

Planning Proposal

to amend Wingecarribee Local Environmental Plan 2010

Purpose of Amendment:

To amend Wingecarribee Local Environmental Plan 2010 to insert clause 5.24 Farm stay accommodation and permit Farm stay accommodation with consent in the RU4 Primary Production Small Lots zone

Prepared by Wingecarribee Shire Council in accordance with the Local Environmental Plan Making Guideline (August 2023)

The Planning Proposal has been categorised as *Standard*

Version 1 for Gateway Determination

October 2023

We're with you

Introduction

Part 1 – Objectives & Intended Outcomes of the Planning Proposal

The objective of the Planning Proposal is to enable Council to implement certain amendments to Wingecarribee Local Environmental Plan (WLEP) 2010 with regard to farm stay accommodation through the introduction of clause 5.24 of the Standard Instrument (Local Environmental Plans) and to amend the land use table for the RU4 Primary Production Small Lots zone to permit *farm stay accommodation* with consent.

Part 2 - Explanation of the Provisions

- To achieve the intended outcomes of the Planning Proposal the following amendments to the WLEP 2010 instrument will be required:
 - 1) To insert clause 5.24 Farm stay accommodation into WLEP 2010, and
 - 2) To amend the land use table for the Primary Production Small Lots zone to permit farm stay accommodation with consent.
- No map amendments will be required.

Part 3 - Justification of Strategic & Site-specific Merit

Strategic Merit

The Planning Proposal is the result of amendments to the Standard Instrument with regard to agritourism and farm stay accommodation land uses and development standards as set out in the Standard Instrument (Local Environmental Plans) Amendment of 18 August 2023. Council resolved to undertake the introduction of the new clause and the amendments to the RU4 Primary Production Small Lots zone by means of a Planning Proposal because farm stay accommodation development already occurs within the Shire and the use of the Planning Proposal pathway to amend WLEP 2010

provides the opportunity for community feedback and suggestions to Council on the proposed changes.

It is also noted that the Planning Proposal is consistent with Council's Rural Tourism Policy, adopted on 13 November 2019 with exhibition of and feedback on the Planning Proposal informing the scheduled review of this Policy.

Site-specific Merit

The Planning Proposal relates to a new Shire wide provisions regarding *farm stay accommodation*. No site-specific merit assessment is required at this stage, but would occur at any future Development Application stage.

Section A – Need for the Planning Proposal

1 - Is the Planning Proposal a result of an endorsed LSPS, strategic study or report?

The Planning Proposal is the result of the Standard Instrument Local Environmental Plan amendments in August 2023 which included clause 5.24 farm stay accommodation into the Standard Instrument. Council is also taking the opportunity to extend the use of farm stay accommodation to the RU4 Primary Production Small Lots zone, subject to development consent.

2 - Is the Planning Proposal the best means of achieving the objectives or intended outcomes or is there a better way?

Council resolved to undertake the introduction of the new clause and the amendments to the RU4 Primary Production Small Lots zone by means of a Planning Proposal because farm stay accommodation development already occurs within the Shire and the use of the Planning Proposal pathway to amend WLEP 2010 provides the opportunity for community feedback and suggestions to Council on the proposed changes.

Section B – Relationship to the Strategic Planning Framework

3 - Will the Planning Proposal give effect to the objectives and actions of the SE & Tablelands Regional Plan (including any draft plans or strategies)?

The inclusion of optional clause 5.24 and inclusion of farm stay accommodation in the RU4 zone will give effect to several aspects of the SE & Tablelands Regional Plan, specifically:

Direction 5 - Promote agricultural innovation, sustainability and value-add opportunities

Direction 8 – protect important agricultural land

Direction 9 – grow tourism in the region

Direction 14 – protect important environmental assets

Direction 23 – protect the region's heritage

Direction 28 – manage rural lifestyles

Each of these Directions addresses the need for the region to protect and enhance its agricultural, environmental and heritage assets through activities and business which attract tourist and local visitation and thereby seek to value-add to their business. The Planning Proposal provides opportunities to achieve measurable performance against each objective while implementing state led policy and initiatives through a stakeholder-inclusive process.

Council recognises that agribusiness activities enable farmers to diversify their income from farming businesses while maintaining primary production on the land as the principal use which have the potential to support farmers during times of hardship or following natural disaster events and reduce land use conflict by providing clearer rules and better managing environmental and social impacts.

