Planning Proposal

to amend Wingecarribee Local Environmental Plan 2010 to (describe)

**PP-YYYY-NNNN *(once a new Planning Proposal is initiated on the Portal, a PP reference number will appear.)***

**Prepared in accordance with the Local Environmental Plan Making Guideline (December 2021)**

**Version 1 for Consideration by the Local Planning Advisory Panel prior to Gateway lodgement**

***(based on Section 2, pages 68-80 of the Guideline)***

**The Planning Proposal is categorised as … *as nominated at the pre-lodgement Scoping Meeting***

**Month Year**

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| ***NB: The Planning Proposal must be completed with full reference to the outcomes from the Scoping Meeting and the most recent edition of the Department of Planning’s Local Environmental Plan Making Guideline. Failure to do so may result in the Proposal being returned to the proponent for amendment. The Guideline states that Council must support the Planning Proposal before it is submitted to the Department via the Planning Portal for a Gateway Determination (p13).*** |

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| Appendices to the main Planning Proposal report |

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| Site Location & Description |

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| **Legal Description** |  |
| **Property Address** |  |
| **Description** |  |

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| **Wingecarribee Shire** *position star on site location* |

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| Part 1 - Objectives & Intended Outcomes of the Planning Proposal |

*Provide relevant background & general justification including reporting to Panel & Council.*

*NB: The Guide requires this section to address what is planned, not just how it is to be achieved*. *(Guide reference page 70)*

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| Part 2 - Explanation of the Provisions |

*This section must provide a detailed statement of how the objectives or intended outcomes will be achieved by amending an existing LEP. Thumbnail mapping may be used to clearly indicate the intended provisions. (Guide reference page 71)*

* To achieve the intended outcomes of the Planning Proposal the following amendments to the WLEP 2010 instrument will be required:

*List amendments – (new clause / amended clause / land use table amendment / schedule amendment etc.)*

* To achieve the intended outcomes of the Planning Proposal the following amendments to WLEP 2010 maps will be required:

*List all map amendments*

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

*This is the most important section of the planning proposal and should integrate findings from supporting studies and investigations and provide justification for the proposed amendments to the LEP. It must also consider the interaction between these findings and whether the proposal will align with the strategic planning framework and have any environmental, social, or economic impacts.*

*This section must provide a detailed assessment of the proposal’s strategic and site-specific merit to determine whether the planning proposal should be supported. (Guide reference page 72-73).*

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| **Strategic Merit** |

*(Guide reference page 72)*

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| **Site-specific Merit** |

*(Guide reference page 73)*

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| **Section A – Need for the Planning Proposal** |

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

*(Guide reference page 74)*

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

*(Guide reference page 74)*

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| **Section B – Relationship to the Strategic Planning Framework** |

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

*(Guide reference page 75)*

Text

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

*(Guide reference page 75)*

Text

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

*(Guide reference page 75)*

Text

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| **6 - Is the Planning Proposal consistent with applicable SEPPs?** |

*This section requires consideration of all relevant SEPPs -* [*https://legislation.nsw.gov.au/browse/inforce#/epi/title/s*](https://legislation.nsw.gov.au/browse/inforce#/epi/title/s)

*On 1 March 2022 a set of consolidated ‘themed’ SEPPs came into force. Provision to address each SEPP follows, the colour code indicating the relevant Theme to which it relates.*

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| **SEPP (Housing) 2021** | ***to deliver a sufficient supply of safe, diverse and affordable housing***  [***https://legislation.nsw.gov.au/view/html/inforce/current/epi-2021-0714***](https://legislation.nsw.gov.au/view/html/inforce/current/epi-2021-0714) |
| **Assessment – Consistent/Inconsistent/Justifiably Inconsistent**  *Assessment Justification* | |

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| **SEPP (Transport and Infrastructure) 2021** | ***to provide well-designed and located transport and infrastructure integrated with land use***  [***https://legislation.nsw.gov.au/view/html/inforce/current/epi-2021-0732***](https://legislation.nsw.gov.au/view/html/inforce/current/epi-2021-0732) |
| **Assessment – Consistent/Inconsistent/Justifiably Inconsistent**  *Assessment Justification* | |

