



Planning,
Industry &
Environment

IRF21/2781

Gateway determination report – PP-2021-3982

LEP Review Program Stage 2 – Developing the Visitor
Economy + Employment Land Uses

July 21



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Table 1 Reports and plans supporting the proposal

Relevant reports and plans
Wollondilly Visitor Economy Study – April 2021
Strategic Bushfire Study for Proposed amendments to Wollondilly LEP – 5 May 2021
Draft Wollondilly Employment Land Strategy – July 2020

1 Planning proposal

1.1 Overview

Table 2 Planning proposal details

LGA	LGA name
PPA	Wollondilly Shire Council
NAME	LEP Review Program – Stage 2 – Developing the visitor economy
NUMBER	PP-2021-3982
LEP TO BE AMENDED	Wollondilly Local Environmental Plan 2011
ADDRESS	LGA Wide
DESCRIPTION	LGA wide
RECEIVED	18/06/2021
FILE NO.	IRF21/2781
POLITICAL DONATIONS	There are no donations or gifts to disclose and a political donation disclosure is not required
LOBBYIST CODE OF CONDUCT	There have been no meetings or communications with registered lobbyists with respect to this proposal

1.2 Objectives of planning proposal

The planning proposal contains objectives and intended outcomes that adequately explain the intent of the proposal.

The objectives of the planning proposal are to:

- Increase opportunities for visitor economy related developments
- Ensuring sustainable tourism by protecting the agricultural productions, scenic and environmental values of land;
- Recognise the visitor economy as a core objective for development;
- Strengthen the role and function of employment land; and
- Minimising or avoiding the impact of bush fire hazard

1.3 Explanation of provisions

The planning proposal seeks to amend the Wollondilly LEP 2011 per the changes below:

Table 3 Current and proposed controls

Control	Activity/Land Use	Zone	Current	Proposed
Amendment 1 – Increase opportunities for visitor economy related developments				
Land Use Table – Permitting the following land uses with consent	Boat Launching Ramp	RE1, RU1, RU2, and RE4	Prohibited	Permitted with Consent
	Charter and tourism boating facility	RE1, RU1, RU2, and RE4		
	Water recreation structure	E2		
	Wharf or boating facility	RE1, RE2, RU2		
	Helipad	RU1, and RU2		
	Cellar door premises	E2, E3		
	Restaurant and cafe	E4, RU1, RU2, RU4		
	Roadside stall	E2, E3, R5		
	Neighbourhood Shop	RU2		
	Recreation Facility (Indoor)	RU1, RU4		
	Recreation Facility (Major)	RU1		
	Recreation Facility (Outdoor)	RU1, RU2, RU4		
	Tourism and Visitor accommodation (group term)	RU1, RU2, RU4		
	Camping Ground	RU1, RU2, E3, E4		
	Bed and Breakfast Accommodation	B1		
	Hotel and Motel Accommodation	RU1, RU2, RU4		

Control	Activity/Land Use	Zone	Current	Proposed
<p>Schedule 2 – Exempt Development Standards</p> <p>Roadside stall is less than 20m² in area, 20m setback from a public road or 90m from a junction to an arterial road.</p> <p>Carparking must be provided in close proximity to the site and design controls regarding signage size and location.</p>	Roadside Stalls	R5	Applies to RU1, RU2, RU4 Zones	Amend existing controls so R5 zone is applicable
Clause 5.4 – Controls relating to miscellaneous permissible uses	Bed and Breakfast accommodation	All zones where land use is permitted – no change	<p>Bed and breakfast accommodation</p> <p>If development for the purposes of bed and breakfast accommodation is permitted under this Plan, the accommodation that is provided to guests must consist of no more than 3 bedrooms</p>	<p>Bed and breakfast accommodation</p> <p>If development for the purposes of bed and breakfast accommodation is permitted under this Plan, the accommodation that is provided to guests must consist of no more than 3 5 bedrooms</p>

