



New South Wales

Wollondilly Local Environmental Plan 2011 (Amendment No 43)

under the

Environmental Planning and Assessment Act 1979

The following local environmental plan is made by the local plan-making authority under the *Environmental Planning and Assessment Act 1979*.

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Catherine Van Laeren
Delegate Minister of Planning

13 day of September 2022

Wollondilly Local Environmental Plan 2011 (Amendment No 43)

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Environmental Planning and Assessment Act 1979

1 Name of Plan

This Plan is *Wollondilly Local Environmental Plan 2011 (Amendment No 43)*.

2 Commencement

This Plan commences on the day on which it is published on the NSW legislation website.

3 Land to which Plan applies

This Plan applies to land to which *Wollondilly Local Environmental Plan 2011* applies.

Schedule 1 Amendment of Wollondilly Local Environmental Plan 2011

- [1] **Land Use Table, Zone RU1 Primary Production, item 3**
Insert “Artisan food and drink industries;”, “Eco-tourist facilities;”, “Function centres;”, “Markets;” and “Timber yards;” in alphabetical order.
- [2] **Land Use Table, Zone RU2 Rural Landscape, item 3**
Insert “Artisan food and drink industries;”, “Caravan parks;”, “Eco-tourist facilities;”, “Function centres;”, “Markets;” and “Timber yards;” in alphabetical order.
- [3] **Land Use Table, RU4 Primary Production Small Lots, item 3**
Insert “Artisan food and drink industries;”, “Caravan parks;”, “Eco-tourist facilities;”, “Function centres;”, “Markets;” and “Timber yards;” in alphabetical order.
- [4] **Land Use Table, Zone R2 Low Density Residential, item 3**
Insert “Bee keeping;” in alphabetical order.
- [5] **Land Use Table, Zone R3 Medium Density Residential, item 3**
Insert “Bee keeping;” in alphabetical order.
- [6] **Land Use Table, Zone R5 Large Lot Residential, item 3**
Insert “Bee keeping;” in alphabetical order.
- [7] **Land Use Table, Zone B1 Neighbourhood Centre, item 3**
Insert “Artisan food and drink industries;” and “Bee keeping;” in alphabetical order.
- [8] **Land Use Table, Zone B2 Local Centre, item 3**
Insert “Artisan food and drink industries;” and “Bee keeping;” in alphabetical order.
- [9] **Land Use Table, Zone B4 Mixed Use, item 3**
Insert “Artisan food and drink industries;” and “Bee keeping;” in alphabetical order.
- [10] **Land Use Table, Zone B5 Business Development, item 3**
Insert “Bee keeping;” in alphabetical order.
- [11] **Land Use Table, Zone RE1 Public Recreation, item 3**
Insert “Markets;” in alphabetical order.
- [12] **Land Use Table, Zone RE2 Private Recreation, item 3**
Insert “Markets;” in alphabetical order.
- [13] **Land Use Table, Zone C3 Environmental Management, item 3**
Insert “Bee keeping;” and “Markets;” in alphabetical order.
- [14] **Land Use Table, Zone C4 Environmental Living, item 3**
Insert “Eco-tourist facilities;” and “Function centres;” in alphabetical order.
- [15] **Clause 5.13 Eco-tourist facilities**
Omit “[Not applicable]”. Insert instead—

- (1) The objectives of this clause are as follows—
 - (a) to maintain the environmental and cultural values of land on which development for the purposes of eco-tourist facilities is carried out,
 - (b) to provide for sensitively designed and managed eco-tourist facilities that have minimal impact on the environment both on and off-site.
- (2) This clause applies if development for the purposes of an eco-tourist facility is permitted with development consent under this Plan.
- (3) The consent authority must not grant consent under this Plan to carry out development for the purposes of an eco-tourist facility unless the consent authority is satisfied that—
 - (a) there is a demonstrated connection between the development and the ecological, environmental and cultural values of the site or area, and
 - (b) the development will be located, constructed, managed and maintained so as to minimise any impact on, and to conserve, the natural environment, and
 - (c) the development will enhance an appreciation of the environmental and cultural values of the site or area, and
 - (d) the development will promote positive environmental outcomes and any impact on watercourses, soil quality, heritage and native flora and fauna will be minimal, and
 - (e) the site will be maintained (or regenerated where necessary) to ensure the continued protection of natural resources and enhancement of the natural environment, and
 - (f) waste generation during construction and operation will be avoided and that any waste will be appropriately removed, and
 - (g) the development will be located to avoid visibility above ridgelines and against escarpments and from watercourses and that any visual intrusion will be minimised through the choice of design, colours, materials and landscaping with local native flora, and
 - (h) any infrastructure services to the site will be provided without significant modification to the environment, and
 - (i) any power and water to the site will, where possible, be provided through the use of passive heating and cooling, renewable energy sources and water efficient design, and
 - (j) the development will not adversely affect the agricultural productivity of adjoining land, and
 - (k) the following matters are addressed or provided for in a management strategy for minimising any impact on the natural environment—
 - (i) measures to remove any threat of serious or irreversible environmental damage,
 - (ii) the maintenance (or regeneration where necessary) of habitats,
 - (iii) efficient and minimal energy and water use and waste output,
 - (iv) mechanisms for monitoring and reviewing the effect of the development on the natural environment,
 - (v) maintaining improvements on an on-going basis in accordance with relevant ISO 14000 standards relating to management and quality control.