4 - Is the Planning Proposal consistent with Council's adopted and endorsed Local Strategic Planning Statement and Local Housing Strategy?

The Planning Proposal supports Council's adopted and endorsed Local Strategic Planning Statement. The LSPS notes that:

Almost 20% of the Shire is covered by rural land. The Wingecarribee community values its agricultural lands for their economic and environmental values, recognising that these values benefit both residents and visitors. Due to Wingecarribee's soil and climate advantages the Shire is traditionally associated with a diverse agricultural base, principally dairy and beef cattle and crops such as potatoes. However, traditional farming practices alone rarely provide the economic viability primary producers need. High rural land values present a significant challenge for the agricultural industry in the Shire, creating a financial barrier for new agricultural uses and proving an incentive for existing farming operations to 'cash out' of the farm.

Fortunately, technological advances can offer increased opportunities to support boutique agribusiness initiatives providing greater flexibility to value-add, both at the farm gate and throughout the broader community. The development of a strong cool climate wine industry with associated cellar door premises is an example of improving economic viability through a broader agri-business base. Wingecarribee's proximity to road, rail and air networks provides further opportunity to strengthen and grow existing and potential rural produce markets.

The Planning Proposal provides a solid base for the development of these priorities.

5 - Is the Planning Proposal consistent with any other applicable State and regional studies or strategies?

No other state or regional studies or strategies are relevant to this Planning Proposal. However, the Planning Proposal is consistent with Council's adopted Rural Tourism Policy which was adopted on 13 November 2019. The outcome of the Planning Proposal will inform the review of this Policy.

6 - Is the Planning Proposal consistent with applicable SEPPs?

SEPP (Housing) 2021	<i>The intent of this SEPP is to deliver a sufficient supply of safe, diverse and affordable housing</i> https://legislation.nsw.gov.au/view/html/inforce/current/epi-2021-0714
Assessment – Consistent <i>The principles of this Policy are:</i> <ul style="list-style-type: none"><i>(a) enabling the development of diverse housing types, including purpose-built rental housing,</i><i>(b) encouraging the development of housing that will meet the needs of more vulnerable members of the community, including very low to moderate income households, seniors and people with a disability,</i><i>(c) ensuring new housing development provides residents with a reasonable level of amenity,</i><i>(d) promoting the planning and delivery of housing in locations where it will make good use of existing and planned infrastructure and services,</i><i>(e) minimising adverse climate and environmental impacts of new housing development,</i><i>(f) reinforcing the importance of designing housing in a way that reflects and enhances its locality,</i><i>(g) supporting short-term rental accommodation as a home-sharing activity and contributor to local economies, while managing the social and environmental impacts from this use,</i><i>(h) mitigating the loss of existing affordable rental housing.</i> <i>The Planning Proposal is considered consistent with this SEPP because it does not relate to the principles of the SEPP.</i>	

SEPP (Transport and Infrastructure) 2021	<i>The intent of this SEPP is to provide well-designed and located transport and infrastructure integrated with land use</i> https://legislation.nsw.gov.au/view/html/inforce/current/epi-2021-0732
Assessment – Consistent <i>The key intentions of this SEPP include:</i> <ul style="list-style-type: none"><i>(a) improving regulatory certainty and efficiency through a consistent planning regime for infrastructure and the provision of services, and</i><i>(b) providing greater flexibility in the location of infrastructure and service facilities, and</i><i>(c) allowing for the efficient development, redevelopment or disposal of surplus government owned land, and</i><i>(d) identifying the environmental assessment category into which different types of infrastructure and services development fall (including identifying certain development of minimal environmental impact as exempt development), and</i><i>(e) identifying matters to be considered in the assessment of development adjacent to particular types of infrastructure development, and</i><i>(f) providing for consultation with relevant public authorities about certain development during the assessment process or prior to development commencing, and</i><i>(g) providing opportunities for infrastructure to demonstrate good design outcomes.</i>	

The Planning Proposal is considered consistent with this SEPP because it does not relate to the principles of the SEPP.

SEPP (Primary Production)

The intent of this SEPP is to support and protect the productivity of important agricultural lands. They enhance rural and regional economies through a sustainable, diverse and dynamic primary production sector that can meet the changing needs of a growing NSW.

