the ongoing COVID-19 situation meant that it was not possible for face-to-face engagement or to provide physical copies of the documents during the exhibition period. The closure of print editions of local papers meant it was not possible to include notifications.

It is also noted that for some of the exhibition period Council's Administrative centre, Wollondilly Library and library mobile services were closed. However, Council staff remained available and facilitated over 200 enquiries.

The requirements for notices in local newspapers and to display physical copies of exhibition documents at Council's offices have either been permanently or temporarily removed by the following legislation changes in response to the COVID-19 pandemic;

- *COVID-19 Legislation Amendment (Emergency Measures) Bill 2020*, and
- *Environmental Planning and Assessment Amendment (Public Exhibition) Regulation 2020*

The changes require the documents to be available on the NSW planning portal or Council's website to ensure documents can be accessed online from the safety of home or office at any time.

In response to the public exhibition 92 submissions were received. Consisting of:

- 82 community and stakeholder submissions,
- 7 public agency submissions, and
- 3 submissions from adjoining councils.

The community and stakeholder submissions were received from a range of groups and included individuals, special interest groups, utility companies, industry associations and consultants representing landowner interests. A number of later submissions were also received and have been considered.

The majority of submissions raised matters that were unrelated to the seven proposed amendments on public exhibition. For example, 43 of the 82 community and stakeholder submissions raised unrelated matters, although some of these submissions also provided feedback on the proposed amendments. It is not possible to introduce brand new amendments to the planning proposal at this late stage.

This is likely due, in part, to the awareness of the LEP Review Program and the broader strategic planning work currently being progressed by Council and a desire to provide input to these processes. The nature of planning enquiries during the public exhibition indicated that there was also a misconception about the implications of the proposed amendments, specifically that land was being rezoned for housing growth.

A significant number of submissions (27) advocated for rezoning or subdivision of their land or land in specific areas for housing. The Stage 1 Planning Proposal does not include any amendments aimed to provide additional housing.

Given the broad range of amendments included within the planning proposal it is difficult to summarise the key issues raised, however, the majority of feedback related to the proposed amendment to recognise the role and function of the Metropolitan Rural Area.

The table below provides a high level summary of the feedback for each of the proposed amendments:

	Intended outcome	No. of submissions	Summary of key issues
	General feedback on planning proposal	18	<ul style="list-style-type: none"> <li>Disappointment around matters removed from the planning proposal</li> <li>Concern with the complexity of documents and not understanding the implications of the proposed amendments</li> <li>Concern with the public exhibition (length of time and information provided)</li> <li>General support for the planning proposal</li> </ul>
1	Embed the consideration of health in the assessment of development	13	<ul style="list-style-type: none"> <li>Clarity on what outcomes are covered by 'health'</li> <li>A desire for further detail on how the proposed health aim and objectives will be implemented</li> <li>General support for the proposed amendment</li> </ul>
2	Recognising the role and function of the Metropolitan Rural Area within the LEP	35	<ul style="list-style-type: none"> <li>Concern with the additional requirements to the development assessment process</li> <li>A desire for further detail on how the proposed amendment will be applied</li> <li>Concern that the proposed amendment will prevent growth</li> </ul>

	Intended outcome	No. of submissions	Summary of key issues
			<ul style="list-style-type: none"> <li>Questions over the viability of agriculture in Wollondilly into the future</li> <li>Concern with individual matters for consideration identified by amendment</li> <li>Requests for amendments to the proposed Metropolitan Rural Area boundary.</li> </ul>
3	Protect land required to provide essential services to support existing and future populations	4	<ul style="list-style-type: none"> <li>Concern about potential impact on catchment lands.</li> <li>General support for the proposed amendment</li> </ul>
4	Enable advertising signage on sports fields	6	<ul style="list-style-type: none"> <li>Request increased size limit</li> <li>Submissions propose additional standards</li> </ul>
5	Strengthen provisions relating to the subdivision of land within Original holdings	8	<ul style="list-style-type: none"> <li>General support for principle of subdivision allowed by clause</li> </ul>
6	Ensure that relevant land is reserved for certain public purposes	4	<ul style="list-style-type: none"> <li>General support for the proposed amendment</li> <li>Uncertainty about what happens to affected land</li> </ul>
7	Clarify the application of the proposed amendments	1	<ul style="list-style-type: none"> <li>General support for the proposed amendment</li> </ul>

A detailed assessment of the submissions and submissions matrix are provided at Attachments 5 and 6.