Control	Activity/Land Use	Zone	Current	Proposed
	Farm stay accommodation		Farm stay accommodation If development for the purposes of farm stay accommodation is permitted under this Plan, the accommodation that is provided to guests must consist of no more than 5 bedrooms	Farm stay accommodation If development for the purposes of farm stay accommodation is permitted under this Plan, the accommodation that is provided to guests must consist of no more than 5 12 bedrooms
New Local Provision to regulate the impacts of the temporary visitor economy land uses on matters such as agricultural production, scenic or environmental values of land	Temporary visitor economy land uses, for the purpose of this clause, including: <ul style="list-style-type: none"> - Camping grounds; - Filming, - Food and drink premises, - Information and education facilities, - Markets, - Recreation facility (indoor, major, and outdoor) - Rural industries that provide services, or the sale of goods, onsite to visitors. 	All except for E2 and E3	N/A	Council are proposing a new local provision to regulate the impacts of the temporary visitor economy land uses on matters such as agricultural production, scenic or environmental values of land. Criteria includes: <ul style="list-style-type: none"> - Temporary, - Operate on a set number of occasions, - Limitations on the length of stay, - Rehabilitation of each site.

Amendment 2 – Enabling sustainable tourism by protecting the agricultural production, scenic and environmental values of land

New Local Provision to manage the scale and potential impacts of rural and nature-based	Tourism Development is defined for the clause as: <ul style="list-style-type: none"> - Camping grounds - Caravan parks 	RU1, RU2, RU4, E2, E3, E4	N/A	The proposed new clause will include assessment criteria for the identified land uses. The assessment criteria include:
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Control	Activity/Land Use	Zone	Current	Proposed
tourism development	<ul style="list-style-type: none"> - Eco-tourist facilities; - Home Industries that provide services, or the sale of goods, on site to visitors - Information and education facilities - Restaurants or cafes - Rural industries that provide services or the sale of goods on site to visitors - Tourism and visitor accommodation 			<ul style="list-style-type: none"> - Adequate road access - Small scale - Complementary to existing rural attributes - Impacts on agricultural production - Not result in the removal of any native vegetation. <p>The clause is only proposed to apply where there is a lawfully erected dwelling house or dual occupancy (attached) on the land or where a dwelling house may be erected on the land under the WLEP 2011.</p> <p>Definitions of the scale are proposed in the amendment</p>

Amendment 3 – Recognise the visitor economy as a core objective for development

Introduce new objectives in identified zones	N/A	E1, E2, E3		To provide for tourist land uses that are linked to an environmental use of the land
		E4, RU1, RU2, RU4		To provide for a range of tourist and visitor accommodation-based land uses, including agri-tourism, eco-tourism that is linked to an environmental, scenic, agricultural or rural industry use of the land.
		B2		To encourage vibrant centres by allowing tourist and visitor

Control	Activity/Land Use	Zone	Current	Proposed
				accommodation and facilities

Amendment 4 – Strengthening the role and function of employment land

Amending the land use table to permit the following land uses with consent	Health Services Facility	IN1, IN2	Prohibited	Permitted with consent
Amending the land use table to remove and prohibit the following land uses	Correctional centre	IN2, IN3	Permitted with Consent	Prohibited
	Depot	B5	Permitted with Consent	Prohibited
	School	IN2	Permitted with Consent	Prohibited
	Health services facility	IN3	Permitted with Consent	Prohibited
	Home occupation sex services	IN2, IN3	Permitted with Consent	Prohibited
	Light Industry	IN3	Permitted with Consent	Prohibited
	Information and education facility	IN1, IN3	Permitted with Consent	Prohibited
	Outdoor recreation	IN3	Permitted with Consent	Prohibited
	Respite day care centre	IN1, IN2, IN3	Permitted with Consent	Prohibited
	Restriction facility	IN2, B5	Permitted with Consent	Prohibited

Amendment 5 – Bush fire protection

Including a new local provision and associated mapping to minimise the risk to life and property from bushfire attack for the proposed	Backpackers accommodation	RU2, RU4	N/A	Further clarification is required from Council post Gateway regarding the intent of this local clause.
	Bed and breakfast accommodation	B1 or any zone where 4 or more bedrooms		
	Farm stay accommodation where 6 or more bedrooms			

Control	Activity/Land Use	Zone	Current	Proposed
additional activities	Camping Ground	RU1, RU2, E3, E4		
	Cellar door premises	E2, E3		
	Temporary visitor economy land use	Any zone		
	Recreation Facility (outdoor)	RU1, RU2, RU4		
	Serviced apartments			
	Hotel or motel accommodation			

The planning proposal contains an explanation of provisions that adequately explains how the objectives of the proposal will be achieved.

