

# Planning Proposal

## to amend Wingecarribee Local Environmental Plan 2010

**Purpose of Amendment:**

To amend Schedule 1 (Additional Permitted Uses) of Wingecarribee Local Environmental Plan (WLEP) 2010 to permit with consent, a business premises at 1 Bowman Road Moss Vale, being Lot 2 DP 1249526

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 3 for Public Exhibition

August 2024

*We're with you*

## Introduction

## Description

### Wingecarribee Shire



<b>Legal Description</b>	Lot 2 DP 1249526
<b>Property Address</b>	1 Bowman Road Moss Vale
<b>Current Zoning</b>	E4 General Industrial
<b>Site Area</b>	8,264m2

## Part 1 – Objectives & Intended Outcomes of the Planning Proposal

The objective of the Planning Proposal is to enable development for the purpose of a business premises on land at 1 Bowman Road Moss Vale.

## 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:
  - *New subclause within Schedule 1 of WLEP 2010 as follows:*  
  
**21A Use of certain land at Bowman Road Moss Vale**  
(1) *This clause applies to land at 1 Bowman Road, Moss Vale, being Lot 2 DP 1249526*  
(2) *Development for the purpose of a business premises is permitted with consent.*
- To achieve the intended outcomes of the Planning Proposal the following amendments to WLEP 2010 maps will be required:
  - *Identification of the subject land on the Schedule 1 map.*

A draft map accompanies the Planning Proposal.

## Part 3 - Justification of Strategic & Site-specific Merit

### Strategic Merit

The subject land is located on the southern edge of a broader area of industrial zoned land identified as the Southern Highlands Innovation Park (SHIP) as indicated in **Figure 1** below.

The land is located on the corner of Bowman Road and Berrima Road as indicated in **Figure 2** below and forms part of a group of Council owned properties which serve the Shire in a range of capacities, including the Southern Regional Livestock Exchange, the Wingecarribee Resource Recovery Centre and the Moss Vale Cemetery.

The land covers an area of some 8,264m<sup>2</sup> and is zoned E4 General Industrial under the Wingecarribee Local Environmental Plan (WLEP) 2010. The land is owned by Wingecarribee Shire Council.