Further comment is provided on the feedback to the following amendments either due to the interest from the public exhibition or to explain proposed changes to the planning proposal in response to the exhibition.

- Amendment 2 (Metropolitan Rural Area)

The concept of the Metropolitan Rural Area (MRA) originates from the regional planning for the Greater Sydney area. In particular, the current region plan, *A Metropolis of Three Cities*, identifies the MRA as a core spatial element on high level mapping throughout the document.

The MRA is that part of Greater Sydney which is generally outside the established and planned urban areas. For Wollondilly, it takes in the a significant portion of the Shire with the exception of the Growth Areas at Wilton and Greater Macarthur, protected natural areas and the Camden South. The objective of the MRA is to protect and enhance the wide range of environmental, social and economic values in rural areas across Greater Sydney. The 'values' to be enhance and protected will vary from Council to Council and within local government areas depending on the areas characteristics.

The principle of the MRA is supported by Wollondilly 2040 Local Strategic Planning Statement which touches on the range of MRA values in Wollondilly.

The MRA currently exists and guides strategic decisions on land use planning at a regional, district and local government area level. Amendment 2 seeks to extend this line of sight and implement the principles of the MRA to planning decisions at the site level. It proposes to do this by requiring consideration of any impacts of a proposed development (i.e. a development application) on the following matters or 'values':

- Enhancing habitat and biodiversity,
- Adequate buffers to protect productive agriculture,
- Preventing incompatible uses in rural areas,
- Preserving land for productive rural uses,
- Protecting mineral and energy resources and extractive industries,
- Maintaining and enhancing the distinctive character of each local rural towns and villages,
- Preserving scenic land,
- Protecting areas of cultural and heritage value, and
- Adequately managing hazards.

The key role of the local environmental plan is to guide planning decisions at a site level (i.e. development applications). While it is used strategically to realise land use outcomes over time it has limited scope and is not a tool used to influence strategic planning decisions such as planning proposals. Consequently, the inclusion of provisions for the MRA within the local environmental plan does not prevent or direct future decisions on growth where there is a demonstrated need for change.

As demonstrated by the matters included in the proposed clause, the MRA is also not intended to exclusively identify and protect important agricultural land. A number of submissions questioned the viability or suitability of land within the MRA for agriculture.

Due to the broad range of matters included in the clause and the diverse areas included within the Metropolitan Rural Area combined with the wide possibilities of proposed development it is challenging to explain, in simple terms, how the proposed clause would apply. For example, a merit based assessment for a new house in an existing village compared with a business on a rural land holding. It is likely that the some of the matters for consideration will not be relevant depending on a site's location and characteristics. The intent of this clause is to set the policy direction which could be supported by further guidance in the development control plan.

It provides a safeguard to ensure that development is consistent with the values of Wollondilly's rural areas as set out in Wollondilly 2040 local strategic planning statement and the Region and District Plan. It will not change the land use zone or permissible land uses although it may be relevant in terms of the location, design or mitigating impacts of permissible developments.

- Amendment 3 (Rezoning Sydney Water Land)

Amendment 3 seeks to rezone 24 lots to SP2 Infrastructure (Water Supply System) to reflect and protect the current land use. The amendment has been included at the request of Sydney Water and all of the properties are owned by Sydney Water and contain operational infrastructure. The property references included within the planning proposal are based on the information provided by Sydney Water.

In response to the public exhibition a correction is required to the property reference for land at Lot 1 in DP 1200484, Douglas Park. The site address for this property should be Moreton Park Road (i.e. no numbering) and not 20 Moreton Park Road. All other

information within the planning proposal relating to the lot to be rezoned is correct, including the mapping.