Clarification was sought from Council on the intended effect of removing the Information and Education Facility from the IN1 Zone, and the Respite day Care Centre from the IN2 zone and also clarifying the zones the proposed Amendment 5, for Farm Stay Accommodation (where 6 or more bedroom) land use would apply. Council advised this was an oversight and therefore a condition is recommended on the Gateway Determination to clarify the intended change for these land uses.

With regard the proposed drafting of the amendments to the Wollondilly LEP, it is recommended the planning proposal be amended to identify the proposed controls are subject to legal drafting and are subject to change upon finalisation of the proposal.

1.4 Site description and surrounding area

The Planning Proposal is LGA wide.

1.5 Mapping

The planning proposal includes mapping showing the proposed introduction of Bushfire Provision Maps (**Figure 1**). No mapping relating to the bushfire provision currently applies to the Wollondilly LEP. Prior to exhibition, it is recommended mapping is updated to include clear mapping that identifies the properties affected by the Bush Fire Provision Area Map and the proposal is updated to clarify the intended effect of the proposed Bush Fire Provision Area Map. This may include digital mapping.

1.6 Background

The planning proposal provides a summary on the background of the proposal. The proposal is one of a range of amendments to the Wollondilly LEP to give effect to the Western City District Plan through upfront strategic planning. This proposal is the third in a series of amendments to relating to the visitor economy and employment generating amendments to the Wollondilly LEP.

2 Need for the planning proposal

The proposed amendments are a result of significant strategic studies and reports undertaken by Wollondilly Shire Council.

The planning proposal notes the proposed amendments are identified to align with the Western City District Plan, and a range of supporting studies, including the *Wollondilly Visitor Economy Study* (April 2021), the *draft Wollondilly Employment Land Strategy* (July 2020), and the *Wollondilly Strategic Bushfire Study* (May 2021).

Given that many of the proposed amendments relate to rural zoned areas of the LGA, it is recommended that the Council also assess this proposal against its Rural Lands Strategy (as current) to illustrate how the proposal will align relevant expectations sought this strategy.

The proposed amendments facilitate differing assessment criteria for assessable events within Wollondilly. Alternative pathways for undertaking exempt events are currently available to be considered under the State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 (Codes SEPP). The proposed amendments are not considered to contradict the Codes SEPP.

It is considered the proposed amendments are the best means for achieving the objectives or intended outcomes, given land use and planning controls are required to achieve the alignment with the Western City District Plan. Further amendments including to design based controls will be required over time, including through Council's Development Control Plan.

3 Strategic assessment

3.1 Regional Plan

The following table provides an assessment of the planning proposal against relevant aspects of the Greater Sydney Regional Plan (GSRP).

Table 4 Regional Plan assessment

Regional Plan Objectives	Justification
Objective 24 Economic sectors are targeted for success	<p>Strategy 24.1 of the GSRP seeks for tourism and visitation plans to consider opportunities to enhance the amenity, vibrancy, and safety of centres and township precincts, as well encouraging the development of a range of well-designed and located facilities.</p> <p>Strategy 24.3 seeks to protect and support agricultural production and Strategy 24.4 also seeks to provide a regulatory environment that enables economic opportunities created by changing technologies.</p> <p>The proposal seeks to enable the diversification of existing land uses activities to enable tourism, support agricultural activities through streamlining diversification of land uses and targeting the visitor economy for success of the Wollondilly LGA.</p>
Objective 28 Scenic and cultural landscapes are protected	<p>The GSRP identifies a range of strategies to identify and protect scenic and cultural landscapes. The proposed additional local clause as identified by Amendment 2 will facilitate the protection of scenic and environmental values of the land. The additional assessment criteria for tourism-based uses, in the identified zones will provide an opportunity for the rural, scenic or environmental values of the land to be considered at the Development Application stage.</p>

3.2 District Plan

The site is within the Western City District and the Greater Sydney Commission released the Western City District Plan on 18 March 2018. The plan contains planning priorities and actions to guide the growth of the district while improving its social, economic and environmental assets.

