

**12.3 LEP REVIEW PROGRAM STAGE 1A PLANNING PROPOSAL**

Cr Briggs left the meeting at 7.10pm due to a previously declared Conflict of Interest in this Item.

**RESOLUTION 256/2020**

Moved: Cr Judith Hannan

Seconded: Cr Matthew Gould

**That Council:**

- 1. Notes the LEP Review Program Stage 1A Planning Proposal is being forwarded to the Department of Planning, Industry and Environment (DPIE) for a Gateway determination, in accordance with Council's resolution of 16 December 2019.**
- 2. Requests DPIE to delegate plan making functions to Council for the LEP Review Program Stage 1A Planning Proposal in accordance with Section 3.36 of the Environmental Planning and Assessment Act 1979.**

On being put to the meeting the motion was declared **CARRIED 7/0**

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

Against: Nil

Cr Briggs returned to the meeting at 7.12pm.

## 12.3 LEP REVIEW PROGRAM STAGE 1A PLANNING PROPOSAL

**File Number:** 12275#112

### EXECUTIVE SUMMARY

On 16 December 2019, Council resolved to support the finalisation of the Local Environmental Plan (LEP) Review Program Stage 1 Planning Proposal which included a range of separate updates to the *Wollondilly Local Environmental Plan 2011* identified through the Accelerated LEP Review Program and to give effect to the Western City District Plan.

As the Stage 1 Planning Proposal progressed, a number of important matters were removed by the NSW Department of Planning, Industry & Environment to enable the proposal to progress within strict timeframes.

Council will soon be in a position to submit a new planning proposal, called Stage 1A, to progress some of the removed matters. The Stage 1A proposal prioritises attracting investment and growing local jobs. It is important that the Stage 1A proposal is progressed swiftly to assist local businesses and communities in their recovery from the impacts of the drought, Black Summer Fires, February 2020 flood event, and the ongoing COVID-19 pandemic.

While Council has resolved to support the preparation of these important planning matters, this report seeks Council support to request that plan making powers for the Stage 1A Planning Proposal are delegated to Council under the *Environmental Planning & Assessment Act 1979*. This is considered appropriate and is likely to help streamline the plan making process by removing duplication.

### RECOMMENDATION

That Council:

1. Notes the LEP Review Program Stage 1A Planning Proposal is being forwarded to the Department of Planning, Industry and Environment (DPIE) for a Gateway determination, in accordance with Council's resolution of 16 December 2019.
2. Requests DPIE to delegate plan making functions to Council for the LEP Review Program Stage 1A Planning Proposal in accordance with Section 3.36 of the *Environmental Planning and Assessment Act 1979*.

### REPORT

#### Background (*The Accelerated LEP Review Program*)

In response to a number of planning related announcements and legislative changes introduced by the NSW Government, Wollondilly and other Councils within the Greater Sydney Region, have been 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 formal component of the government funded program will end on 31 December 2020, however, a significant body of work has been undertaken that will inform and enable a number of future projects to now be progressed. This includes the progress of a new planning proposal with a focus on attracting investment and growing local jobs.

**Background (LEP Review Program Stage 1 Planning Proposal)**

At its Extraordinary Meeting on 16 December 2019, Council resolved to support the progress of the Stage 1 Planning Proposal. This decision was informed by advice from the Wollondilly Local Planning Panel from its meeting on 28 November 2019. The planning proposal endorsed by Council included 17 amendments covering a range of matters.

As the planning proposal progressed through the Gateway process a number of amendments were removed:

- the Gateway determination issued by the NSW Government Department of Planning, Industry and Environment required the removal of seven amendments
- following consultation with NSW RFS, a further four amendments were removed on the basis that a Strategic Bush Fire Study would be required for these amendments and could not be prepared in the Gateway timeframe.

It is noted that it had always been recognised that amendments may need to be removed from the planning proposal if they could not be achieved within the LEP Review Program timeframe.

