

Wingecarribee Local Planning Panel Meeting 22 February 2023 Attachments

5.1 PLANNING PROPOSAL - EVENTS ON BUSH FIRE PRONE LAND.....2

5.1.1 Attachment 1 - Planning Proposal Events On Public Land-V 1 Gateway.....2

Planning Proposal

to amend the provisions of Schedule 2 (exempt development) of Wingecarribee Local Environmental Plan 2010 regarding events on bush fire prone public land

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

Prepared by Wingecarribee Shire Council

The Planning Proposal is categorised as Standard

February 2023

Working with you

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Description or Background

Description	To amend Schedule 2 of Wingecarribee Local Environmental Plan 2010 to remove bush fire prone land from the Public Events exempt development provisions
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Part 1 - Objectives & Intended Outcomes of the Planning Proposal

Objective & Intended Outcome

The purpose of the Planning Proposal is to amend the ‘public events’ provisions of Schedule 2 of WLEP 2010 to amend the heading and remove subclause (c). Schedule 2 of the Wingecarribee Local Environmental Plan (WLEP) 2010, which contains exempt development provisions additional to those specified within the *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008*. One of these additional provisions relates to public events and states:

Public events

Use of public land (including a public reserve or public road) for public events, including stalls, meetings, exhibitions, entertainment or similar community, cultural or commercial purposes—

- (a) proposed event must be consistent with any applicable plan of management under the [Local Government Act 1993](#) for the land,*
- (b) development must be carried out in accordance with a licence or hire agreement granted by the Council,*
- (c) must not be located on bush fire prone land.*

It is noted that these exempt development provisions cannot apply to land mapped as being ‘bush fire prone’ and, therefore, a Development Application (DA) is required in these circumstances. Council has had discussions with the NSW Rural Fire Service as has been advised that the removal of subclause (c) would be supported by RFS. It is also proposed to replace the heading ‘public events’ with ‘events on public land’ which is a more accurate description of the purpose of the provisions.



Part 2 - Explanation of the Provisions

- To achieve the intended outcomes of the Planning Proposal the Schedule 2, Exempt Development of Wingecarribee Local Environmental Plan 2010 would be amended to remove subclause (c) as indicated below:

~~Public events~~ Events on public land

Use of public land (including a public reserve or public road) for public events, including stalls, meetings, exhibitions, entertainment or similar community, cultural or commercial purposes—

- (a) proposed event must be consistent with any applicable plan of management under the [Local Government Act 1993](#) for the land,*
- (b) development must be carried out in accordance with a licence or hire agreement granted by the Council*
- ~~(c) must not be located on bush fire prone land.~~*

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

No map amendments would result from the Planning Proposal.

Part 3 - Justification of Strategic & Site-specific Merit

Strategic Merit

The exclusion of 'bush fire prone' from allowing events on public land as exempt development creates community frustration and expense and the diversion of staff resources to this end. Council has had discussions with the NSW Rural Fire Service and has been advised that the removal of subclause (c) would be supported by RFS, and, on that basis therefore, Council has prepared a Planning Proposal to amend these provisions of Schedule 2 of WLEP 2010 to remove subclause (c). It is also proposed to change the title of the part of the LEP from *Public events* to a more accurate description of *Events on public land*.

To support the proposed amendment, Council is also developing an alternative approach to the management of public events on bush fire prone land which would continue to manage public safety and protect the environment, while also providing a more streamlined, less expensive pathway for public event approvals. It is noted that Council already has in place mechanisms for assessing bush fire risk for public events on Council owned land. The bush fire danger status of all Council owned community halls on bush fire prone land has already been assessed and is indicated on Council's website page for each facility. There is also a link on that page to the RFS website page which indicates current fire danger ratings and fire ban status across the State.



Council's Assets and Risk Assessment Teams are also working to review booking and hiring procedures to simplify the process for the community while ensuring that Council's risk is appropriately managed. These revised processes would improve safety and risk management across all Council owned facilities. A further advantage of this approach is that additional specific requirements can also be included for Council facilities which are also Items of Heritage, such as Glebe Park in Bowral which is on the State Heritage Register and the Market Place reserve at Berrima.

The Planning Proposal seeks to provide a more efficient process for the hiring of Council's facilities while appropriately managing risk. The exempt development provisions in the Wingecarribee Local Environmental Plan have been in place since it was made in 2010 and would now appear to be redundant.

It is noted that exempt and complying development provisions for temporary uses for community events do not require a bush fire assessment or management plan. It is further noted that exempt development standards for Agritourism, which were introduced into the State Environmental Planning Policy (Exempt & Complying Development Codes) (the SEPP) in December 2022, generally only require an evacuation diagram and emergency contact details for agritourism activities.