The planning proposal is consistent with the priorities for infrastructure and collaboration, liveability, productivity, and sustainability in the plan as outlined below.

The Department is satisfied the planning proposal gives effect to the District Plan in accordance with section 3.8 of the *Environmental Planning and Assessment Act 1979*. The following table includes an assessment of the planning proposal against relevant directions and actions.

Table 5 District Plan assessment

District Plan Priorities	Justification
W10 Maximising freight and logistics opportunities and planning and managing industrial and urban services land	<p>This priority seeks to ensure freight, industrial, and logistics land is competitive and efficient. The WSRP identifies there is a growing demand for these land uses and there is a need to manage the interface and safeguarded from incompatible land uses.</p> <p>The planning proposal seeks to facilitate this by prohibiting key land uses in industrial zones, such as schools that would impact on the safe and efficient operation of freight and logistic operations.</p>
W16 Protecting and enhancing scenic and cultural landscapes	<p>The WSRP identifies a range of strategies to identify and protect scenic and cultural landscapes. The proposed additional local clause as identified by Amendment 2 will facilitate the protection of scenic and environmental values of the land. The additional assessment criteria for tourism-based uses, in the identified zones will provide an opportunity for the rural, scenic or environmental values of the land to be considered at the Development Application stage.</p>
W17 Better managing rural areas	<p>Objective 29 of the WSRP seeks to ensure environmental, social and economic values in rural areas are protected and enhanced.</p> <p>The proposal notes it responds to Priority W17 by delivering targeted economic outcomes for the Metropolitan Rural Area.</p> <p>The proposed facilitation of visitor economy land uses will sustain local rural towns and villages and support economic diversification of existing farm activities through simplifying the assessment pathway for providing additional income streams such as through camping ground, cellar door premises, and roadside stalls.</p> <p>The management of site-specific impacts and infrastructure requirements has been addressed in the proposed additional local provision. By providing assessment criteria that each of these land uses require adequate vehicular access or limiting their operation to ensure it is complementary to the rural and environmental attributes of the land surrounding the site will allow for each development application to be considered on its merits.</p>
W20 Adapting to the impacts of urban and natural hazards and climate change	<p>The WSRP seeks to reduce and manage people's exposure to natural and urban hazards. The WSRP identifies the need for population growth and changes to be considered at a local level and cumulative impacts at a district and regional level. It also identifies councils can use a range of policies and tools to reduce risks from natural and urban hazards.</p> <p>Through the introduction of Amendment 5, as part of this planning proposal, new development applications for visitor economy land uses will be required to consider how risk to life and property from a bushfire attack is minimised.</p>

3.3 Local

The proposal states that it is consistent with the following local plans and endorsed strategies. It is also consistent with the strategic direction and objectives, as stated in the table below:

Table 6 Local strategic planning assessment

Local Strategies	Justification
Local Strategic Planning Statement	<p>The planning proposal identifies it is consistent with a range of actions in the LSPS, including:</p> <ul style="list-style-type: none"> • 7.5 – Review the LEP to create opportunities for events. • 9.1 – Implement and continually review the Wollondilly destination management plan • 9.3 – Update the LEP to encourage development of tourism infrastructure including accommodation, events and conferencing or function spaces • 10.2 – Complete an employment land study • 10.5 – Review the LEP to encourage business across rural and residential zones where it can blend with existing character • 16.2 – review the LEP to ensure there is sufficient protection, including buffers for agricultural activities and key industries. <p>The proposal facilitates a range of the Planning Priorities in the Wollondilly LSPS including enhancing economic development and tourism, growing and strengthening rural businesses and the visitor experience and economy whilst including controls that can protect and enhance scenic and cultural landscapes.</p>