<https://legislation.nsw.gov.au/view/html/inforce/current/epi-2021-0729>

The key aims of this SEPP are:

- (a) to facilitate the orderly economic use and development of lands for primary production,*
- (b) to reduce land use conflict and sterilisation of rural land by balancing primary production, residential development and the protection of native vegetation, biodiversity and water resources,*
- (c) to identify State significant agricultural land for the purpose of ensuring the ongoing viability of agriculture on that land, having regard to social, economic and environmental considerations,*
- (d) to simplify the regulatory process for smaller-scale low risk artificial waterbodies, and routine maintenance of artificial water supply or drainage, in irrigation areas and districts, and for routine and emergency work in irrigation areas and districts,*
- (e) to encourage sustainable agriculture, including sustainable aquaculture,*
- (f) to require consideration of the effects of all proposed development in the State on oyster aquaculture,*
- (g) to identify aquaculture that is to be treated as designated development using a well-defined and concise development assessment regime based on environment risks associated with site and operational factors.*

The Planning Proposal is considered consistent with this SEPP because it will support the SEPP by enhancing rural and regional economies through sustainable land uses which complement and supplement traditional agricultural activities.

SEPP (Biodiversity and Conservation) 2021

The intent of this SEPP is to preserve, conserve and manage NSW's natural environment & heritage

<https://legislation.nsw.gov.au/view/html/inforce/current/epi-2021-0722>

Assessment – Consistent

The aims of this SEPP are:

- (a) to protect the biodiversity values of trees and other vegetation in non-rural areas of the State, and*
- (b) to preserve the amenity of non-rural areas of the State through the preservation of trees and other vegetation.*

It is noted that 2.3(1)(b) of the SEPP identifies land within the R3 Medium Density Residential zone as land to which the SEPP applies.

The Planning Proposal is considered consistent with this SEPP because it would support the biodiversity and conservation protection by enabling additional land uses which support rural activities and thereby reduce pressure of land clearing.

SEPP (Resilience and Hazards) 2021

The intent of this SEPP is to manage risks and building resilience in the face of hazards

<https://legislation.nsw.gov.au/view/html/inforce/current/epi-2021-0730>

Assessment – Consistent

The key aims of that part of the SEPP applicable to the Shire include:

- (d) to ensure that in determining whether a development is a hazardous or offensive industry, any measures proposed to be employed to reduce the impact of the development are taken into account, and*
- (e) to ensure that in considering any application to carry out potentially hazardous or offensive development, the consent authority has sufficient information to assess whether the development is hazardous or offensive and to impose conditions to reduce or minimise any adverse impact*

The provisions of Chapter 3 (Hazardous and Offensive Development) and Chapter 4 (Remediation of Land) SEPP are the only part of this SEPP applicable to Wingecarribee Shire. It is not considered that the Proposal would compromise the relevant parts of this SEPP.

SEPP (Industry and Employment) 2021 –

The intent of this SEPP is to grow a competitive and resilient economy that is adaptive, innovative and delivers jobs

<https://legislation.nsw.gov.au/view/html/inforce/current/epi-2021-0723>

Assessment – Consistent

The provisions of Chapter 3 (Advertising & Signage) are the only part of this SEPP applicable to land in Wingecarribee Shire. Signage would be addressed as part of any Development Application and it is not anticipated that the proposal would contravene these provisions of the SEPP.

SEPP (Resources and Energy) 2021

The intent of this SEPP is to promote the sustainable use of NSW's resources and transitioning to renewable energy

<https://legislation.nsw.gov.au/view/html/inforce/current/epi-2021-0731>

Assessment – Consistent

The provisions of Chapter 2 (Mining, petroleum production & extractive industries) are the only part of this SEPP applicable to land in Wingecarribee Shire. The Planning Proposal is considered consistent with this SEPP because it does not relate to the principles of the SEPP.

SEPP (Planning Systems) 2021	<p><i>The intent of this SEPP is to provide a strategic and inclusive planning system for the community & the environment</i></p> <p>https://legislation.nsw.gov.au/view/html/inforce/current/epi-2021-0724</p>
<p>Assessment – Consistent</p> <p><i>The provisions of this SEPP address State significant development and land owned by an Aboriginal Land Council and are therefore not relevant to this Planning Proposal.</i></p>	
SEPP (Regional Precincts) 2021	<p><i>The intent of this SEPP is to consider State significant precincts, Activation precincts and other specific precincts including the Southern Highlands Regional Shooting Complex</i></p> <p>https://legislation.nsw.gov.au/view/html/inforce/current/epi-2021-0727</p>
<p>Assessment – Consistent</p> <p><i>The only provisions of this SEPP which apply to Wingecarribee Shire relate to the Southern Highlands Regional Shooting Complex and is therefore not relevant to this Planning Proposal.</i></p>	

7 - Is the Planning Proposal consistent with applicable s9.1 Ministerial Directions?

