



**Planning Proposal
to
rezone certain sites to SP3 Tourist and amend
the SP3 Tourist zone to prohibit dwelling houses
and apply a minimum lot size of 20 hectares.**

Planning Proposal

LOCAL GOVERNMENT AREA: WINGECARRIBEE SHIRE COUNCIL

ADDRESSES OF LAND:

The Planning Proposal comprises two parts. The first part seeks to make certain site specific amendments and the second seeks to amend the provisions of the SP3 Tourist zone.

That part of the Planning Proposal making certain site specific amendments applies as indicated below:

- (a) The following properties are proposed to be rezoned to SP3 Tourist with a minimum lot size of 20 hectares:
 - Lot 2 DP 584423, 214 Old Hume Highway, Berrima; and Part Lot 3 DP 584423, 3020 Old Hume Highway, Berrima (Bendooley Estate).
 - Lot 2 DP 793839 and Lot 1 DP 1074659, 230 Medway Road, Medway (Zen Oasis)
 - Lot 6 DP 660349, 21 Black Horse Lane, Sutton Forest. (Sutton Forest Estate Wines).
 - Lot 1 DP 10658, 42 Oldbury Road, Sutton Forest (Southern Highlands Wines)
- (b) A minimum lot size of 20 hectares is to be applied to the following properties currently zoned SP3 Tourist under WLEP 2010:
 - Lot 1 DP 236285
 - Lot 5 DP 248501
 - Lot 1 DP 258851
 - Part Lot 1 and Part Lot 2 Sec 18 DP2686
 - Lot 21 DP 549149
 - Lot 31 and 32 DP 550667
 - Lot 22 DP 563212

- Lot 234 DP 589902
- Lot 11, 12 and 13 DP 606952
- Lot 101 DP 612881
- Lot 6, 7, 14 and 15 DP 710606
- Lot 41, 43, 44, 47 and 49 DP 712911
- Lot 150 DP 810661

PART 1 - OBJECTIVES OR INTENDED OUTCOMES OF PLANNING PROPOSAL

The Planning Proposal seeks to achieve two outcomes:

1. To permit development for the purposes of '*tourist and visitor accommodation*' and '*function centre*' on the following sites:
 - Lot 2 DP 584423, "Jamar" 214 Old Hume Highway, Berrima; and Part Lot 3 DP 584423, "Bendooley", 3020 Old Hume Highway, Berrima (Bendooley Estate).
 - Lot 2 DP 793839 and Lot 1 DP 1074659, 230 Medway Road, Medway (Zen Oasis).
 - Lot 6 DP 660349, 21 Black Horse Lane, Sutton Forest. (Sutton Forest Estate Wines).
 - Lot 1 DP 10658, 42 Oldbury Road, Sutton Forest (Southern Highlands Wines).

And,

2. To remove any possibility of land currently or proposed to be zoned SP3 Tourist from being subdivided and developed for residential purposes.

PART 2 – EXPLANATION OF PROVISIONS

The provisions of the Planning Proposal will amend Wingecarribee Local Environmental Plan 2010 as follows:

1. Amend the SP3 Tourist zone Land Use Table to remove *Dwelling houses* from 3. *Permitted with Consent* and insert *Dwelling houses* in 4. *Prohibited*.
2. Amend the following WLEP 2010 Maps. At the time of submission of this Planning Proposal the AB2 designation under WLEP 2010 applies to 40 hectares. WLEP 2010 is currently being amended to create a new designation AB3 with a minimum lot size of 40 hectares and to rename the AB2 designation to 20 hectares. The following map amendments assume this amended arrangement because it is anticipated that this amendment will be completed before this Planning Proposal is completed.

