

## 12.7 DRAFT PLANNING PROPOSAL - DEVELOPING THE VISITOR ECONOMY + EMPLOYMENT LAND USES (LEP REVIEW PROGRAM STAGE 2)

At 8.58pm, Cr Simon Landow returned to the meeting.

### RESOLUTION 127/2021

Moved: Cr Matthew Deeth

Seconded: Cr Blair Briggs

#### That Council:

1. Supports the Developing the visitor economy and employment land uses Planning Proposal.
2. Forwards the planning proposal to the Department of Planning, Industry and Environment for a Gateway determination.
3. Requests the Department to delegate plan making functions to Council for this 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 8/0**

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

Against: Nil

**12.7 DRAFT PLANNING PROPOSAL - DEVELOPING THE VISITOR ECONOMY + EMPLOYMENT LAND USES (LEP REVIEW PROGRAM STAGE 2)****File Number: 12275#310**

**Address:** Shire Wide  
**Current Zoning:** Not applicable  
**Planning Proposal:** To develop the Visitor Economy & Employment Land Uses  
**Applicant:** Council led Planning Proposal

**EXECUTIVE SUMMARY**

The purpose of this report is to commence a Council initiated planning proposal that seeks to develop the visitor economy for Wollondilly Shire. The planning proposal also seeks to provide greater clarity and transparency in the planning system for employment land.

The draft planning proposal is the third in a series of amendments to the *Wollondilly Local Environmental Plan 2011* as part of the LEP review. This proposal builds on the significant strategic planning work developed recently as part of the Accelerated LEP Review Program.

In particular, this planning proposal will implement findings of the *Wollondilly Visitor Economy Study*, and Action 4.6 of the *Draft Wollondilly Employment Land Strategy*.

The proposal was reported to the Wollondilly Local Planning Panel for its May 2021 meeting. At the time of preparing the report to Council, the minutes of the Panel were not available. These will be circulated to Council under separate cover.

This proposal seeks 35 amendments to the Wollondilly Local Environmental Plan 2011 (WLEP 2011) with a focus on increasing opportunities for visitor economy related developments by updating the land use table, zone objectives and introducing new local provisions.

**RECOMMENDATION**

That Council:

1. Supports the Supports the Developing the visitor economy and employment land uses Planning Proposal.
2. Forwards the planning proposal to the Department of Planning, Industry and Environment for a Gateway determination.
3. Requests the Department to delegate plan making functions to Council for this proposal in accordance with Section 3.36 of the Environmental Planning and Assessment Act 1979.

**REPORT****Background**

Council recently participated in the NSW Government's Accelerated LEP Review Program, a significant program of works undertaken over two and a half years, requiring Wollondilly along with other Councils within the Greater Sydney Region to review their local environmental plans.

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

The program included the preparation of Wollondilly 2040, Council's first local strategic planning statement, a number of strategies and studies, and an initial amendment to the WLEP 2011.

The draft planning proposal is the third in a series of amendments to the WLEP 2011 which builds on the significant strategic planning work developed recently as part of the Accelerated LEP Review Program.

The Stage 1A Planning Proposal includes a range of amendments on events and the visitor economy which were removed from the Stage 1 Planning Proposal in 2020 by the Department of Planning, Industry & Environment as their progression required the preparation of a Strategic Bush Fire Study to inform their suitability. A conditioned Gateway Determination was received on 13 May 2021 identifying further information required by the Department and some minor amendments. After further discussions between Council officers and the Department, an amended Gateway determination was issued on 28 May 2021 that authorises Council to proceed to exhibition. Remaining Department issues will be resolved during and post Exhibition.

The visitor economy related amendments in the Stage 1 and subsequent Stage 1A Planning Proposals reflect ready opportunities identified as part of the preliminary stages of the LEP Review Program.

The new subject planning proposal is known as 'developing the visitor economy and employment land uses' and is outlined in this report.

### **Wollondilly Visitor Economy Study (April 2021)**

The Wollondilly Visitor Economy Study was funded as part of the Accelerated LEP Review Program and sought to explore further potential local environmental plan mechanisms to enhance the Wollondilly visitor economy. The preparation of this study enabled a more comprehensive review of the potential for the local environmental plan to enable a more diverse visitor economy and to attract investment and grow local jobs.

The study was prepared by Hill PDA Consulting and was prepared on the basis of stakeholder engagement. All 23 recommendations from the Study have been included within the draft planning proposal.

The Wollondilly Visitor Study is provided at Attachment 1.