3.4 Local planning panel (LPP) recommendation

On 27 May 2021, the LPP considered the planning proposal and noted the planning proposal is consistent with the strategic planning framework, and identified the Department is concurrently progressing reforms to employment zones, however this should not delay the progression of the proposal. Further consideration of the employment zone reform should be given to the proposal as it progresses. The LPP recommended the proposal proceed to Gateway.

3.5 Section 9.1 Ministerial Directions

The planning proposal's consistency with relevant section 9.1 Directions is discussed below:

Table 7 9.1 Ministerial Direction assessment

Directions	Consistent/ Not Applicable	Reasons for Consistency or Inconsistency
1.1. Business and Industrial Zones	Yes	The proposal gives effect to Direction 1.1 as it encourages employment growth in suitable locations and protects employment land in business and industrial zones from incompatible land uses by prohibiting those land uses, such as schools which would impact on the operations of industrial zones.

Directions	Consistent/ Not Applicable	Reasons for Consistency or Inconsistency
1.2 Rural Zones	Yes	The proposal does not rezone land from a rural zone to a residential, business, industrial, village or tourist zone and it does not contain provisions that will increase the permissible density of land within a rural zone.
1.5 Rural lands	Yes	<p>The proposal does not rezone land from rural land to an urban zone and is considered consistent with the WCDP and GSRP.</p> <p>The proposal enhances farmers economic opportunity and promotes diversification of the local economy whilst protecting environmental and agricultural values of the area. Through the proposed local clause, individual Development Applications must consider how the scenic, and rural features of the land will be protected.</p>
2.1 Environment Protection Zones	Yes, inconsistency justified	<p>The proposal affects land within an environmental protection zone or land for environmental protection purposes. The proposal includes provisions that facilitate the protection and conservation of environmentally sensitive areas and does not reduce the environmental protections standards that apply to the land. A Cellar Door Premises in the E2 zone may have the potential to introduce unfavourable land use impacts, however it is considered these are of minor significance given the proposed development will be subject to stricter assessment criteria to manage those impacts at the development application stage.</p> <p>The proposal also seeks to provide for tourist land uses that are linked to an environmental use of the land in the E1 zone. Consultation with National Parks and Wildlife Services is recommended to determine whether supporting tourist land uses or other associated commercial uses where linked to environmental use of the land in the E1 or E2 zones is supported.</p>
2.3 Heritage Conservation	Yes, Inconsistency justified.	The proposal affects land that contains environmental and heritage significance, given it is across the entire local government area. The proposal is consistent with the Direction as the existing local environmental plan contains provisions that would protect those items of significance and during the Development Application stage require assessment against any potential impact.
2.6 Remediation of Contaminated Land	Yes, Inconsistency justified	<p>Direction 2.3 requires that a planning proposal must not change land uses within a zone that may contain contaminated land unless the land has been considered to be contaminated and if so, the land can be remediated prior to being used for the intended purpose.</p> <p>The planning proposal notes there may be potential for contaminated land and there are provisions under the Wollondilly LEP 2011 which will require the contamination to be managed prior to the use occurring on the site.</p>