If these SEPP provisions are considered sufficient, with no distinction for designated bush fire prone land, then Council's proposed amendment would seem consistent, especially as other mechanisms are in place and being developed to provide a higher level of public safety and environmental protection that the SEPP provisions allow. One key consideration for Council is that of risk and this is also being attended to through revisions to the booking and hire process to ensure that appropriate risk assessments are undertaken.

Section A – Need for the Planning Proposal

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

The proposed amendment has not come from any formal strategy, but has come from increasing frustrations within the community with regard to using Council owned land for community events. Council understands that frustration and agrees that Council owned land should be more easily available for the community. The proposed amendment would appear to bring WLEP 2010 into line with other LEPs and state policy.

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

The proposed amendment to the relevant exempt development provisions is the only means of addressing the issue.



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 proposed amendment falls outside of the main remit of the Regional Plan, but is considered consistent because it seeks to facilitate the efficient management of Council's business to the benefit of the community.

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

The proposed amendment falls outside of the main remit of the LSPS and LHS, but is considered consistent because it seeks to facilitate the efficient management of Council's business to the benefit of the community. Serving the community as efficiently and effectively as possible underpins all Council strategic documents and this matter is a good example of how this can be achieved.

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

No other state or regional studies are considered applicable.

6 - Is the Planning Proposal consistent with applicable SEPPs?

SEPP (Housing) 2021

The intent of this SEPP is to deliver a sufficient supply of safe, diverse and affordable housing
<https://legislation.nsw.gov.au/view/html/inforce/current/epi-2021-0714>

Assessment – Consistent

The principles of this Policy are:

- (a) enabling the development of diverse housing types, including purpose-built rental housing,*
- (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,*
- (c) ensuring new housing development provides residents with a reasonable level of amenity,*
- (d) promoting the planning and delivery of housing in locations where it will make good use of existing and planned infrastructure and services,*
- (e) minimising adverse climate and environmental impacts of new housing development,*
- (f) reinforcing the importance of designing housing in a way that reflects and enhances its locality,*
- (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,*
- (h) mitigating the loss of existing affordable rental housing.*

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The Planning Proposal is considered consistent with this SEPP because it will improve access to public land for community events.

SEPP (Transport and Infrastructure) 2021

The intent of this SEPP is 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>

Assessment – Consistent

The key intentions of this SEPP include:

- (a) improving regulatory certainty and efficiency through a consistent planning regime for infrastructure and the provision of services, and*
- (b) providing greater flexibility in the location of infrastructure and service facilities, and*
- (c) allowing for the efficient development, redevelopment or disposal of surplus government owned land, and*
- (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*
- (e) identifying matters to be considered in the assessment of development adjacent to particular types of infrastructure development, and*
- (f) providing for consultation with relevant public authorities about certain development during the assessment process or prior to development commencing, and*
- (g) providing opportunities for infrastructure to demonstrate good design outcomes.*

The Planning Proposal is considered consistent with this SEPP because it would not in any way undermine the provisions 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.*

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The Planning Proposal is considered consistent with this SEPP because it would not in any way undermine the provisions of the SEPP.

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 not in any way undermine the provisions of the SEPP.

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 Planning Proposal is considered consistent with this SEPP because it would not in any way undermine the provisions of the 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 because it would not in any way undermine the 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>

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Assessment – Consistent
<i>The provisions of Chapter 2 (Mining, petroleum production & extractive industries) are the only part of this SEPP applicable to land in Wingecarribee Shire because it would not in any way undermine the provisions of the SEPP.</i>

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

SEPP (Regional Precincts) 2021	<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> https://legislation.nsw.gov.au/view/html/inforce/current/epi-2021-0727
Assessment – Consistent	<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>

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

Focus Area 1 Planning Systems	<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>
1.1 Implementation of Regional Plans	
Assessment – Consistent	
<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>	
<i>The Planning Proposal is considered consistent with this Direction because although the proposed amendment falls outside of the main remit of most strategies, it is considered consistent because it seeks to facilitate the efficient management of Council's business to the benefit of the community. Serving the community as efficiently and effectively as possible underpins all Council strategic documents and this matter is a good example of how this can be achieved.</i>	
1.2 Development of Aboriginal Land Council land	
Assessment – Consistent	
<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>	



The Planning Proposal is considered consistent with this Direction because no Aboriginal Land Council land is involved.

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 is considered consistent with this Direction because it would not in any way undermine the provisions of this Direction.

1.4 Site Specific Provisions

Assessment – Consistent

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

The Planning Proposal is considered consistent with this Direction because it would not in any way undermine the provisions of this Direction.