### **Draft Wollondilly Employment Land Strategy (July 2020)**

The Draft Wollondilly Employment Land Strategy was also funded as part of the Accelerated LEP Review Program. It seeks to provide a strategic planning framework to guide the future development of employment lands within Wollondilly over the next 20 years.

The draft planning proposal seeks to implement Action 4.6 under Strategy 4. Strategy 4 aims to create transparency and clarity in the planning system. Action 4.6 recommends updating the permissibility of uses in the Local Environmental Plan to provide further clarity and distinction between zones.

All 11 recommendations under Action 4.6 have been included within the draft planning proposal.

The Draft Strategy was publicly exhibited in August and September 2020. It is noted that Council endorsed the draft Strategy for consultation purposes only and it does not yet represent Council policy. It is anticipated that the final draft strategy will be reported to Council in May 2021 to seek formal adoption.

Action 4.6 recommends the inclusion and removal of a number of land use terms from the Land Use Table and it is considered these amendments can be progressed while the Employment Land Strategy is being finalised.

**Description of proposal**

The Developing the Visitor Economy and Employment Land Uses Draft Planning Proposal (previously known or referred to as LEP Review Program Stage 2) is a council initiated planning proposal and proposes a range of amendments to the Wollondilly LEP. It has the following objectives or intended outcomes:

- Give effect to the Western City District Plan
- Attract investment and grow local jobs
- Support the long-term viability of agriculture and rural lands by enabling more diverse income streams
- Enhance opportunities for people to connect with one another
- Create transparency and clarity in the planning system
- 35 amendments are sought and are summarised in the table below.

Intended Outcome	How
<b>Increase opportunities for visitor economy related developments</b>	<p>Expanding areas (land use zones) where certain development is permissible</p> <ul style="list-style-type: none"> <li>• Boat launching ramp</li> <li>• camping ground</li> <li>• charter and tourism boating facility</li> <li>• cellar door premises</li> <li>• Restaurant and café</li> <li>• Roadside stall</li> <li>• Neighbourhood shop</li> <li>• Helipad</li> <li>• Recreation facility (indoor)</li> <li>• Recreation facility (major)</li> <li>• Recreation facility (outdoor)</li> <li>• Tourism and visitor accommodation</li> <li>• Bed and breakfast accommodation</li> <li>• Hotel or motel accommodation</li> <li>• Water recreation structure</li> <li>• Wharf or boating facility</li> <li>• </li> </ul> <p>Increasing the scale of some types of visitor accommodation:</p> <ul style="list-style-type: none"> <li>• Farm stay accommodation (up to 12 bedrooms)</li> <li>• Bed and breakfast (up to 5 bedrooms)</li> </ul> <p>Enable temporary visitor economy uses.</p>
<b>Protecting the agricultural production, scenic and environmental values of</b>	<p>Ensuring the scale and potential impacts from rural and nature based development are appropriate</p>

Intended Outcome	How
land	
<b>Recognising the visitor economy as a core objective for development</b>	Including the visitor economy as a role and function for relevant land use zones.
<b>Strengthening the role and function of employment land</b>	<p>Providing clearer distinction between each industrial zone by restricting where certain development is permissible</p> <ul style="list-style-type: none"> <li>• Correctional centre</li> <li>• Depot</li> <li>• School</li> <li>• Health Services Facilities</li> <li>• Home occupation sex services</li> <li>• Light industry</li> <li>• Information and Education facilities</li> <li>• Outdoor recreation</li> <li>• Respite day care centre</li> <li>• Restriction facility</li> <li>• </li> </ul>
Minimising or avoiding the impact of bush fire hazard	Limiting sensitive developments during periods of elevated bush fire risk

## GATEWAY DETERMINATION

This Draft Planning Proposal will be sent to the Department of Planning, Industry & Environment for a Gateway determination if Council supports the proposal.

## PLANNING CONTEXT

### Wollondilly Community Strategy Plan 2033 (CSP 2033)

The Create Wollondilly Community Strategic Plan 2033 (CSP) is Council's highest level long term plan. It identifies and expresses the aspirations held by the Community of Wollondilly and sets strategies for achieving those aspirations.

The strategies from the CSP 2033 have informed the preparation of Wollondilly 2040 and consequently, the Stage 2 draft planning proposal to amend the local environmental plan.

Wollondilly 2040 Local Strategic Planning Statement (Wollondilly 2040).

Wollondilly 2040 is Council's Local Strategic Planning Statement (Wollondilly 2040). It outlines the vision for land use planning over the next 20 years and will guide the implementation of the District Plan at a local level.