Map to be amended	Nature of map amendment
LZN_007B	Apply SP3 Tourist zone to Lot 2 DP584423 and Part Lot 3 DP584423.
LZN_007A	Apply SP3 Tourist zone to Lot 2 DP793839 and Lot 1 DP1074659
LZN_004	Apply SP3 Tourist Zone to Lot 6 DP 660349
LZN_007D	Apply SP3 Tourist zone to Part Lot 1 DP10658
LSZ_007B	Apply heavy black outline to Lot 2 DP 584423 and Part Lot 3 DP 584423 and apply designation AB2
LSZ_007A	Apply heavy black outline to Lot 2 DP 793839 and Lot 1 DP 1074659 and apply designation AB2
LSZ_004	Apply heavy black outline to Lot 6 DP 660349 and apply designation AB2
LSZ_007D	Apply heavy black outline to Part Lot 1 DP 10658 and apply designation AB2
LSZ_007E	Apply AB colour to all land zoned SP3 Tourist as per Map LZN_007E and apply designation AB2
LSZ-007F	Apply AB colour to all land zoned SP3 Tourist as per Map LZN_007F and apply designation AB2
LSZ-007I	Apply AB colour to Lot 5 DP 248501 and Lot 1 DP 258851 and apply designation AB2 with heavy black outline; and apply AB2 designation to Part Lot 1 Sec 18 DP 2682, Part Lot 2 Sec 18 DP 2682, Lot 31 DP 550667 and Lot 32 550667 with heavy black outline.
LSZ_008B	Apply heavy black outline to all land zoned SP3 Tourist as per

	Map LZN_008B and apply designation AB2
LSZ_007D	Apply heavy black outline to all land zoned SP3 Tourist as per Map LZN_007D and apply designation AB2

PART 3 - JUSTIFICATION

There are two parts to this Planning Proposal being:

1. To rezone certain properties to SP3 Tourist.
2. To amend the SP3 Tourist zone to prohibit *dwelling houses* and apply a minimum lot size of 20 hectares.

Each part is considered in turn:

1 Rezoning of certain properties to SP3 Tourist.

The following properties are proposed to be rezoned from the current zoning nominated to SP3 Tourist for the purposes described.

(a) Southern Highland Wines - The subject site covers Part of Lot 1 DP 10658, 42 Oldbury Road, Sutton Forest. The land is zoned E3 Environmental Management under WLEP 2010. The applicant is seeking development for the purposes of a function centre and tourist & visitor accommodation on the site. Both land uses are prohibited in the E3 zone, but are permitted with consent in the SP3 Tourist zone.

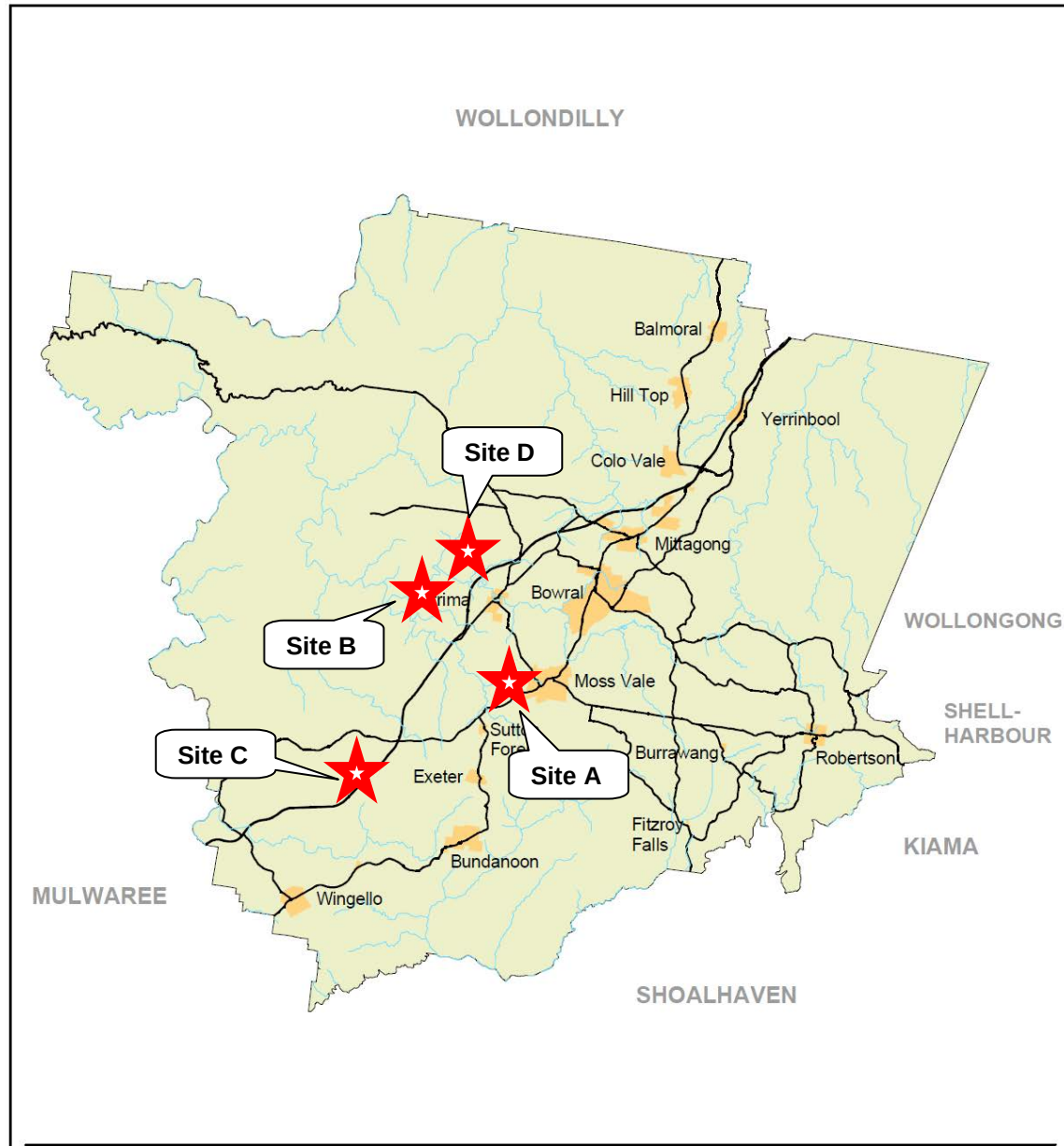
(b) Zen Oasis Restaurant - The subject site covers Lot 2 DP 793839 and Lot 1 DP 1074659, 230 Medway Road, Berrima. The land is zoned RU2 Rural Landscape under WLEP 2010. The applicant is seeking development for the purposes of a function centre and tourist & visitor accommodation on the site. Both land uses are prohibited in the RU2 zone, but are permitted with consent in the SP3 Tourist zone.