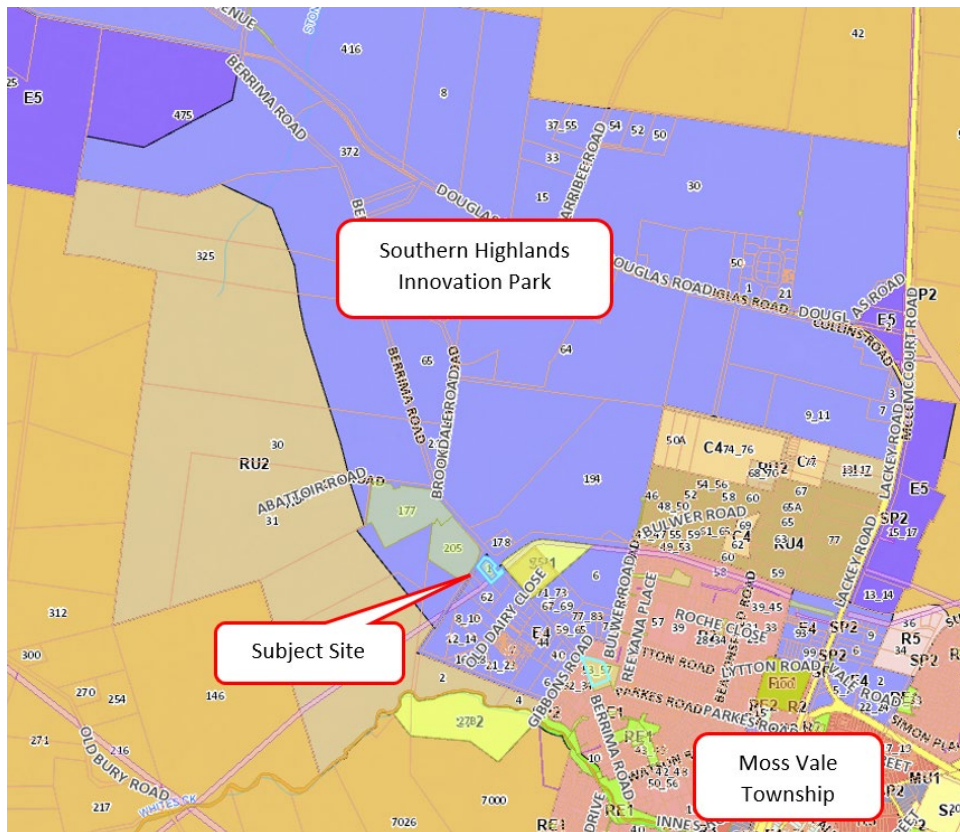


Figure 1 - Zoning context for the subject land



Figure 2 – Location of the subject land

A current approval (DA 23/1087) applies to the land for the construction of two community facility buildings on the site, one being an animal shelter and the other a State Emergency Services (SES) facility. The approved design for the animal shelter building includes a 'multi-purpose room' of 25.78m<sup>2</sup>. The proposed floor plan for the animal shelter component of the development is indicated at **Figure 3** below. The proposed multi-purpose room is indicated.



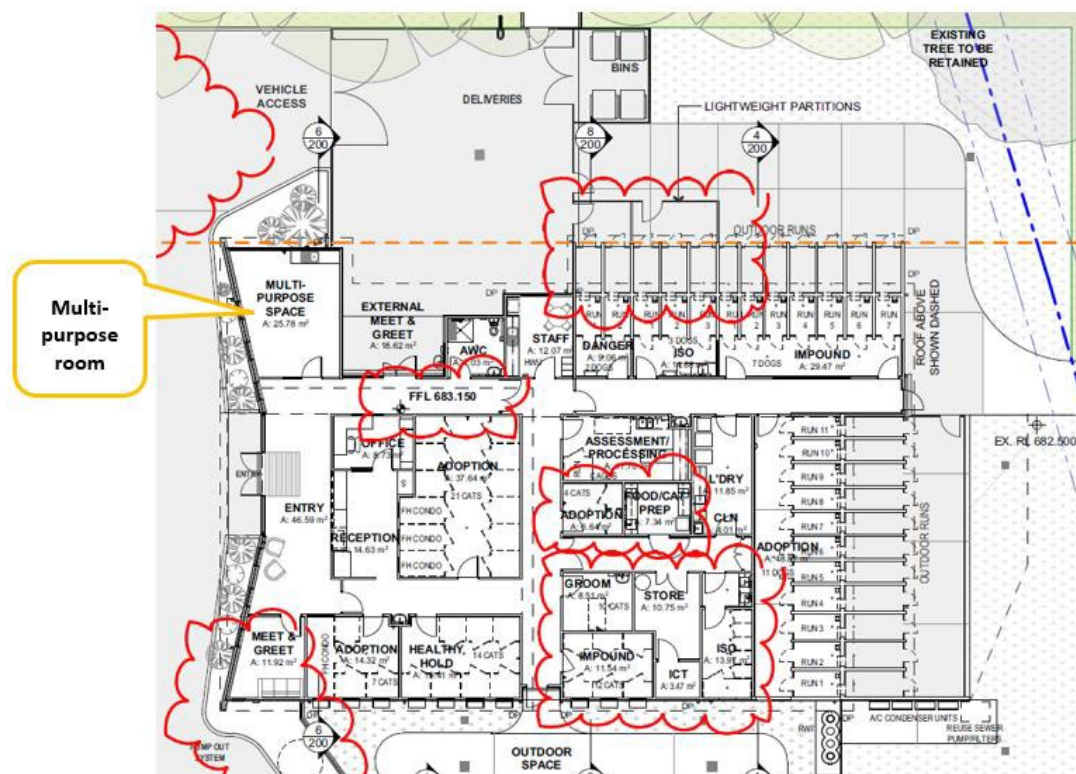


Figure 3 Floor Plan for animal shelter building

The intent of the multi-purpose room is to enable it to be leased to an independent operator for a business aligned with animal welfare, such as dog grooming. Independent legal advice concluded that this intention could not be considered as an ‘ancillary’ use to the primary use (i.e. community facility for the purpose of an animal shelter), due to its proposed leasing to an independent operator, and, therefore, a separate land use definition under WLEP 2010 would need to be identified and a separate development approval would subsequently be required for this land use to proceed within the identified room designated for this purpose.

It is considered that ‘business premises’ would be the most appropriate land use definition, being:

- (a) an occupation, profession or trade (other than an industry) is carried on for the provision of services directly to members of the public on a regular basis, or
- (b) a service is provided directly to members of the public on a regular basis

As noted previously, the subject land is zoned E4 General Industrial. The proposed land use of *business premises* is identified as a prohibited land use within this zone, as indicated in the following extract from the land use table.