This vision is for a prosperous, sustainable and resilient future for Wollondilly residents, with an enviable lifestyle of historic villages, modern living, rural lands and bush settings.

Wollondilly 2040 identifies a number of actions under each of its 18 planning priorities.

The draft planning proposal has been prepared to deliver on two planning priorities in particular:

- **Planning Priority 7;** Cultivating a creative and cultural destination connecting people with places
- **Planning Priority 9;** Developing the visitor experience and economy by increasing access to natural areas and rural landscapes
- **Planning Priority 10;** Attracting investment and growing local jobs.
- **Planning Priority 11;** Leveraging Greater Investment and Business Opportunities from the Western Sydney International (Nancy-Bird Walton) Airport

It will indirectly contribute towards a number of actions from Wollondilly 2040, including:

- Reviewing the LEP to create opportunities for events
- Implementing the Wollondilly Destination Management Plan
- Reviewing planning controls in the LEP to enable agritourism opportunities
- Implementing the draft Employment Land Strategy and the draft Rural Lands Strategy
- Enabling short-stay accommodation
- Implementing the Economic Development Strategy with a focus on the agriculture and tourism sector.

This proposal is consistent with the key planning directions outlined in the LSPS.

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

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 other four district plans guide the implementation of the Region Plan at a District Level.

The draft planning proposal responds to the following District Plan Planning Priorities:

District Plan Planning Priority	How
<b>Planning Priority W4;</b> Fostering health, creative, culturally rich and socially connected communities	<ul style="list-style-type: none"> <li>• Supporting creative enterprise and cultural expression</li> <li>• Fostering opportunities for socially connected communities</li> </ul>
<b>Planning Priority W8;</b> Leveraging industry opportunities from the Western Sydney Airport and Badgery's Creek Aerotropolis	<ul style="list-style-type: none"> <li>• Growing the visitor economy</li> </ul>
<b>Planning Priority W10;</b> Maximising freight and logistics opportunities and planning and managing industrial and urban services land	<ul style="list-style-type: none"> <li>• Managing industrial and urban services land</li> </ul>
<b>Planning Priority W17;</b> Better managing rural areas	<ul style="list-style-type: none"> <li>• Delivering targeted economic outcomes for the Metropolitan Rural Area</li> </ul>

### **Section 9.1 Ministerial Directions**

The Minister for Planning 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 draft planning proposal for consistency against s9.1 Directions is available within the draft planning proposal document provided at Attachment 4.

Of particular relevance to this planning proposal is Direction 4.4 Planning for Bushfire Protection. Direction 4.4 seeks to protect life, property and the environment from bush fire hazards by discouraging the establishment of incompatible land uses in bush fire prone areas.

The proposed amendments are not site specific and are proposed to apply Shire wide, or to land across the shire within an identified land use zone.

A Strategic Bush Fire Study has been prepared to inform the scope and content of this planning proposal. The study has been prepared to fulfil the requirements of Part 4 of NSW Rural Fire Services Planning for Bush Fire Protection (PFBP) 2019.

The study considers whether the amendments proposed in this proposal are appropriate in the bush fire hazard context. It also considered the strategic implications of future development for bush fire mitigation and management.

The study also considered a number of other amendments that are being progressed separately as part of the Stage 1A Planning Proposal. The Strategic Bush Fire Study is provided at Attachment 2.

A key consideration for this planning proposal has been balancing the heightened risks associated with Wollondilly's extensive bush fire hazard interface during the bushfire season while still enabling opportunities for economic activity. The Strategic Bush Fire Study acknowledges that the hazard risk varies over the year and from season to season.

In particular, a 'bush fire provision area' has been identified where additional consideration is considered necessary before development can go ahead. This area includes conservation lands to the west and is bound to the east by the road network which provides a mitigation measure that can be utilised for firefighting purposes.

This is proposed to be incorporated into the WLEP 2011 through the introduction of a new local provision and associated mapping with an objective to minimise the risk to life and property from bush fire attack.

The provision would be supported by planning controls which can be introduced in the Development Control Plan to guide future development on bushfire prone land within the 'bushfire provision area'. The controls would limit development in terms of operation during heightened periods of risk, scale and proximity to structures.

The draft planning proposal, and future amendments to the Development Control Plan have been structured so that the proposed local provision for inclusion (bush fire provision area) in the WLEP 2011 would only apply to where changes in land use are being proposed. This means that the mitigation measure will only apply to the changes considered by the Strategic Bush Fire Study (and not beyond that scope).

This approach is considered to be a genuine and tolerable response to the bush fire hazard risk to land in Wollondilly and the draft planning proposal is considered to be consistent with Direction 4.4.