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| **SEPP (Primary Production)** | ***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***](https://legislation.nsw.gov.au/view/html/inforce/current/epi-2021-0729) |

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| **SEPP (Biodiversity and Conservation) 2021** | ***to preserve, conserve and manage NSW’s natural environment & heritage***  [***https://legislation.nsw.gov.au/view/html/inforce/current/epi-2021-0722***](https://legislation.nsw.gov.au/view/html/inforce/current/epi-2021-0722) |
| **Assessment – Consistent/Inconsistent/Justifiably Inconsistent**  *Assessment Justification* | |

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| **SEPP (Resilience and Hazards) 2021** | ***to manage risks and building resilience in the face of hazards***  [***https://legislation.nsw.gov.au/view/html/inforce/current/epi-2021-0730***](https://legislation.nsw.gov.au/view/html/inforce/current/epi-2021-0730) |
| **Assessment – Consistent**  *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. (discuss)* | |

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| **SEPP (Design and Place) 2021** | ***to deliver well designed places that enhance quality of life, the environment and the economy***  ***Link to be provided once adopted*** |
| **Assessment – Consistent/Inconsistent/Justifiably Inconsistent**  *Assessment Justification* | |

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| **SEPP (Industry and Employment) 2021 –** | ***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***](https://legislation.nsw.gov.au/view/html/inforce/current/epi-2021-0723) |
| **Assessment – Consistent/Inconsistent/Justifiably Inconsistent**  *The provisions of Chapter 3 (Advertising & Signage) are the only part of this SEPP applicable to land in Wingecarribee Shire*(*discuss*) | |

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| **SEPP (Resources and Energy) 2021** | ***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***](https://legislation.nsw.gov.au/view/html/inforce/current/epi-2021-0731) |
| **Assessment – Consistent/Inconsistent/Justifiably Inconsistent**  *Assessment Justification* | |

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| **SEPP (Planning Systems) 2021** | ***to provide a strategic and inclusive planning system for the community & the environment***  [***https://legislation.nsw.gov.au/view/html/inforce/current/epi-2021-0724***](https://legislation.nsw.gov.au/view/html/inforce/current/epi-2021-0724) |
| **Assessment – Consistent/Inconsistent/Justifiably Inconsistent**  *Assessment Justification* | |

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| **SEPP (Regional Precincts) 2021** | ***relates to State significant precincts, Activation precincts and other specific precincts including the Southern Highlands Regional Shooting Complex***  [***https://legislation.nsw.gov.au/view/html/inforce/current/epi-2021-0727***](https://legislation.nsw.gov.au/view/html/inforce/current/epi-2021-0727) |
| **Assessment – Consistent/Inconsistent/Justifiably Inconsistent**  *Assessment Justification* | |
| **Assessment – Consistent**  *This Planning Proposal does not relate to any of the precincts addressed in this SEPP, including the Southern Highlands Regional Shooting Complex.* | |

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

*This section has been updated to reflect the introduction of 11 thematic focussed Ministerial Directions under section 9.1 of the Environmental Planning & Assessment Act 1979. Most of the previous Directions have been reallocated among the new themes. All Directions have been included because they are numbered consecutively, but those that do not apply to Wingecarribee has been pre-filled to that effect.* *(Guide reference page 76)*