#### Prohibited

Agriculture; Air transport facilities; Airstrips; Amusement centres; **Business premises**; Camping grounds; Cemeteries; Correctional centres; Crematoria; Eco-tourist facilities; Exhibition homes; Exhibition villages; Farm buildings; Forestry; Health services

*facilities; Heavy industrial storage establishments; Highway service centres; Home occupations (sex services); Industries; Open cut mining; Residential accommodation; Restricted premises; Retail premises; Schools; Sex services premises; Tourist and visitor accommodation; Water recreation structures; Wharf or boating facilities*

The strategic and site-specific merits for this Proposal are set out below.

### **Strategic Merit**

As noted above, the subject land is located on the southern eastern boundary of the Southern Highlands Innovation Park (SHIP). Apart from two areas zoned E5 Heavy Industrial on the western and eastern boundaries of the SHIP, all of the land within it is zoned E4 General Industrial. The objectives of the E4 General Industrial zone under WLEP 2010 are as follows:

- *To provide a range of industrial, warehouse, logistics and related land uses.*
- *To ensure the efficient and viable use of land for industrial uses.*
- *To minimise any adverse effect of industry on other land uses.*
- *To encourage employment opportunities.*
- *To enable limited non-industrial land uses that provide facilities and services to meet the needs of businesses and workers.*
- *To allow non-industrial land uses, including certain commercial activities, that, because of the type, scale or nature of the use, are appropriately located in the zone and will not impact the viability of business and commercial centres in Wingecarribee.*
- *To ensure new development and land uses incorporate measures that take into account the spatial context and mitigate potential impacts on neighbourhood amenity and character and the efficient operation of the local and regional road system.*

Council considers this zone to be appropriate for this area of the SHIP at this time and does not want to pre-empt the SHIP Master Plan process by rezoning the site. Instead, Council prefers to seek an additional permitted use (APU under Schedule 1 WLEP 2010) for the purpose of “business premises” for the subject land.

The area of the SHIP within which the subject land is located has been identified within a draft Strategic Positioning Paper prepared for Council by SGS Economics and Planning as serving several potential functions, including a local activity hub, tertiary education or equine hub, both connecting with the RU2 Rural Landscape and C3 Environmental Conservation zones to the south. More broadly, the area is also identified as a potential ‘population serving’ area, providing a range of goods and services without adversely affecting or competing with the established Moss Vale town centre.

The purpose of the proposed leasing of the designated multi-purpose room is to encourage the commercial activation of the site for the benefit of the broader community, and for Council through the opportunity for an animal welfare related business which would complement and support the broader purpose of the building, being the new animal shelter.

The proposed use of the site for an appropriate *business premises* aligned with animal welfare located within the nominated space is considered strategically consistent with the following specific objectives of the zone,

- *To encourage employment opportunities, and*
- *To allow non-industrial land uses, including certain commercial activities, that, because of the type, scale or nature of the use, are appropriately located in the zone and will not impact the viability of business and commercial centres in Wingecarribee.*

The proposed multi-purpose room is considered to offer a commercially attractive niche opportunity for an owner-operated business, perhaps enabling a 'start-up' business to establish and develop. Presumably, the animals in the shelter facility itself could also benefit from the convenience of such a business on the premises. Concern for animal welfare, be it domestic or native, is an endearing quality shared throughout the Wingecarribee community and the proposed lease of a small room within the community facility building would seem to be entirely in keeping with those community values.

It is acknowledged that the proposed Schedule 1 amendment of the officer's recommendation does not reflect the advice provided by the Local Planning Panel in that it is not specific in the type of business premises or the maximum floor space that would be supported.

It is the Professional Officer's view that these matters would be addressed at any subsequent Development Application stage. If they were to vary from the original intent of the amendment to enable an independent animal welfare related business within the designated multi-purpose room of 25.78m<sup>2</sup>, Council would still be required to assess the application against the objectives of the zone and the location of the subject land within the Southern Highlands Innovation Park, a precinct primarily intended to provide for a variety of business uses.

#### Site-specific Merit

The subject land is located within a 'hub' of community focussed buildings owned and operated by Wingecarribee Shire Council. These include the Resource Recovery Centre (RRC) and the Southern Regional Livestock Exchange. The animal shelter currently operates from within the RRC and offers dog and cats for adoption. The new facility on the subject land will continue this work and would be an ideal location for a small animal welfare business such as dog grooming. The subject land is easily accessible for most areas of the Shire via Berrima Road.