Focus Area 1 Planning Systems	<p><i>The intent of this Focus Area is to support the broader NSW planning framework, including its processes and collaborative approaches to strategic and land use planning and decision making. They seek to achieve long-term, evidence-based, strategically led planning that is inclusive, democratic, responsive to the community and the environment, and ensures decisions are transparent and prompt.</i></p>
1.1 Implementation of Regional Plans	
<p>Assessment – Consistent</p> <p><i>The objective of this Direction is to give legal effect to the vision, land use strategy, goals, directions and actions contained in Regional Plans.</i></p> <p><i>The Planning Proposal supports the SE & Tablelands Regional Plan by supporting both agriculture and tourism initiatives.</i></p>	
1.2 Development of Aboriginal Land Council land	
<p>Assessment – Consistent</p> <p><i>The objective of this direction is to provide for the consideration of development delivery plans prepared under Chapter 3 of the State Environmental Planning Policy (Planning Systems) 2021 when planning proposals are prepared by a planning proposal authority.</i></p> <p><i>The Planning Proposal is considered consistent with this Direction because no Aboriginal Land Council land is involved.</i></p>	

1.3 Approval and Referral Requirements

Assessment – Consistent

The objective of this Direction is to ensure that LEP provisions encourage the efficient and appropriate assessment of development.

The Planning Proposal seeks to provide a clear and consistent approach to the permissibility and development of farm stay accommodation within the Shire. This enhanced strategic framework should also improve the efficiency of the development assessment process.

1.4 Site Specific Provisions

Assessment – Consistent

The objective of this Direction is to discourage unnecessarily restrictive site-specific planning controls.

The Planning Proposal seeks to provide a clear and consistent strategic approach to the permissibility and development of farm stay accommodation within the Shire. This enhanced strategic framework should reduce the need for any further site-specific planning controls.

1.5 – 1.22 – Planning Systems Place Based

Assessment – Consistent

None of these place-based Directions apply to Wingecarribee Shire.

Focus Area 2 Design & Place

The intent of this Focus Area is to establish quality design approaches for new development, public spaces and the environment. They promote the design of places that are healthy, sustainable, prosperous, and supportive of people, the community and Country.

NB: This Focus Area is not included in the current Ministerial Directions.

Focus Area 3 Biodiversity & Conservation

The intent of this Focus Area is to recognise the fundamental importance of protecting, conserving and managing NSW's natural environment and heritage. They help balance the needs of built and natural environments, respecting both the innate and economic value of the state's biodiversity and natural assets.

3.1 Conservation Zones (previously 2.1 Environment Protection Zones)

Assessment – Consistent

The objective of this Direction is to protect and conserve environmentally sensitive areas.

The Planning Proposal seeks to provide a clear and consistent approach to the permissibility and development of farm stay accommodation within the Shire. This enhanced strategic framework should also improve the protection of environmentally sensitive lands.

3.2 Heritage Conservation

Assessment – Consistent

The objective of this Direction is to conserve items, areas, objects and places of environmental heritage significance and indigenous heritage significance.

The Planning Proposal seeks to provide a clear and consistent approach to the permissibility and development of farm stay accommodation within the Shire. This enhanced strategic framework should also improve the protection of high heritage value lands.

3.3 Sydney Drinking Water Catchments

Assessment – Consistent

The objective of this Direction is to provide for healthy catchments and protect water quality in the Sydney Drinking Water Catchment. This Direction requires that a Planning Proposal must be prepared in accordance with the general principle that water quality within the Sydney drinking water catchment must be protected, and in accordance with the following specific principles:

- (a) new development within the Sydney drinking water catchment must have a neutral or beneficial effect on water quality (including groundwater), and*
- (b) future land use in the Sydney drinking water catchment should be matched to land and water capability, and*
- (c) the ecological values of land within a Special Area should be maintained.*

It is noted that the Direction also requires that, when preparing a Planning Proposal, Council must address the following:

- consult with WaterNSW, describing the means by which the planning proposal gives effect to the water quality protection principles of this direction, and*
- ensure that the proposal is consistent with Part 6.5 of Chapter 6 of the State Environmental Planning Policy (Biodiversity and Conservation) 2021, and*
- identify any existing water quality (including groundwater) risks to any waterway occurring on, or adjacent to the site, and*
- give consideration to the outcomes of the Strategic Land and Water Capability Assessment prepared by WaterNSW, being the series of land use capability maps and GIS data prepared by WaterNSW and provided to councils in June 2009, and include a copy of any information received from WaterNSW as a result of the consultation process in its planning proposal prior to the issuing of a gateway*

The Planning proposal will be referred to WaterNSW prior to submission for a Gateway Determination. It is noted that the gateway itself requires referral to WaterNSW.