The table at Attachment 1 provides an overview on the amendments that were removed from the planning proposal and why. The table recognises that the following amendments will be ready for progression from January 2021 once the Strategic Bush Fire Study prepared in accordance with Section 4 of the NSW Rural Fire Service's *Planning for Bush Fire Protection 2019* is complete:

	Intended outcome	Description of change
1	Increase opportunities for events	Introduce exempt development criteria for events which have low or minimal impact.
2	Enable destination weddings, functions and business conferencing in rural locations.	Make "Function centres" permissible within rural and some environmental protection zones and include an associated local provision to enable function centres at an appropriate scale.
3	Ensure that the Wollondilly LEP benefits from the most up-to-date model provisions and development terms within the Standard Instrument.	<p>Part 1:</p> <p>Amend the Land Use Table to broaden the scope of permissibility beyond the mandatory land use zones for the following development types which have been added or amended since WLEP 2011 was originally adopted:</p> <ul style="list-style-type: none"> <li>• Timber yard</li> <li>• Artisan Food and Drink Industry</li> <li>• Bee Keeping</li> <li>• Eco-Tourist Facility</li> <li>• Markets</li> </ul> <p>Part 2;</p> <p>Introduce new mandatory local provision which accompanies the introduction of Eco-Tourist Facility definition.</p>
4	Enabling more diverse tourist accommodation	Amend the Land Use Table so that Caravan Parks are permissible in recreation and rural zones.

The Strategic Bush Fire Study will consider whether proposed new uses will be exposed to unacceptable risk of bushfire, and the strategic implications of future development for bushfire mitigation and management.

This is subject to the outcomes of the Strategic Bush Fire Study which is currently underway.

The focus of the Stage 1A Planning Proposal will be to attract investment and grow local jobs contributing towards Wollondilly's 20 year target of 15,000 new jobs. The amendments will also assist local businesses and communities in their recovery from the impacts of the drought, Black Summer Fires, February 2020 flood event, and the ongoing COVID-19 pandemic. In particular, there is known local demand to pursue development that would be unlocked by this planning proposal.

As Council has already resolved to support the progress of the planning proposal, no further position it sought at this time to enable the planning proposal to be forwarded to DPIE for a Gateway determination. However, the project timeline could potentially be reduced if Council had delegation of plan making functions.

### **Delegation of Plan making functions to Council**

In light of the need to progress the LEP Review Program Stage 1A Planning Proposal as quickly as possible, consideration has been given to identify potential opportunities to accelerate the statutory process.

Delegation of plan making functions to Council may assist to speed up the process.

For the original planning proposal it was recommended that plan making functions associated with the planning proposal were not delegated to Council on the basis that some of the amendments had:

- District and regional planning significance,
- Implications for council owned land,
- Acquisition and public agency matters, and
- To ensure a transparent process is followed.

The amendments to be included within the Stage 1A Planning Proposal are considered to be of local significance only, although, it is acknowledged that the amendments will indirectly have implications for Council owned land. This is inevitable as the proposal is not site specific and will apply to land across the Shire.

A Council resolution is required in order to submit the new planning proposal to the Department, and request that the plan making functions are delegated to Council. This is the sole purpose of this report.

It should be noted that if Council is unable to resolve any public agency objection or there are unresolved S117 Directions, it may still be necessary to forward the planning proposal to the Department for finalisation.

### **Consultation**

There is no requirement for consultation to inform whether Council should seek delegation of the plan making functions for the Stage 1A Planning Proposal.

The Gateway determination, once issued, will set out the consultation requirements for the planning proposal. In addition, any consultation will be undertaken in accordance with the Wollondilly Community Participation Plan.

### **Financial Implications**

Funding for this project to date has been available through the Accelerated LEP Review Program subject to contractual conditions.

Funding under the Accelerated LEP Review Program is only available until 31 December 2020. After this date, all work on the Stage 1A Planning Proposal will be carried out by staff through the operational budget.

## **ATTACHMENTS**

1. **Table summarising progression of amendments from the original LEP Review Program Stage 1 Planning Proposal** 