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| **1-Planning Systems** | ***The Principles for Planning Systems 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.*** |
| **1.1 Implementation of the Minister’s Planning Principles** | |
| The objectives of this direction are to:  (a) give legal effect to the Minister’s Planning Principles and ensure the document, including the concept of sustainable development, is given regard in the assessment of planning proposals, and  (b) support improved outcomes through consideration of planning principles that are relevant to the particular planning proposal. | |
| **Assessment – Consistent**  Supporting comments follow. | |
| **1.2 Implementation of Regional Plans** (previously 5.10) | |
| The objective of this direction is to give legal effect to the vision, land use strategy, goals, directions and actions contained in Regional Plans. | |
| **Assessment – Consistent/Inconsistent/Justifiably Inconsistent**  Text | |
| **1.3 Development of Aboriginal Land Council land** (previously 5.11) | |
| 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. | |
| **Assessment – Consistent/Inconsistent/Justifiably Inconsistent**  Text | |
| **1.4 Approval and Referral Requirements** (previously 6.1) | |
| The objective of this direction is to ensure that LEP provisions encourage the efficient and appropriate assessment of development. | |
| **Assessment – Consistent/Inconsistent/Justifiably Inconsistent**  Text | |
| **1.5 Site Specific Provisions** (previously 6.3) | |
| The objective of this direction is to discourage unnecessarily restrictive site-specific planning controls. | |
| **Assessment – Consistent/Inconsistent/Justifiably Inconsistent**  Text | |
| **1.6 Parramatta Road Corridor Urban Transformation Strategy**  **1.7 Implementation of North West Priority Growth Area Land Use and Infrastructure Implementation Plan**  **1.8 Implementation of Greater Parramatta Priority Growth Area Interim Land Use and Infrastructure Implementation Plan**  **1.9 Implementation of Wilton Priority Growth Area Interim Land Use and Infrastructure Implementation**  **1.10 Implementation of Glenfield to Macarthur Urban Renewal Corridor**  **1.11 Implementation of the Western Sydney Aerotropolis Plan**  **1.12 Implementation of Bayside West Precincts 2036 Plan**  **1.13 Implementation of Planning Principles for the Cooks Cove Precinct**  **1.14 Implementation of St Leonards and Crows Nest 2036 Plan**  **1.15 Implementation of Greater Macarthur 2040**  **1.16 Implementation of the Pyrmont Peninsula Place Strategy**  **1.17 North West Rail Link Corridor Strategy** | |
| None of these place-based Directions apply to Wingecarribee Shire | |

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| **2-**  **Design & Place** | ***The Principles for Well-designed Places 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.*** |
| **To be provided once the draft SEPP is adopted.** | |

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| **3-Biodiversity & Conservation** | ***The Principles for Natural Environment & Heritage 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) | |
| The objective of this direction is to protect and conserve environmentally sensitive areas. | |
| **Assessment – Consistent/Inconsistent/Justifiably Inconsistent**  Text | |
| **3.2 Heritage Conservation** (previously 2.3) | |
| The objective of this direction is to conserve items, areas, objects and places of environmental heritage significance and indigenous heritage significance. | |
| **Assessment – Consistent/Inconsistent/Justifiably Inconsistent**  Text | |
| **3.3 Sydney Drinking Water Catchments** (previously 5.2) | |
| The objective of this direction is to protect water quality in the Sydney drinking water catchment. | |
| **Assessment – Consistent/Inconsistent/Justifiably Inconsistent**  Text | |
| **3.4 Application of C2 and C3 Zones and Environmental Overlays in Far North Coast LEPs** | |
| Not applicable to Wingecarribee Shire | |
| **3.5 Recreation Vehicle Areas** (previously 2.4) | |
| The objective of this direction is to protect sensitive land or land with significant conservation values from adverse impacts from recreation vehicles. | |
| **Assessment – Consistent/Inconsistent/Justifiably Inconsistent**  Text | |

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| **4-**  **Resilience & Hazards** | ***The Principles for resilience & Hazards aim 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** (previously 4.3) | |
| 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. | |
| **Assessment – Consistent/Inconsistent/Justifiably Inconsistent**  Text | |
| **4.2 Coastal Management** (previously 2.2) | |
| Not applicable to Wingecarribee Shire | |
| **4.3 Planning for Bushfire Protection** (previously 4.4) | |
| 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. | |
| **Assessment – Consistent/Inconsistent/Justifiably Inconsistent**  Text | |
| **4.4 Remediation of Contaminated Land** (previously 2.6) | |
| 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. (NB: *In order to meet the requirements of this Direction every site-specific Planning Proposal must include a Preliminary Site Inspection report.*) | |
| **Assessment – Consistent/Inconsistent/Justifiably Inconsistent**  Text | |
| **4.5 Acid Sulphate Soils** | |
| 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. | |
| **Assessment – Consistent/Inconsistent/Justifiably Inconsistent**  **Text** | |
| **4.6 Mine Subsidence & Unstable Land** | |
| 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. | |
| **Assessment – Consistent/Inconsistent/Justifiably Inconsistent**  **Text** | |