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 is considered consistent with this Direction because it would not in any way undermine the provisions of 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 Planning Proposal is considered consistent with this Direction because it would not in any way undermine the provisions of 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.*

The Direction also requires that, when preparing a Planning Proposal, Council must:

- o consult with WaterNSW, describing the means by which the planning proposal gives effect to the water quality protection principles of this direction, and*
- o ensure that the proposal is consistent with Part 6.5 of Chapter 6 of the State Environmental Planning Policy (Biodiversity and Conservation) 2021, and*
- o identify any existing water quality (including groundwater) risks to any waterway occurring on, or adjacent to the site, and*
- o 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*
- o 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 is considered consistent with this Direction because it would not in any way undermine the provisions of this Direction.

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 it would not in any way undermine the provisions of this Direction.

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



	<i>risk. The principles promote healthy, resilient and adaptive communities, urban areas and natural environments.</i>
4.1 Flooding	
Assessment – Consistent	
<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 it would not in any way undermine the provisions of this Direction.</i></p>	
4.2 Coastal Management	
Assessment – Consistent	
<p><i>This Direction is not applicable to Wingecarribee Shire.</i></p>	
4.3 Planning for Bushfire Protection (previously 4.4)	
Assessment – Consistent	
<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 Council has received informal support from RFS and will provide written confirmation prior to public exhibition.</i></p> <p>NB: Referral to NSW Rural Fire Service would also occur in accordance with any such Gateway Determination and this assessment will be updated to reflect RFS response prior to exhibition.</p>	
4.4 Remediation of Contaminated Land	
Assessment – Consistent	
<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 it would not in any way undermine the provisions of this Direction.</i></p>	
4.5 Acid Sulphate Soils	
Assessment – Consistent	
<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 appear to be no mapped acid sulphate soils in Wingecarribee Shire.</i></p>	
4.6 Mine Subsidence & Unstable Land	
Assessment – Consistent	
<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>	



The Planning Proposal is considered consistent with this Direction because it would not in any way undermine the provisions of this Direction.

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>
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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 it would not in any way undermine the provisions of this Direction.

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 it would not in any way undermine the provisions of this Direction.

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 it would not in any way undermine the provisions of this Direction.

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 it would not in any way undermine the provisions of this Direction.

Focus Area 6 Housing	<i>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.</i>
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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

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 would not in any way undermine the provisions of this Direction.

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 would not in any way undermine the provisions of this Direction.

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

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.

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 Planning Proposal is considered consistent with this Direction because it would not in any way undermine the provisions of this Direction.

Focus Area 9 Primary Production

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.

9.1 Rural Zones

Assessment – Consistent

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.

The Planning Proposal is considered consistent with this Direction because it would not in any way undermine the provisions of this Direction.

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 it would not in any way undermine the provisions of this Direction.

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?

It is not anticipated that the proposed amendment would result in any adverse impacts. The proposed amendment would enable public events on bush fire prone land subject to certain conditions to ensure that appropriate bush fire management procedures are in place to minimise bush fire potential and associated vegetation loss.



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

The proposed amendment would enable public events on bush fire prone land subject to certain conditions to ensure that appropriate bush fire management procedures are in place to minimise bush fire potential and associated vegetation loss.

To support the proposed amendment, Council already developed an alternative approach to the management of public events on bush fire prone land which would continue to manage public safety and protect the environment. It is noted that Council already has in place mechanisms for assessing bush fire risk for public events on Council owned land. These processes address and support safety and risk management across all Council owned facilities.

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

The proposed amendment would be replaced by a simpler and more efficient booking and hiring process thereby facilitating more community events and social interaction while ensuring appropriate risk management.

Section D – Infrastructure (Local, State & Commonwealth)

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

No public infrastructure would be affected by the Planning Proposal.

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?

NSW Rural Fire Service has provided informal support. Formal confirmation will accompany the Planning Proposal when it is submitted for a Gateway determination.

Part 4 - Maps

No maps would be amended by the Planning Proposal.



Part 5 - Community Consultation

Community consultation would be undertaken in accordance with the Gateway determination and Council's Community Engagement Strategy. This would involve exhibition for a period of at least 28 days with notification through Council's website and community e-newsletters.

Part 6 - Project Timeline

MILESTONE	INDICATIVE /ACTUAL DATE
Gateway Determination	April 2023
Agency Consultation	May 2023
Public Exhibition	June 2023
Post exhibition Report to Panel & Council	July – August 2023
Drafting Request	August 2023
Notification Request & approximate completion date	September 2023

END OF PLANNING PROPOSAL