Directions	Consistent/ Not Applicable	Reasons for Consistency or Inconsistency
3.5 Development Near Regulated Airports and Defence Airfields	No, Inconsistent	<p>Direction 3.5 requires a planning proposal to ensure the effective and safe operation of regulated airports and defence airfields and to ensure their operations are not compromised.</p> <p>The planning proposal seeks to allow Helipads, subject to development approval in the RU1 and RU2 zones. Direction 3.5 requires that during the preparation of the proposal must consult relevant airport operators. Per the Direction and given the nature of the proposal consultation prior to community consultation is required.</p>
4.2 Mine subsidence and unstable land	Yes, inconsistency justified	<p>Direction 4.2 requires a planning proposal to consult the Subsidence Advisory NSW prior to the preparation of the planning proposal, where a proposal would permit development on land that is within a mine subsidence district. Council hasn't conducted this earlier consultation and no consultation has been identified by council's planning proposal either.</p> <p>In accordance with justifications for exceptions of this Direction, the Department is of the view that due to the minor nature of the proposed amendments and that future land uses will be subject to development assessment where any potential impact of mine subsidence can be addressed this earlier consultation is not necessary.</p> <p>Despite this consultation with Subsidence Advisory NSW is recommended during exhibition to provide further guidance and assessment of the proposal's consistency with Direction 4.2.</p>
4.3 Flood Prone Land	Yes, inconsistency justified	<p>Direction 4.3 requires a planning proposal not to increase the risk to life and property on flood prone land. The proposal seeks to allow, subject to development approval additional sensitive land uses in flood prone areas. However, given the proposal is for minor scale land use changes that will still be subject to flooding and risk assessment at the Development Application stage the inconsistency with Direction 4.3 is considered minor.</p>
4.4 Planning for Bushfire Protection	No, Inconsistent	<p>Direction 4.4 requires a planning proposal not to increase the risk to life and property on bushfire prone land. The proposal seeks to allow, subject to development approval additional sensitive land uses in bush fire prone areas and include provisions relating to the mapping of key areas of bushfire prone risk.</p> <p>The proposal notes a strategic bushfire study has been prepared to inform the progression of the proposal and RFS were consulted on the study. However, given RFS has not provided written evidence that it does not object to the progression of the proposal, the proposal is strictly inconsistent with this Direction. The proposal includes additional assessment criteria for properties affected by bushfire risk which will assist in reducing risk to life and property. It is recommended RFS is consulted prior to exhibition to provide advice on the consistency of the planning proposal with Direction 4.4.</p>

Directions	Consistent/ Not Applicable	Reasons for Consistency or Inconsistency
5.2 Regional Drinking Water Catchment	Yes, inconsistency justified	Direction 5.2 requires that a planning proposal must be prepared and give consideration to the SEPP Sydney Drinking Water Catchment and protect water quality in the Sydney drinking water catchment. When preparing the planning proposal, to be consistent with the direction, Water NSW (formerly Sydney Catchment Authority) must be consulted. Given the proposal does not rezone land, the proposal's inconsistency with 5.2 is considered of minor significance, however consultation with the Water NSW is required prior to exhibition. Future Development Applications will also be required to address water quality and protection of natural assets at the development application stage.
6.1 Approval and Referral Requirements	Yes	Direction 6.1 requires LEPs to encourage the efficient and appropriate assessment of development. The planning proposal introduces a number of new local planning provisions to respond to local circumstances. The proposed provisions do not increase the number of referrals or consultation required and is therefore consistent with Direction 6.1

3.6 State environmental planning policies (SEPPs)

The planning proposal is consistent with all relevant SEPPs as discussed in the table below.

Table 8 Assessment of planning proposal against relevant SEPPs

SEPPs	Requirement	Consistent/ Not Applicable	Reasons for Consistency or Inconsistency
Exempt and Complying Development Codes	Not applicable to Planning Proposals, however generally there must not be an inconsistency between two differing instruments	Yes	The proposal does not contravene development standards listed in the Exempt and Complying Development Codes SEPP. The proposal simplifies the assessment pathway for identified land uses.
Sydney Drinking Water Catchment	Not applicable to Planning Proposals, however the policy aims to provide for healthy water catchments that will deliver high quality water while permitting development that is compatible.	Yes	Direction 5.2 requires consideration of the Sydney Drinking Water Catchment SEPP including provisions to protect water quality and healthy water catchments. As the proposal does not re-zone land, the potential impact of this proposal is considered minor. As the proposal increases the allowable land uses as subject to assessment, consultation with Sydney Catchment Authority is recommended.
Sydney Regional Environmental Plan No 20 – Hawkesbury Nepean River	No applicable to Planning Proposals, however the policy aims to protect the environment of the Hawkesbury-Nepean River system by ensuring impacts of future land uses are considered in a regional context	Yes	The SEPP includes provisions relating to additional assessment criteria for identified land uses of interest within the catchment. The proposed amendments do not amend the proposed SEPP, and therefore do not contradict. The SEPP is also to apply in addition to those already in other environmental planning instruments. Through the proposed additional assessment criteria, requiring the amended land uses to consider whether the development will not have a significant adverse impact on features of the natural environment or environmental attributes, consideration can be given to further protecting environmental values of the Hawkesbury-Nepean River system.