3.4 Application of C2 and C3 Zones and Environmental Overlays in Far North Coast LEPs

Assessment – Consistent

This Direction is not applicable to Wingecarribee Shire.

3.5 Recreation Vehicle Areas

Assessment – Consistent

The objective of this Direction is to protect sensitive land or land with significant conservation values from adverse impacts from recreation vehicles.

The Planning Proposal is considered consistent with this Direction because the provisions of this Direction are not directly applicable to this Planning Proposal.

Focus Area 4 Resilience & Hazards

The intent of this Focus Area is to improve responses to natural and development-related hazards, and climate change. They support methods to consider and reduce risk. The principles promote healthy, resilient and adaptive communities, urban areas and natural environments.

4.1 Flooding

Assessment – Consistent

The objectives of this Direction are to:

- (a) ensure that development of flood prone land is consistent with the NSW Government's Flood Prone Land Policy and the principles of the Floodplain Development Manual 2005, and*
- (b) ensure that the provisions of an LEP that apply to flood prone land are commensurate with flood hazard and includes consideration of the potential flood impacts both on and off the subject land.*

The Planning Proposal is considered consistent with this Direction because the provisions of this Direction are not directly applicable to this Planning Proposal.

4.2 Coastal Management

Assessment – Consistent -*This Direction is not applicable to Wingecarribee Shire.*

4.3 Planning for Bushfire Protection (previously 4.4)

Assessment – Consistent

The objectives of this Direction are to:

- (a) protect life, property and the environment from bush fire hazards, by discouraging the establishment of incompatible land uses in bush fire prone areas, and*
- (b) encourage sound management of bush fire prone areas.*

The Planning Proposal is considered consistent with this Direction because referral to NSW Rural Fire Service would occur in accordance with any Gateway Determination and this assessment would be updated to reflect the RFS response prior to exhibition. It is noted that clause 5.24 requires consideration of bush fire impacts in considering any development application for farm stay accommodation.

4.4 Remediation of Contaminated Land
<p>Assessment – Consistent</p> <p><i>The objective of this Direction is to reduce the risk of harm to human health and the environment by ensuring that contamination and remediation are considered by planning proposal authorities.</i></p> <p><i>The provisions of this Direction are not directly applicable to this Planning Proposal.</i></p>
4.5 Acid Sulphate Soils
<p>Assessment – Consistent</p> <p><i>The objective of this Direction is to avoid significant adverse environmental impacts from the use of land that has a probability of containing acid sulfate soils. There currently no mapped acid sulphate soils in Wingecarribee Shire.</i></p>
4.6 Mine Subsidence & Unstable Land
<p>Assessment – Consistent</p> <p><i>The objective of this Direction is to prevent damage to life, property and the environment on land identified as unstable or potentially subject to mine subsidence.</i></p> <p><i>The provisions of this Direction are not directly applicable to this Planning Proposal.</i></p>

Focus Area 5 Transport & Infrastructure	<i>The intent of this Focus Area is to support innovative, integrated and coordinated transport and infrastructure, that is well-designed, accessible and enduring. They seek to optimise public benefit and value by planning for modern transport and infrastructure in the right location and at the right time.</i>
5.1 Integrating Land Use and Transport	<p>Assessment – Consistent</p> <p><i>The objective of this Direction is to ensure that urban structures, building forms, land use locations, development designs, subdivision and street layouts achieve the following planning objectives:</i></p> <ul style="list-style-type: none"> <i>(a) improving access to housing, jobs and services by walking, cycling and public transport, and</i> <i>(b) increasing the choice of available transport and reducing dependence on cars, and</i> <i>(c) reducing travel demand including the number of trips generated by development and the distances travelled, especially by car, and</i> <i>(d) supporting the efficient and viable operation of public transport services, and</i> <i>(e) providing for the efficient movement of freight.</i> <p><i>The provisions of this Direction are not directly applicable to this Planning Proposal.</i></p>
5.2 Reserving Land for Public Purposes	<p>Assessment – Consistent</p> <p><i>The objectives of this Direction are to (a) facilitate the provision of public services and facilities by reserving land for public purposes, and (b) facilitate the removal of reservations of land for public purposes where the land is no longer required for acquisition.</i></p> <p><i>The provisions of this Direction are not directly applicable to this Planning Proposal.</i></p>