- **Amendment 4 (Enable advertising signage on sports fields)**

Amendment 4 seeks to introduce an exempt development provision to enable local sporting clubs to display sponsorship advertising signage on land zoned for public recreation without the need for development consent so long as they meet certain development standards.

Exempt development is minor very low impact development where the potential impacts can generally be managed through the use of criteria without the need for a formal approval process.

In response to the public exhibition a number of local sporting clubs provided feedback on the practicability of proposed development standards which are considered to justify some refinement to the proposed development standards.

These include;

- Some of the existing development standards and additional development standards proposed by local clubs would benefit from some flexibility, for example, accommodating suitable attachment of signs to different fencing types and upgrades to fencing into the future. While the inclusion of an exempt development provision within the local environmental plan benefits sporting clubs, any amendment could only be achieved through a planning proposal. It is recommended that the key principles for advertising signage are retained within the local environmental plan. Those matters that may require a different approach for different sportsgrounds or where there may be multiple solutions (for example the material or mode of attachment) are proposed to be removed from the amendment and included within a guideline.
- If a sponsorship advertising sign is not able to meet the development standards this does not necessarily mean the sign is prohibited. Rather, that the proposed sign is not considered to be minor and requires development consent.
- The feedback has identified two new matters (gambling and illumination), which are considered to add value to the proposed amendment.

On balance, significant changes to the planning proposal are not considered to be required in response to the submissions.

### **Consultation with Public Agencies & Adjoining Councils**

As part of the Gateway determination Council was required to consult with five nominated public authorities or organisations. In addition, Council invited three additional authorities and all adjoining Councils to provide feedback. A further three public authorities made submissions.

The following table provides a summary of the authorities consulted as part of the public exhibition. A detailed assessment of the submissions is provided at **Attachment 7**.

<b>Public Authority/Organisation Consulted</b>	<b>Outcome</b>
* Consultation required by Gateway determination	
Centre for Health Equity Training Research and Evaluation	No submission received in response to the public exhibition.
Environment, Energy and Science (Department of Planning Industry & Environment)	EES made a submission and has requested a number of amendments to the planning proposal. The submission is addressed at Attachment 7.

Public Authority/Organisation Consulted * Consultation required by Gateway determination	Outcome
	An update to the proposed amendments is recommended in response to EES's submission.
Department of Primary Industries	A submission was received and is addressed at Attachment 7.
Greater Sydney Commission*	No submission received in response to the public exhibition. However, it is noted that the planning proposal is consistent with Wollondilly 2040 Local Strategic Planning Statement which came into effect on 27 March 2020. Council received a letter of support from the GSC to enable Wollondilly 2040 to be made and published.
NSW RFS*	No submission received in response to the public exhibition. However, NSW RFS was also consulted prior to the public exhibition in accordance with the Gateway determination and provided feedback which resulted in significant changes to the planning proposal.
Office of Strategic Lands	No submission received in response to the public exhibition. However, OSL was consulted prior to preparing the planning proposal as part of Council's review of the Land Reservation Acquisition Map and provided input.
Water NSW*	Water NSW made a submission and has requested a number of amendments to the planning proposal. The submission is addressed at Attachment 7. An update to the proposed amendments is recommended in response to Water NSW's submission.
Roads and Maritime Services within Transport for NSW*	A submission was received and is addressed at Attachment 7.
School Infrastructure NSW	A submission was received and is addressed at Attachment 7.
South Western Sydney Local Health District	A submission was received and is addressed at Attachment 7.
Sydney Water*	A submission was received and is addressed at Attachment 7. It is also noted that amendment 3 seeks to rezone a number of lots owned by Sydney Water and was included within the planning proposal at their request. Sydney Water was consulted prior to preparing the planning proposal to confirm the land to be included and rationale for rezoning.
Blue Mountains Council	A submission was received and is addressed at Attachment 7.
Camden Council	No submission received in response to the public exhibition.
Campbelltown Council	A submission was received and is addressed at Attachment 7.
Liverpool Council	No submission received in response to the public exhibition.