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| **5-**  **Transport & Infrastructure** | ***The Principles for Transport & Infrastructure 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** (previously 3.4) | |
| 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. | |
| **Assessment – Consistent/Inconsistent/Justifiably Inconsistent**  Text | |
| **5.2 Reserving Land for Public Purposes** (previously 6.2) | |
| 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 reservation | |
| **Assessment – Consistent/Inconsistent/Justifiably Inconsistent**  Text | |
| **5.3 Development Near Regulated Airports and Defence Airfields** (previously 3.5) | |
| 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. | |
| **Assessment – Consistent/Inconsistent/Justifiably Inconsistent**  Text | |
| **5.4 Shooting Ranges** (previously 3.6) | |
| The objectives 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. | |
| **Assessment – Consistent/Inconsistent/Justifiably Inconsistent**  Text | |

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| **6-**  **Housing** | ***The Principles for Housing 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** (previously 3.1) | |
| 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. | |
| **Assessment – Consistent/Inconsistent/Justifiably Inconsistent**  Text | |
| **6.2 Caravan Parks and Manufactured Home Estates** (previously 3.2) | |
| 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. | |
| **Assessment – Consistent/Inconsistent/Justifiably Inconsistent**  Text | |

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| **7-**  **Resilient Economies** | ***The Principles for Resilient Economies 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.*** |
| **7.1 Business and Industrial Zones** (previously 1.1) | |
| 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. | |
| **Assessment – Consistent/Inconsistent/Justifiably Inconsistent**  Text | |
| **7.2 Reduction in non-hosted short-term rental accommodation period** | |
| Not applicable to Wingecarribee Shire | |
| **7.3 Commercial and Retail Development along the Pacific Highway, North Coast** | |
| Not applicable to Wingecarribee Shire | |

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| **8-**  **Resources**  **& Energy** | ***The Principles for Resources & Energy 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.*** |
| **8.1 Mining, Petroleum Production & Extractive Industries** | |
| 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. | |

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| **9-**  **Primary Production** | ***The Principles for Primary Production 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.*** |
| **9.1 Rural Zones** (previously 1.2) | |
| The objective of this direction is to protect the agricultural production value of rural land. | |
| **Assessment – Consistent/Inconsistent/Justifiably Inconsistent**  Text | |
| **9.2 Rural Lands** (previously 1.5) | |
| 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. | |
| **Assessment – Consistent/Inconsistent/Justifiably Inconsistent**  Text | |
| **9.3 Oyster Aquaculture** (previously 1.4) | |
| 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. | |
| **Assessment – Consistent/Inconsistent/Justifiably Inconsistent**  Text | |
| **9.4 Farmland of State & Regional Significance on the NSW Far North Coast** | |
| Not applicable to Wingecarribee Shire | |

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| **Section C – Environmental, Social & Economic Impacts** |

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| **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?** |

*(Guide reference page 77)*

Text

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

*(Guide reference page 77)*

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

*(Guide reference page 77)*

Text

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| **Section D – Infrastructure (Local, State & Commonwealth)** |

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

*(Guide reference page 78)*

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| **Section E – State and Commonwealth Interests** |

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

*(Guide reference page 78)*

*The PPA should get preliminary views of any state or federal agency prior to submitting a planning proposal and include them in this section including any preliminary issues raised. This should include any scope of additional information/investigations, evidence of consultation and any agreement in relation to the progression of the planning proposal.*

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| Part 4 - Maps |

*(Guide reference page 79)*

All existing and proposed mapping will be submitted to the Department by Council.

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| Part 5 - Community Consultation |

*(Guide reference page 79)*

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

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| Part 6 - Project Timeline |

*(Guide reference page 79)*

*To be completed by Council**with reference to the Guideline* *for the nominated Planning Proposal category*

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| **MILESTONE** | **INDICATIVE /ACTUAL DATE** |
| Gateway Determination |  |
| Agency Consultation |  |
| Public Exhibition |  |
| Report to Council on exhibition of Planning Proposal. |  |
| S.3.36 Documents to DP&E & PCO. |  |
| Approximate completion date |  |