5.3 Development Near Regulated Airports and Defence Airfields

Assessment – Consistent

The objectives of this Direction are to:

- (a) ensure the effective and safe operation of regulated airports and defence airfields;*
- (b) ensure that their operation is not compromised by development that constitutes an obstruction, hazard or potential hazard to aircraft flying in the vicinity; and*
- (c) ensure development, if situated on noise sensitive land, incorporates appropriate mitigation measures so that the development is not adversely affected by aircraft noise.*

The provisions of this Direction are not directly applicable to this Planning Proposal.

5.4 Shooting Ranges

Assessment – Consistent

The objectives of this Direction are to:

- (a) maintain appropriate levels of public safety and amenity when rezoning land adjacent to an existing shooting range,*
- (b) reduce land use conflict arising between existing shooting ranges and rezoning of adjacent land,*
- (c) identify issues that must be addressed when giving consideration to rezoning land adjacent to an existing shooting range.*

The provisions of this Direction are not directly applicable to this Planning Proposal.

Focus Area 6 Housing

The intent of this Focus Area is to foster long-term, strategic-led and evidence-based approaches to guide a strong supply of well-located homes. They support the delivery of safe, diverse, affordable and quality designed housing that meets the needs of Aboriginal and local communities.

6.1 Residential Zones

Assessment – Consistent

The objectives of this Direction are to:

- (a) encourage a variety and choice of housing types to provide for existing and future housing needs,*
- (b) make efficient use of existing infrastructure and services and ensure that new housing has appropriate access to infrastructure and services, and*
- (c) minimise the impact of residential development on the environment and resource lands.*

The Planning Proposal is considered consistent with this Direction because it does not apply to residential zoned land.

6.2 Caravan Parks and Manufactured Home Estates

Assessment – Consistent

The objectives of this Direction are to:

- (a) provide for a variety of housing types, and*
- (b) provide opportunities for caravan parks and manufactured home estates.*

The Planning Proposal is considered consistent with this Direction because it does not apply to these developments.

Focus Area 7 Resilient Economies	<i>The intent of this Focus Area is to support diverse, inclusive and productive employment opportunities across the state to make NSW more economically competitive. They promote the supply of strategic employment lands, innovative industries and centres as a focus for activity and accessibility.</i>
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7.1 Business and Industrial Zones

Assessment – Consistent

The objectives of this Direction are to:

- (a) encourage employment growth in suitable locations,*
- (b) protect employment land in business and industrial zones, and*
- (c) support the viability of identified centres.*

The Planning Proposal is considered consistent with this Direction because it does not apply to business or industrial zones

7.2 Reduction in non-hosted short-term rental accommodation period

Assessment – Consistent

Not applicable to Wingecarribee Shire.

7.3 Commercial and Retail Development along the Pacific Highway, North Coast

Assessment – Consistent

Not applicable to Wingecarribee Shire.

Focus Area 8 Resources & Energy	<i>The intent of this Focus Area is to promote the sustainable development of resources in strategic areas and a transition to low carbon industries and energy. They support positive environmental outcomes and work towards the net zero emissions target and continued energy security, while also promoting diversified activity in regional economies.</i>
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8.1 Mining, Petroleum Production & Extractive Industries

Assessment – Consistent

The objective of this Direction is to ensure that the future extraction of State or regionally significant reserves of coal, other minerals, petroleum and extractive materials are not compromised by inappropriate development.

The provisions of this Direction are not directly applicable to this Planning Proposal.