A DA approval (DA23/1087) has been finalised for the construction of a community facility on Council owned land at 1 Bowman Road Moss Vale. The approval includes a building to be used for an animal shelter and a building for use by the SES (State Emergency Services). The approval provides for a multipurpose room of some 25.78m<sup>2</sup>. It is Council's intention to lease this room for the purpose of an appropriate business aligned with animal welfare and care, such as an animal grooming service. Such a use would encourage commercial activation of the site for the benefit of the broader community, and for Council through the leasing of the designated space.

A subsequent DA would be required to address the detailed operation of the proposed business, but at this stage it is considered that an animal grooming service would be a suitable land use for the site,

given its location, access and parking availability. It is noted that if, at a future time, a different location or business were proposed, they would be subject to Council consent with regard to compliance with the objectives of the zone and the intent of the business premises.

## **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 a resolution of Council.

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

The use of Schedule 1 to provide the additional permitted use of a business premises is the most efficient and effective means of achieving the proposed outcome. It has been determined that such a use could not be considered as ancillary development.

## **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)?**

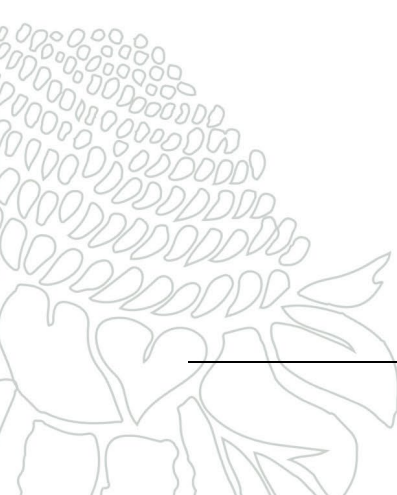
The Planning Proposal supports the objectives and action of the South East & Tablelands Regional Plan by encouraging business activation of this site which is located within the Southern Highlands Innovation Park while also delivering a community benefit.

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

The use of the land for this purpose is consistent with the adopted LSPS. It would also be consistent with the objectives of the Southern Highlands Innovation Park within which the land is located.

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

No other state or regional strategies are considered relevant.





## 6 - Is the Planning Proposal consistent with applicable SEPPs?

SEPP (Housing) 2021	<p><i>The intent of this SEPP is to deliver a sufficient supply of safe, diverse and affordable housing</i></p> <p><a href="https://legislation.nsw.gov.au/view/html/inforce/current/epi-2021-0714">https://legislation.nsw.gov.au/view/html/inforce/current/epi-2021-0714</a></p>
<p><b>Assessment – Consistent</b></p> <p><i>The principles of this Policy are:</i></p> <ul style="list-style-type: none"> <li><i>(a) enabling the development of diverse housing types, including purpose-built rental housing,</i></li> <li><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></li> <li><i>(c) ensuring new housing development provides residents with a reasonable level of amenity,</i></li> <li><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></li> <li><i>(e) minimising adverse climate and environmental impacts of new housing development,</i></li> <li><i>(f) reinforcing the importance of designing housing in a way that reflects and enhances its locality,</i></li> <li><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></li> <li><i>(h) mitigating the loss of existing affordable rental housing.</i></li> </ul> <p><i>The Planning Proposal does not impact the SEPP and is therefore considered consistent with it.</i></p>	

SEPP (Transport and Infrastructure) 2021	<p><i>The intent of this SEPP is to provide well-designed and located transport and infrastructure integrated with land use</i></p> <p><a href="https://legislation.nsw.gov.au/view/html/inforce/current/epi-2021-0732">https://legislation.nsw.gov.au/view/html/inforce/current/epi-2021-0732</a></p>
<p><b>Assessment – Consistent</b></p> <p><i>The key intentions of this SEPP include:</i></p> <ul style="list-style-type: none"> <li><i>(a) improving regulatory certainty and efficiency through a consistent planning regime for infrastructure and the provision of services, and</i></li> <li><i>(b) providing greater flexibility in the location of infrastructure and service facilities, and</i></li> <li><i>(c) allowing for the efficient development, redevelopment or disposal of surplus government owned land, and</i></li> <li><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></li> <li><i>(e) identifying matters to be considered in the assessment of development adjacent to particular types of infrastructure development, and</i></li> <li><i>(f) providing for consultation with relevant public authorities about certain development during the assessment process or prior to development commencing, and</i></li> <li><i>(g) providing opportunities for infrastructure to demonstrate good design outcomes.</i></li> </ul> <p><i>The Planning Proposal does not impact the SEPP and is therefore considered consistent with it.</i></p>	