The Strategic Bush Fire Study also recognises that, in Wollondilly, there is a particularly high risk for land in specific Environmental Protection zones (i.e. E3 Environmental Management and E2 Environmental Conservation) and has recommended that some of the matters recommended in the Visitor Economy Study and the Draft Employment Land Strategy are not progressed. These removed matters are listed in Attachment 3.

### **State Environmental Planning Policies**

The NSW Government publishes State Environmental Planning Policies (SEPPs) and Sydney Regional Environmental Plans (SREPs). These documents deal with matters of state or regional planning significance.

An assessment of the draft planning proposal for consistency against SEPPs is available within the draft planning proposal document provided at Attachment 4.

## **CONSULTATION**

### **Community Consultation**

The proposed amendments included within the Stage 2 draft planning proposal have been determined on the basis of ongoing engagement with a range of stakeholders associated with the LEP Review Program, and in particular the preparation of the Wollondilly Visitor Economy Study, and include feedback from:

- Councillor workshops
- Council's Community Advisory Committees
- Internal sections across Council
- Targeted consultation with stakeholders known to have experience with the land use planning system in terms of the visitor economy, including Councils across NSW, state government representatives, private consultants, local businesses and broader industry.

On the basis of the extensive consultation undertaken to date as part of the LEP Review Program and the preparation of the Wollondilly Visitor Economy Study, formal preliminary consultation in the manner described within Council's adopted Planning Proposal Policy CP0038 and draft Community Participation Plan has not been undertaken.

The requirement for preliminary consultation for draft planning proposals is not a statutory requirement and reflects Council's commitment to engaging with the community and key stakeholders early in the planning proposal process. Usually a 28 day consultation period is required for Council initiated planning proposals.

The LEP Review Program is a major project and the ongoing engagement to date which has been drawn on to inform this draft planning proposal is considerably more than would ordinarily be practicable for Council initiated planning proposals.

A variation to the preliminary consultation requirements has been approved in accordance with the adopted Planning Proposal Policy.

Further consultation will occur after a Gateway determination is issued and it has been established that the proposal has strategic merit. The Gateway determination will outline the consultation requirements with public agencies and the community, and is likely to include a public exhibition.

It is noted that in light of the implications of the proposed amendments for Bush Fire protection that any existing operations in Wollondilly that would be potentially affected by the proposed amendments will be notified where reasonable to do so.

### **Consultation with Public Agencies**

Due to the tight timeframes imposed on this Planning Proposal, it was not subject to initial consultation. Consultation will progress as normal post a Gateway determination issued by the Department of Planning, Industry & Environment.

### **Local Planning Panel Advice**

As required by the ministerial direction issued on 27 September 2018, the proposal was reported to the Wollondilly Shire Local Planning Panel (the Panel) to seek the Panel's advice.

At the time this report was prepared, the draft planning proposal was scheduled to be considered by the Panel at its meeting in June 2021.

The minutes from the upcoming meeting, once available, will be provided under separate cover.

## **CONCLUSION**

The Developing the Visitor Economy and Employment Land Uses Draft Planning Proposal is a Council initiated proposal that seeks a number of amendments to the WLEP 2011 to develop the visitor economy and also provide greater clarity and transparency in the planning system for employment land.



The proposal seeks to implement the findings of a number of projects funded by the Accelerated LEP Review Program and is recommended for support.

### **OPTIONS FOR MOVING FORWARD**

The draft 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.

The options to be considered are:

1. Resolve to support the draft Planning Proposal in the form as described in the Description of Proposal section of this report.
2. Resolve to support the draft Planning Proposal in another form.
3. Resolve not to support the draft Planning Proposal.

Option 2 would likely result in revision to or a new Strategic Bushfire Assessment. Option 3 is not consistent with the forward vision of the Shire, the community and economic prosperity.




Option 1 is the recommendation of this report.

### **FINANCIAL IMPLICATIONS**

Funding for the Wollondilly Visitor Economy Study and the Draft Wollondilly Employment Land Strategy has been available through the Accelerated LEP Review Program.

Moving forward, the progress of this draft planning proposal will be funded through the Operational budget.

### **ATTACHMENTS**

1. **Wollondilly Visitor Economy Study** 
2. **Wollondilly Strategic Bush Fire Study for Proposed Amendments to Wollondilly LEP (May 2021)** 
3. **Summary table of proposed LEP Amendments** 
4. **Draft Planning Proposal Document; Developing the Visitor Economy + Employment Land Uses (Stage 2 LEP Review Program)** 