Focus Area 9 Primary Production	<i>The intent of this Focus Area is to support and protect the productivity of important agricultural lands. They enhance rural and regional economies through a sustainable, diverse and dynamic primary production sector that can meet the changing needs of a growing NSW.</i>
9.1 Rural Zones	
<p>Assessment – Consistent</p> <p><i>The objective of this Direction is to protect the agricultural production value of rural land and identifies requirements for a Planning Proposal seeking to rezone Rural zoned land to a residential, business, industrial, village or tourist zone.</i></p> <p><i>The Planning Proposal will support this Direction by enhancing rural and regional economies through sustainable land uses which complement and supplement traditional agricultural activities.</i></p>	
9.2 Rural Lands	
<p>Assessment – Consistent</p> <p><i>This Direction applies when a Planning Proposal will either affect land within an existing or proposed rural or conservation zone or changes the existing minimum lot size on land within a rural or conservation zone. The objectives of this Direction are to:</i></p> <ul style="list-style-type: none"> <i>(a) protect the agricultural production value of rural land,</i> <i>(b) facilitate the orderly and economic use and development of rural lands for rural and related purposes,</i> <i>(c) assist in the proper management, development and protection of rural lands to promote the social, economic and environmental welfare of the State,</i> <i>(d) minimise the potential for land fragmentation and land use conflict in rural areas, particularly between residential and other rural land uses,</i> <i>(e) encourage sustainable land use practices and ensure the ongoing viability of agriculture on rural land,</i> <i>(f) support the delivery of the actions outlined in the NSW Right to Farm Policy.</i> <p><i>The Planning Proposal will support this Direction by enhancing rural and regional economies through sustainable land uses which complement and supplement traditional agricultural activities.</i></p>	
9.3 Oyster Aquaculture	
<p>Assessment – Consistent</p> <p><i>The objectives of this direction are to:</i></p> <ul style="list-style-type: none"> <i>(a) ensure that ‘Priority Oyster Aquaculture Areas’ and oyster aquaculture outside such an area are adequately considered when preparing a planning proposal, and</i> <i>(b) protect ‘Priority Oyster Aquaculture Areas’ and oyster aquaculture outside such an area from land uses that may result in adverse impacts on water quality and consequently, on the health of oysters and oyster consumers.</i> <p><i>The Planning Proposal is considered consistent with this Direction because there are no ‘Priority Oyster Aquaculture Areas’ in Wingecarribee Shire.</i></p>	

9.4 Farmland of State & Regional Significance on the NSW Far North Coast

Assessment – Consistent

The Planning Proposal is considered consistent with this Direction because it is not applicable to Wingecarribee Shire.

Section C – Environmental, Social & Economic Impacts

8 - Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected because of the Proposal?

Each Farm stay application would be assessed on its merits and any potential adverse impacts would be identified and addressed at that time.

9 - Are there any other likely environmental effects of the planning proposal and how are they proposed to be managed?

Each Farm stay application would be assessed on its merits and any potential adverse impacts would be identified and addressed at that time.

10 - Has the planning proposal adequately addressed any social and economic effects?

The Planning Proposal seeks to enable land use activities which would support existing farm businesses thereby providing both economic and social benefits to those businesses and the broader community.

Section D – Infrastructure (Local, State & Commonwealth)

11- Is there adequate public infrastructure for the Planning Proposal?

The Planning proposal is not site specific and future development applications arising from it would be need to be assessed to determine site suitability and infrastructure servicing requirements.

Section E – State and Commonwealth Interests

12 - What are the views of state and federal authorities and government agencies consulted in order to inform the Gateway determination?

No consultation has been undertaken at this stage, but would be referred to at least WaterNSW and the NSW Rural Fire Service. It is noted that Ministerial Direction 3.3 requires referral to

WaterNSW prior to submitting a Planning Proposal for Gateway determination with the need to include a copy of any information received from them.

Part 4 - Maps

No maps are affected by the Planning Proposal.

Part 5 - Community Consultation

Council will undertake agency referrals and community consultation in accordance with the Gateway Determination with all referral responses included in the exhibition material.

Part 6 - Project Timeline

Stage	Timeframe and/or date
Consideration by Local Planning Panel	October 2023
Council decision	November 2023
Gateway determination	December 2023
Pre-exhibition	February 2024
Public Exhibition	March 2024
Consideration of submissions	April 2024
Post-exhibition review & additional studies	May 2024
Reporting of Planning Proposal back to Panel & Council	June – July 2024
Drafting Request / submission to DPE	August 2024
Gazettal of LEP amendment	September 2024

Delegation

A Written Authorisation to Exercise Delegation is usually issued to Council as part of the Gateway Determination. Council will formally request delegation when submitting the Planning Proposal to the Department for a Gateway Determination.

END OF PLANNING PROPOSAL