4 Site-specific assessment

4.1 Environmental

The following table provides an assessment of the potential environmental impacts associated with the proposal.

Table 9 Environmental impact assessment

Environmental Impact	Assessment
Managing Rural Areas	The planning proposal includes a number of amendments which aim to facilitate the growth of the visitor and events economy in rural and environmental zones across the LGA.
Scenic and cultural landscapes	Additional assessment criteria is included in the new local provision to ensure temporary events and visitor economy land uses do not adversely impact on rural areas, scenic and cultural landscapes or increase the risk to life and property as a result of a bushfire event.
Bushfire	<p>The additional assessment criteria require the future development to be complementary to the rural and environmental attributes of the land whilst not result in the removal of any vegetation.</p> <p>No additional bushfire criteria is identified in the planning proposal, and therefore prior to exhibition, it is recommended the planning proposal be updated to include additional local provisions for the management of risk to life and property for bushfire events.</p>

4.2 Social and economic

The following table provides an assessment of the potential social and economic impacts associated with the proposal.

Table 10 Social and economic impact assessment

Social and Economic Impact	Assessment
Noise and Traffic from future events/activities	<p>The planning proposal includes a number of amendments which aim to facilitate the growth of the visitor and events economy in rural and environmental zones across the LGA.</p> <p>The proposed planning controls includes provisions which require the assessment of road capacity prior to the development being approved.</p> <p>With regard to noise, the proposed local clauses include assessment criteria relating to the amenity of the area. During the assessment of a Development Application it would be appropriate to address any potential noise impacts and associated mitigation. Matters to be considered during the development application can consider matters such as hours of operation, frequency of events, siting and other potential physical mitigation.</p>

4.3 Infrastructure

The following table provides an assessment of the adequacy of infrastructure to service the site and the development resulting from the planning proposal and what infrastructure is proposed in support of the proposal.

Table 11 Infrastructure assessment

Infrastructure	Assessment
Roads and Sewer capacity	<p>The planning proposal includes a number of amendments which aim to facilitate the growth of the visitor and events economy in rural and environmental zones across the LGA.</p> <p>The proposed planning controls includes provisions which require the assessment of road capacity prior to the development being approved.</p> <p>The proposal notes there is limited sewer capacity which will limit the take-up of any changes to large scale developments in the short to medium term. Alternatively, sites have the ability to include on-site sewer treatment and temporary facilities.</p> <p>It is recommended Sydney Water are consulted on the proposal at the time of exhibition to understand the forward planning and potential demands required on the sewer and water network as a result of the proposed land use changes.</p>

5 Consultation

5.1 Community

Council proposes a community consultation period of 1 month.

The exhibition period proposed is considered appropriate, and forms the conditions of the Gateway determination.

5.2 Agencies

The proposal does not specifically raise which agencies will be consulted. In accordance with relevant Section 9.1 Directions consultation with NSW Rural Fire Service, Water NSW, and relevant airport authorities is required prior to public exhibition. Based on feedback obtained, the planning proposal should be revised (where needed) prior to it being publicly exhibited.

It is recommended the following agencies be consulted on the planning proposal during the community consultation period and given 28 days to comment:

- Department of Primary Industries
- National Parks and Wildlife Services
- NSW Rural Fire Service
- Sydney Water
- Transport for NSW
- Water NSW
- Department of Infrastructure and Regional Development and relevant airport operators
- Subsidence Advisory NSW

6 Timeframe

Council proposes a 8 month time frame to complete the LEP.