(c) Sutton Forest Estate Wines - The subject site is Lot 6 DP 660349, 21 Black Horse Lane, Sutton Forest. It is zoned E3 Environmental Management under WLEP 2010. The applicant is seeking development for the purposes of a function centre and tourist & visitor accommodation on the site and proposes an extension of the existing cellar door facilities to include a restaurant or takeaway food facility, all of which are prohibited in the E3 zone, but are permitted with consent in the SP3 Tourist zone.

(d) Bendooley Estate – The subject site comprises two lots - Lots 2 and 3 DP 584423 (214 and 3020 Old Hume Highway, Berrima respectively). Both properties are zoned E3 Environmental Management under WLEP 2010. Lot 2 is vacant and the applicant proposes to construct up to 20 cottages for use as tourist and visitor accommodation. Lot 3 DP 584423 adjoins Lot 2 to the north and has been included in the Planning Proposal because that land is already well established as a tourist facility consisting of

Berkelouws Book Barn and ancillary facilities and activities, including a restaurant and vineyard.

The following map indicates the location of each site.



Sites (a), (b) and (c) were considered at Council's Ordinary Meeting of 22 August 2012 when the following resolution was passed:

1. ***THAT in accordance with Section 55 of the Environmental Planning and Assessment Act 1979, Council resolve to prepare and lodge with the NSW Department of Planning and Infrastructure a Planning Proposal to rezone the following sites to SP3 Tourist under WLEP 2010 – Lot 2 DP 793839 and Lot 1 DP 1074659 (Zen Oasis), Lot 6 DP 660349 (Sutton Forest Estate Wines) and Part of Lot 1 DP 10658 (Southern Highlands Wines).***

Site (d) was considered at Council's Ordinary Meeting of 12 June 2013 when the following resolution was passed:

1. ***THAT Council resolve to support preparation of a Planning Proposal under section 55 of the Environmental Planning & Assessment Act 1979, to rezone to SP3 Tourist, Lot 2 DP 584423 (Jamar, 214 Old Hume Highway, Berrima) and part Lot 3 DP 584423 (Bendooley, 3020 Old Hume Highway, Berrima).***

Further background details for each site are provided below:

Site A - Southern Highlands Wines

On 6 June 2011 Council received a Planning Proposal ([Attachment 1](#)) from Bureaucracy Busters Town Planning Consultants on behalf of Southern Highlands Wines requesting a rezoning of Lot 1 DP 10658, No. 42 Oldbury Road, Sutton Forest from E3 Environmental Management to SP3 Tourist.