[16] Clauses 7.11–7.13

Insert after clause 7.10—

7.11 Function centres in Zones RU1, RU2, RU4 and C4

- (1) The objectives of this clause are to—
 - (a) provide for appropriate development of function centres in a rural environment, and
 - (b) ensure that function centres do not adversely impact on the agricultural production, scenic or environmental values of the land.
- (2) This clause applies to land in the following zones—
 - (a) Zone RU1 Primary Production,
 - (b) Zone RU2 Rural Landscape,
 - (c) Zone RU4 Primary Production Small Lots,
 - (d) Zone C4 Environmental Living.
- (3) Development consent must not be granted to development for the purposes of function centres unless the consent authority has—
 - (a) considered any potential impacts on biodiversity, and
 - (b) is satisfied that the development—
 - (i) will be serviced by adequate access roads taking into account the scale of the development, and
 - (ii) will not impair the use of land or the surrounding land for agriculture or rural industries, and
 - (iii) will not have an unacceptable impact on the scenic amenity or character of the rural environment, and
 - (iv) will appropriately manage the risk of hazards including bush fire or flooding, and
 - (v) will provide for access to adequate wastewater systems to service the land without having an adverse impact on the water quality of the area.

7.12 Caravan parks in Zones RU2, RU4, RE1 and RE2

- (1) This clause applies to land in the following zones—
 - (a) Zone RU2 Rural Landscape,
 - (b) Zone RU4 Primary Production Small Lots,
 - (c) Zone RE1 Public Recreation,
 - (d) Zone RE2 Private Recreation.
- (2) Development consent must not be granted to development for the purposes of caravan parks unless the consent authority is satisfied that the development will only provide for the short-term accommodation of tourists or visitors.
- (3) In deciding whether to grant development consent for the purposes of caravan parks, the consent authority must consider the impacts of the proposed development on—
 - (a) existing or proposed adjoining and nearby farms, and
 - (b) the use of surrounding land for other rural uses and industries.

7.13 Temporary use of land for particular purposes

- (1) Development consent may be granted to development on land in the following zones for the temporary use of the land for a purpose specified in relation to the zone—
 - (a) Zone RU1 Primary Production—recreation facilities (outdoor),
 - (b) Zone RU4 Primary Production Small Lots—recreation facilities (outdoor),
 - (c) Zone R2 Low Density Residential—function centres, recreation facilities (outdoor), markets,
 - (d) Zone R3 Medium Density Residential—function centres, markets, recreation facilities (outdoor),
 - (e) Zone R5 Large Lot Residential—function centres, markets, recreation facilities (outdoor),
 - (f) Zone B1 Neighbourhood Centre—function centres, recreation facilities (outdoor),
 - (g) Zone B2 Local Centre—recreation facilities (outdoor),
 - (h) Zone B5 Business Development—recreation facilities (outdoor),
 - (i) Zone IN1 General Industrial—function centres, recreation facilities (outdoor), markets,
 - (j) Zone IN2 Light Industrial—function centres, markets, recreation facilities (outdoor),
 - (k) Zone IN3 Heavy Industrial—function centres, markets,
 - (l) Zone SP1 Special Activities—function centres, recreation facilities (outdoor),
 - (m) Zone SP2 Infrastructure—function centres, recreation facilities (outdoor), markets,
 - (n) Zone C4 Environmental Living—markets.
- (2) Development consent must not be granted unless—
 - (a) the temporary use of land does not occur more than 12 times in any 12-month period, and
 - (b) the consent authority is satisfied that at the end of the temporary use the land will, as far as practicable, be restored to the condition the land was in prior to the temporary use.

[17] Schedule 2 Exempt development

Insert in appropriate order—

Temporary use of land for the purposes of function centres, recreation facilities (outdoor) and markets

- (1) The temporary use of land for the purposes of function centres, recreation facilities (outdoor) or markets that meets the following standards—
 - (a) must not cause a change to the building classification of any existing building,
 - (b) must not involve the erection of permanent structures,
 - (c) if on land other than public land—must not take place on more than 12 occasions in any 12-month period,

- (d) each occasion on which the temporary use takes place must not exceed a total period of 7 consecutive days, comprising—
 - (i) not more than 3 consecutive days of use, and
 - (ii) not more than 4 days for set up and pack down,
 - (e) must not take place outside of the hours of 7am–10pm, including set up and pack down,
 - (f) if on land zoned Rural or Conservation—must have parking within the boundary of the land,
 - (g) must have artificial lighting to ensure safe movement of patrons that is directed away from adjacent residential properties,
 - (h) must not take place on a lot if any part of the lot is bush fire prone land,
 - (i) must be readily accessible by vehicles, including emergency vehicles, from a public road,
 - (j) must have waste containers for the removal of waste at the conclusion of the temporary use,
- (2) This clause ceases to apply if—
- (a) the use involves a gathering of more than—
 - (i) for land zoned Rural or Conservation—500 people,
 - (ii) for land within the Sydney Drinking Water Catchment—150 people,
 - (iii) otherwise—1500 people.
 - (b) the use involves the use of loudspeakers and amplifying devices—
 - (i) on Sunday to Thursday—after 8pm, and
 - (ii) on Friday and Saturday—after 10pm.