The Department recommends a time frame of 8 months to ensure it is completed in line with its commitment to reduce processing times. It is recommended that if the gateway is supported it also includes conditions requiring council to exhibit and report on the proposal by specified milestone dates.

A condition to the above effect is recommended in the Gateway determination.

7 Local plan-making authority

Council has advised that it would like to exercise its functions as a Local Plan-Making authority.

As the planning proposal seeks to facilitate diversification of the local economy as a result of Council's Local Strategic Planning Statement, the Department recommends that Council be authorised to be the local plan-making authority for this proposal.

8 Assessment summary

The planning proposal is supported to proceed with conditions for the following reasons:

- The planning proposal gives effect to the Western City District Plan and Council's Local Strategic Planning Statement to develop the visitor experience and economy;
- The proposal seeks to reduce incompatible land uses in employment zones;
- The proposal includes additional assessment criteria to manage impacts to the natural and rural amenity of Wollondilly whilst seeking to manage risk to property and life from bushfire events.

As discussed in the previous sections 4 and 5, the proposal should be updated before consultation to:

- Include clear mapping that identifies the properties affected by the Bush Fire Provision Area Map;
- Provide clarity on the intended effect of the Bush Fire Provision Area Map;
- Include local provisions relating to the Bush Fire Provision Area Map; and
- identify the proposed local provisions are indicative only and subject to change upon finalisation of the proposal.

9 Recommendation

It is recommended the delegate of the Secretary:

- Agree that any inconsistencies with section 9.1 Directions 2.1 Environment Protection Zones; 2.3 *Heritage Conservation*; 2.6 *Remediation of Contaminated Land*; 4.2 *Mine subsidence and unstable land*; 4.3 *Flood Prone Land*; and 5.2 *Regional Drinking Water Catchment* are minor or justified and
- Note that the consistency with section 9.1 Directions 3.5 *Development Near Regulated Airports and Defence Airfields*; and 4.4 *Planning for Bushfire Protection* is unresolved and will require justification.

It is recommended the delegate of the Minister determine that the planning proposal should proceed subject to the following conditions:

1. Prior to community consultation, consultation is required with the following public authorities/organisations under section 3.34(2)(d) of the Act and/or to comply with the requirements of the relevant Section 9.1 Directions:
 - Water NSW
 - Camden Airport Limited
 - Civil Aviation Safety Authority
 - Airservices Australia
 - Department of Infrastructure and Regional Development
 - NSW Rural Fire Service.
2. Also prior to community consultation, the planning proposal is to be updated to:
 - Include mapping that identifies which properties are intended to be affected by the proposed Bush Fire Provision Area Mapping;
 - Provide clarity and further explanation of the intended effect of the proposed Bush Fire Provision Area Mapping;
 - Clarify the intended Land Use Table changes for Amendments 4 and 5;
 - demonstrate how the proposal will support relevant objectives of Council's Rural Lands Strategy;
 - Identify that the wording of the proposed local provisions are indicative only and subject to change upon finalisation of the proposal; and
 - Reflect feedback and any relevant amendments to the proposal following consultation with the authorities and organisations listed as part of Condition 1 of the Gateway Determination.
3. Consultation is required with the following public authorities:
 - Department of Primary Industries
 - National Parks and Wildlife Services
 - NSW Rural Fire Service
 - State Emergency Service
 - Sydney Water
 - Transport for NSW
 - Water NSW
 - Subsidence Advisory NSW
 - Department of Infrastructure and Regional Development and relevant airport authorities

4. The planning proposal should be made available for community consultation for a minimum of 28 days.
5. The planning proposal must be reported to council for a final recommendation 6 months from the date of the Gateway determination.
6. The timeframe for completing the LEP is to be 8 months from the date of the Gateway determination.
7. Given the nature of the proposal, Council should be authorised to be the local plan-making authority.



16/07/2021

(Signature)

(Date)

Gwenda Kullen
Manager, Western



16 / 07 / 2021

(Signature)

(Date)

Frankie Liang
A/Director, Western

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