<b>SEPP (Primary Production)</b>	<p><i>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.</i></p> <p><a href="https://legislation.nsw.gov.au/view/html/inforce/current/epi-2021-0729">https://legislation.nsw.gov.au/view/html/inforce/current/epi-2021-0729</a></p>
<p><i>The key aims of this SEPP are:</i></p> <ul style="list-style-type: none"> <li><i>(a) to facilitate the orderly economic use and development of lands for primary production,</i></li> <li><i>(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,</i></li> <li><i>(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,</i></li> <li><i>(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,</i></li> <li><i>(e) to encourage sustainable agriculture, including sustainable aquaculture,</i></li> <li><i>(f) to require consideration of the effects of all proposed development in the State on oyster aquaculture,</i></li> <li><i>(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.</i></li> </ul> <p><i>The Planning Proposal does not impact the SEPP and is therefore considered consistent with it.</i></p>	

<b>SEPP (Biodiversity and Conservation) 2021</b>	<p><i>The intent of this SEPP is to preserve, conserve and manage NSW's natural environment &amp; heritage</i></p> <p><a href="https://legislation.nsw.gov.au/view/html/inforce/current/epi-2021-0722">https://legislation.nsw.gov.au/view/html/inforce/current/epi-2021-0722</a></p>
<p><b>Assessment – Consistent</b></p> <p><i>The aims of this SEPP are:</i></p> <ul style="list-style-type: none"> <li><i>(a) to protect the biodiversity values of trees and other vegetation in non-rural areas of the State, and</i></li> <li><i>(b) to preserve the amenity of non-rural areas of the State through the preservation of trees and other vegetation.</i></li> </ul> <p><i>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.</i></p> <p><i>The Planning Proposal does not impact the SEPP and is therefore considered consistent with it.</i></p>	

<b>SEPP (Resilience and Hazards) 2021</b>	<p><i>The intent of this SEPP is to manage risks and building resilience in the face of hazards</i></p> <p><a href="https://legislation.nsw.gov.au/view/html/inforce/current/epi-2021-0730">https://legislation.nsw.gov.au/view/html/inforce/current/epi-2021-0730</a></p>
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**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 Planning Proposal does not impact the SEPP and is therefore considered consistent with it.*

<b>SEPP (Industry and Employment) 2021 –</b>	<p><i>The intent of this SEPP is to grow a competitive and resilient economy that is adaptive, innovative and delivers jobs</i></p> <p><a href="https://legislation.nsw.gov.au/view/html/inforce/current/epi-2021-0723">https://legislation.nsw.gov.au/view/html/inforce/current/epi-2021-0723</a></p>
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**Assessment – Consistent**

*The provisions of Chapter 3 (Advertising & Signage) are the only part of this SEPP applicable to land in Wingecarribee Shire. The Planning Proposal does not impact the SEPP and is therefore considered consistent with it.*

<b>SEPP (Resources and Energy) 2021</b>	<p><i>The intent of this SEPP is to promote the sustainable use of NSW's resources and transitioning to renewable energy</i></p> <p><a href="https://legislation.nsw.gov.au/view/html/inforce/current/epi-2021-0731">https://legislation.nsw.gov.au/view/html/inforce/current/epi-2021-0731</a></p>
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**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 does not impact this part of the SEPP and is therefore considered consistent with it.*

<b>SEPP (Planning Systems) 2021</b>	<p><i>The intent of this SEPP is to provide a strategic and inclusive planning system for the community &amp; the environment</i></p> <p><a href="https://legislation.nsw.gov.au/view/html/inforce/current/epi-2021-0724">https://legislation.nsw.gov.au/view/html/inforce/current/epi-2021-0724</a></p>
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**Assessment – Consistent**