Public Authority/Organisation Consulted	Outcome
* Consultation required by Gateway determination	
Oberon council	No submission received in response to the public exhibition.
Penrith Council	No submission received in response to the public exhibition.
Sutherland Shire Council	No submission received in response to the public exhibition.
Upper Lachlan Shire Council	No submission received in response to the public exhibition.
Wingecarribee Council	No submission received in response to the public exhibition.
Wollongong City Council	A submission was received and is addressed at Attachment 7.

The following feedback provided by public agencies is considered to justify minor amendments to the planning proposal as exhibited:

- Amendment 1 (Embedding health in land use planning)

A number of submissions requested minor adjustments to the proposed new aim or proposed new zone objectives related to embedding health considerations in land use planning. The impact of these requests was generally considered to either introduce new different aims not related to the intended objective/outcomes of the planning proposal or would change the purpose/focus of the proposed aim.

There was one exception to this, which was Water NSW's request to refer to 'suitable' access in relation to the proposed new zone objective for E1, E2 and E3 land use zones;

*To support the health and wellbeing of the community by protecting biodiversity and providing **suitable** opportunities for people to engage with nature.*

- Amendment 2 (Metropolitan Rural Area)

Water NSW's submission requested the inclusion of 'protecting water catchments' to the existing list of matters for consideration by the consent authority to consider any impacts of a proposed development in terms of protecting and enhancing the environmental, social and economic values of in rural areas.

Water catchments are not referred to by the Region or District Plan in terms of the Metropolitan Rural Area. However, Planning Priority 16 in Wollondilly 2040 recognises water catchments in terms of the diverse values of the Metropolitan Rural Area.

The suggested matter for consideration is considered to add value to the proposed amendment.

- Amendment 3 (Rezoning Sydney Water Land)

One of the submissions identified an anomaly in the planning proposal between the list of Sydney Water sites to be rezoned in Part 2 Explanation of Provisions and proposed amendments to the Land Use Zone Map illustrated by the comparison map under Part 4 Mapping. Land at 550 Wilton Road, Appin is not listed at Part 2 but is identified on mapping at Part 4.

On 16 December 2019 Council resolved to remove all land associated with 550 Wilton Road, Appin from the planning proposal. The retention of the mapping within the planning proposal is an oversight and should be removed.

## CONCLUSION

The LEP Review Program Stage 1 Planning Proposal seeks a range of different amendments to the *Wollondilly Local Environmental Plan 2011* and has been prepared to fulfil the requirements of



the NSW Government's accelerated LEP Review Program Funding Agreement. As part of this agreement the submission of the draft LEP component of the LEP Review is to be submitted to the Department for finalisation by 30 August 2020.

The planning proposal includes seven amendments that seek to:

- Give effect to the Western City District Plan
- Enhance the health and wellbeing of communities
- Better manage rural areas
- Housekeeping amendments to ensure the local environmental plan reflects changes on the ground or updates to legislation.

Following the public exhibition a number of refinements are recommended to the planning proposal in response to submissions received from community and stakeholders and public agencies. The proposed refinements are considered to strengthen the amendments and do not change the overall intent.

The following table summarises the recommended refinements:

	Intended Outcome	Refinements proposed to Planning Proposal as exhibited	In response to feedback from
1	Embed the consideration of health in the assessment of development	<ul style="list-style-type: none"> <li>• Update the proposed zone objective for the E1, E2 and E3 zones to refer to 'suitable' opportunities for people to engage with nature;</li> <li>• <i>To support the health and wellbeing of the community by protecting biodiversity and providing <b>suitable</b> opportunities for people to engage with nature.</i></li> </ul>	Public agency submission
2	Recognising the role and function of the Metropolitan Rural Area within the LEP	<ul style="list-style-type: none"> <li>• Include 'Protecting water catchments' as an additional matter for consideration.</li> </ul>	Public agency submission
3	Protect land required to provide essential services to support existing and future populations	<ul style="list-style-type: none"> <li>• Remove mapping from Part 4 of the Planning Proposal associated with 550 Wilton Road, Appin (Lots 1 to 3 in DP 808006 and Lots 3 &amp; 4 in DP1085929).</li> <li>• Update the property reference for land at Douglas Park to Lot 1 in DP 1200484, Moreton Park Road, Douglas Park.</li> </ul>	Public agency submission/ Community & Stakeholder submission
4	Enable advertising signage on sports fields	<ul style="list-style-type: none"> <li>• Refine the proposed standard prohibiting signs advertising tobacco or alcohol related products to also refer to gambling.</li> <li>• Remove development standards relating to mesh fencing, maximum advertising display area, rounded corners, and metal frame and include these in a guideline.</li> <li>• Prepare a Council guideline for Sponsorship advertising at sporting</li> </ul>	Community & Stakeholder submissions