*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.*

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><a href="https://legislation.nsw.gov.au/view/html/inforce/current/epi-2021-0727">https://legislation.nsw.gov.au/view/html/inforce/current/epi-2021-0727</a></p>
<p><b>Assessment – Consistent</b></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>
<b>1.1 Implementation of Regional Plans</b>	
<p><b>Assessment – Consistent</b></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 is considered consistent with this Direction.</i></p>	
<b>1.2 Development of Aboriginal Land Council land</b>	
<p><b>Assessment – Consistent</b></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>	
<b>1.3 Approval and Referral Requirements</b>	
<p><b>Assessment – Consistent</b></p> <p><i>The objective of this Direction is to ensure that LEP provisions encourage the efficient and appropriate assessment of development.</i></p> <p><i>The Planning Proposal is considered consistent with this Direction because any future DA resulting from this amendment would be assessed with regard to all guidelines and provisions.</i></p>	
<b>1.4 Site Specific Provisions</b>	
<p><b>Assessment – Consistent</b></p> <p><i>The objective of this Direction is to discourage unnecessarily restrictive site-specific planning controls.</i></p>	



*The Planning Proposal is considered consistent with this Direction because it is enabling an additional land use which would not restrict future development on the site.*

#### **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 subject site is not affected by biodiversity and so the Planning Proposal is therefore considered consistent with this Direction.*

#### **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 subject site is not affected by any heritage affectation and so the Planning Proposal is therefore considered consistent with this Direction.*

#### **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.*

*NB: 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 determination under section 3.34 of the EP&A Act.*

*The Planning Proposal was referred to WaterNSW who has no objection to the Proposal. It was identified for completeness that the relevant Strategic Land and Water Capability Assessment (SLWCA) for Retail/Commercial uses be provided as an attachment. This identifies that the water quality risk for the site varies from LOW to MODERATE, having a HIGH capability for the intended use.*

### **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 subject land is not a recreation vehicle area.*

<b>Focus Area 4 Resilience &amp; Hazards</b>	<i>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.</i>
<b>4.1 Flooding</b>	
<p><b>Assessment – Consistent</b></p> <p><i>The objectives of this Direction are to:</i></p> <p><i>(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</i></p> <p><i>(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.</i></p> <p><i>The Planning Proposal is considered consistent with this Direction because the subject land is not a recreation vehicle area.</i></p>	
<b>4.2 Coastal Management</b>	
<p><b>Assessment – Consistent</b> -<i>This Direction is not applicable to Wingecarribee Shire.</i></p>	
<b>4.3 Planning for Bushfire Protection (previously 4.4)</b>	
<p><b>Assessment – Consistent</b></p> <p><i>The objectives of this Direction are to:</i></p> <p><i>(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</i></p> <p><i>(b) encourage sound management of bush fire prone areas.</i></p> <p><i>The Planning Proposal is considered consistent with this Direction because a DA for the community facility has already been approved and this proposal is for a subsidiary use within one of the approved buildings.</i></p>	
<b>4.4 Remediation of Contaminated Land</b>	
<p><b>Assessment – Consistent</b></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 Planning Proposal is considered consistent with this Direction because a DA for the community facility has already been approved and this matter would have been considered at that time.</i></p>	
<b>4.5 Acid Sulphate Soils</b>	
<p><b>Assessment – Consistent</b></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

##### **Assessment – Consistent**

*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.*

*The Planning Proposal is considered consistent with this Direction because a DA for the community facility has already been approved and this matter would have been considered at that time.*

#### **Focus Area 5 Transport & Infrastructure**

*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.*

#### 5.1 Integrating Land Use and Transport

##### **Assessment – Consistent**

*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:*

- (a) improving access to housing, jobs and services by walking, cycling and public transport, and*
- (b) increasing the choice of available transport and reducing dependence on cars, and*
- (c) reducing travel demand including the number of trips generated by development and the distances travelled, especially by car, and*
- (d) supporting the efficient and viable operation of public transport services, and*
- (e) providing for the efficient movement of freight.*

*The Planning Proposal is considered consistent with this Direction because a DA for the community facility has already been approved and this matter would have been considered at that time.*

#### 5.2 Reserving Land for Public Purposes

##### **Assessment – Consistent**

*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.*

*The Planning Proposal is considered consistent with this Direction because the land is already owned by Council and The Planning Proposal is considered consistent with this Direction a DA for the community facility has already been approved.*

#### 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 Planning Proposal is consistent with this Direction because the subject land is not located near an airport or Defence airfield.*

#### 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 Planning Proposal is considered consistent with this Direction because the subject land is not located near a shooting range.*

#### **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 no housing is intended on the subject 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 no caravan park or manufactured home estate is intended on the subject land.*

<b>Focus Area 7 Resilient Economies</b>	<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>
<b>7.1 Business and Industrial Zones</b>	
<b>Assessment – Consistent</b> <i>The objectives of this Direction are to:</i> <i>(a) encourage employment growth in suitable locations,</i> <i>(b) protect employment land in business and industrial zones, and</i> <i>(c) support the viability of identified centres.</i>  <i>The Planning Proposal is considered consistent with this Direction because a DA for the community facility has already been approved and this matter would have been considered at that time.</i>	
<b>7.2 Reduction in non-hosted short-term rental accommodation period</b>	
<b>Assessment – Consistent</b> <i>Not applicable to Wingecarribee Shire.</i>	
<b>7.3 Commercial and Retail Development along the Pacific Highway, North Coast</b>	
<b>Assessment – Consistent</b> <i>Not applicable to Wingecarribee Shire.</i>	
<b>Focus Area 8 Resources &amp; Energy</b>	<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>
<b>8.1 Mining, Petroleum Production &amp; Extractive Industries</b>	
<b>Assessment – Consistent</b> <i>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.</i>  <i>The Planning Proposal is considered consistent with this Direction because a DA for the community facility has already been approved and this matter would have been considered at that time.</i>	

<b>Focus Area 9 Primary Production</b>	<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>
<b>9.1 Rural Zones</b>	
<b>Assessment – Consistent</b> <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>	

*The Planning Proposal is considered consistent with this Direction because the land is zoned E4 General Industrial and permitted land uses are already operating in the vicinity.*

## 9.2 Rural Lands

### **Assessment – Consistent**

*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:*

- (a) protect the agricultural production value of rural land,*
- (b) facilitate the orderly and economic use and development of rural lands for rural and related purposes,*
- (c) assist in the proper management, development and protection of rural lands to promote the social, economic and environmental welfare of the State,*
- (d) minimise the potential for land fragmentation and land use conflict in rural areas, particularly between residential and other rural land uses,*
- (e) encourage sustainable land use practices and ensure the ongoing viability of agriculture on rural land,*
- (f) support the delivery of the actions outlined in the NSW Right to Farm Policy.*

*The Planning Proposal is considered consistent with this Direction because the land is zoned E4 General Industrial and permitted land uses are already operating in the vicinity.*

## 9.3 Oyster Aquaculture

### **Assessment – Consistent**

*The objectives of this direction are to:*

- (a) ensure that ‘Priority Oyster Aquaculture Areas’ and oyster aquaculture outside such an area are adequately considered when preparing a planning proposal, and*
- (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.*

*The Planning Proposal is considered consistent with this Direction because there are no ‘Priority Oyster Aquaculture Areas’ in Wingecarribee Shire.*

## 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?**

No critical habitat or threatened species, populations or ecological communities, or their habitats, would be adversely affected by the proposal.

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

There are no other likely environmental effects associated with the proposal.

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

The proposed land use is considered to have potential benefits to the community through providing a business opportunity as well as the opportunity to improve animal welfare.

## Section D – Infrastructure (Local, State & Commonwealth)

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

The DA for the community facility addressed these matters. It is not considered that any additional impacts would result.

## 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 State or Commonwealth interests would be affected by this Planning Proposal. WaterNSW and Rural Fire Service (RFS) were both consulted to inform the Gateway determination. WaterNSW provided no objection to the proposal, noting for completeness, the relevant Strategic Land and Water Capability Assessment (SLWCA) for Retail/Commercial Uses. The site has a HIGH to MODERATE capability for the intended use. RFS subsequently raised no concerns or issues in relation to bush fire. The agency responses have been included in the exhibition material.



## Part 4 - Maps

A draft map accompanies the Proposal.



## Part 5 - Community Consultation

Community consultation would be undertaken in accordance with the Gateway Determination.

## Part 6 - Project Timeline

Stage	Timeframe and/or date
Consideration by Council	March 2024
Council decision	March 2024
Gateway determination	June 2024
Pre-exhibition	July 2024
Public Exhibition	August - September 2024
Consideration of submissions	September 2024
Post-exhibition review & additional studies	October 2024
Reporting of Planning Proposal back to Council	November 2024
Drafting Request / submission to DPE	January 2025
Gazettal of LEP amendment	March 2025

## Delegation

A request to exercise Delegation accompanies the Planning Proposal. Delegation has been provided to Council as per the Gateway Determination.

**END OF PLANNING PROPOSAL**