	Intended Outcome	Refinements proposed to Planning Proposal as exhibited	In response to feedback from
		facilities. <ul style="list-style-type: none"> <li>• Include new development standards to;               <ul style="list-style-type: none"> <li>- prevent illuminated advertising signs as exempt development,</li> <li>- require compliance with Council's guidelines and specifications for Sponsorship advertising at sporting facilities</li> <li>- to enable balcony signage at Victoria Park, Picton as exempt development but limited to a club identification sign</li> </ul> </li> <li>•</li> </ul>	
5	Strengthen provisions relating to the subdivision of land within Original holdings	None proposed. Progress as exhibited.	N/A
6	Ensure that relevant land is reserved for certain public purposes	None proposed. Progress as exhibited.	N/A
7	Clarify the application of the proposed amendments	None proposed. Progress as exhibited.	N/A

It is important to note that the wording used for amendments to the Wollondilly Local Environmental Plan used throughout the planning proposal and this Council report are indicative only. The final wording will be drafted by the NSW Parliamentary Counsel's Office by specialist lawyers.

### Options for Moving Forward

The planning proposal has been prepared in accordance with Section 3.33 of the *Environmental Planning & Assessment Act 1979* and the guidelines published by the Department of Planning, Industry & Environment.

A number of changes are proposed to the planning proposal in response to matters raised

Council's options are:

1. Resolve to support the planning proposal in the form described in the Description of Proposal section of this report (i.e. the version that was publicly exhibited).
2. Resolve to support amending the planning proposal in an amended form as outlined in the Conclusion section of this report. This option seeks minor refinements to amendments 1, 2, 3 and 4 in response to submissions made.
3. Resolve to support the planning proposal in another form. In the event of this option being chosen, an Altered Gateway determination may be required which reflects the amendments requested. With this option Council would not meet its commitments under the Accelerated LEP Review Program funding agreement and would forgo at least \$250K of the available funding. Further consultation might also be required.

4. Resolve not to support the planning proposal. With this option Council would not meet its commitments under the Accelerated LEP Review Program funding agreement and would forgo at least \$250K of the available funding.

Option 2 is the recommendation of this report.

### Financial Implications

Funding of up to \$2.5 million was available for the LEP Review Program, including this Stage 1 planning proposal, through the Accelerated LEP Review Program subject to contractual conditions.




As part of this contract, the draft LEP component of the LEP Review is to be submitted to the Department for finalisation by 30 August 2020. On meeting this milestone Council will receive \$250K of the grant funding to utilise up until 31 December 2020 to fund important strategic planning work.

Any additional costs for this project are to be covered through Council's adopted budget and forward estimates.

The requirement to undertake a review of the LEP, along with the requirements generated from changes to the *Environmental Planning & Assessment Act 1979*, continues to have a significant impact on strategic planning resources.

The subject planning proposal is being prepared in accordance with an approved project plan, including budget allocation.

### ATTACHMENTS

1. LEP Review Program Stage 1 Planning Proposal (as exhibited) 
2. Summary of Proposed Amendments to Wollondilly Local Environmental Plan 2011 
3. LEP Review Program Stage 1 Planning Proposal Gateway determination issued by Department of Planning, Industry & Environment 
4. Table summarising consistency with Gateway determination conditions (under separate cover)
5. Table summarising feedback from Community & Stakeholder Submissions (under separate cover)
6. Submissions matrix; Community & Stakeholder Submissions (under separate cover)
7. Table summarising feedback from Public Agency and Adjoining Council Submissions (under separate cover)