The purpose of the submission was seek an amendment to WLEP 2010 to permit tourist accommodation and conference facilities in conjunction with the current winery and cellar door uses on the site. “...it is anticipated that the site could accommodate approximately 40 room hotel and 26 three (3) bedroom self contained apartments.”

The subject site is triangular in shape with an area of approximately 33 hectares. Much of the site contains vineyards (viticulture) with the cellar door premises and other buildings associated with viticulture production located toward the centre of the site.

The cellar doors also contain a restaurant and function centre which were granted development consent by Council in November 2006.

Site B - Zen Oasis Restaurant

On 24 November 2011 Council received a Planning Proposal ([Attachment 2](#)) from Bureaucracy Busters Town Planning Consultants on behalf of Zen Oasis Restaurant at Lot 2 DP793839 and Lot 1 DP 1074659, No. 230 Medway Road, Berrima requesting a rezoning from RU2 Rural Landscape to SP3 Tourist.

The purpose of the submission was seek an amendment to WLEP 2010 to permit the development of tourist accommodation and conference/function facilities on the site in conjunction with the existing restaurant. *“...it is anticipated that the site could accommodate approximately eight (8) small holiday cabins and function facilities to accommodate 400 persons, to complement the existing 200 seat restaurant.”*

The site is rectangular in shape and is located on the northern side of Medway Road. It covers an area of 46.63 hectares and contains a number of farm dams, rural buildings, two residences and the Zen Oasis restaurant. The site also contains well established polocrosse fields.

Site C - Sutton Forest Estate Wines

During the first half of 2012 Council officers had discussions with the proprietors of Sutton Forest Estate Wines regarding options available to permit a restaurant, accommodation and convention centre on the site, Lot 6 DP 660349, 21 Black Horse Lane, Sutton Forest.

The applicant subsequently submitted an email request (Attachment 3) to be included in any Planning Proposal by Council to rezone similar sites to SP3 Tourist.

In their email the proprietors of Sutton Forest Estate Wines stated:

“I am also planning some form of accommodation as well as convention centre to fit with the current interest in the AgriTourism Business Development plan that the Southern Highlands and Wingecarribee are discussing.”

The site fronts Black Horse Lane which runs parallel to the western side of the Hume Highway (freeway) approximately 200 metres north of the Sally's Corner Highway Service Centre. The property has a frontage of approx 220 metres and a depth of approx 1070 metres.

The front third of the site contains the main dwelling, ancillary building and vineyards. The middle third of the site contains cleared grassed paddocks and farm dams with the potential for vineyard extension. The back third of the site contains a mixture of partly cleared paddocks and trees. The remainder of the site is mostly uncleared vegetation which drops away to a gully containing a Category 2 Riparian Corridor.

Development Consent was issued in January 2006 for additions to the dwelling, cellar doors sales and signage (LUA05/0945).

Site D - Bendooley Estate

On 11 April 2013 the applicant submitted a request (Attachment 4) that their adjoining sites, 'Bendooley' Lot 3 DP 584423, No. 3020 Old Hume Highway, Berrima and 'Jamar' Lot 2 DP 584423, No. 214 Old Hume Highway, Berrima be included in the Planning

Proposal to rezone certain properties to SP3 Tourist which Council resolved to prepare on 22 August 2012. In their letter the applicants stated, with regard to the existing tourist development on the Bendooley site:

“The Book Barn/Restaurant/Cellar Door is widely recognised as a tourist destination for both locals and non-residents alike. The added option of the availability of short term accommodation would be complementary to our recent tourism focus”

The site, as mentioned above is made up of two properties ‘Bendooley’ (Lot 3) and ‘Jamar’ (Lot 2). ‘Bendooley’ has an area of 42.2 hectares and ‘Jamar’ an area of 42.09 hectares. Many improvements have been made on ‘Bendooley’ including the ‘Berkelouw Book Barn Restaurant’ and function centre toward the front of the property; and a large residence and ancillary building and landscaped grounds toward the centre of the site. The remainder of the site, including ‘Jamar’ is cleared generally for grazing, however vineyards (viticulture) have recently been established.

In February 2009 Council granted development consent to a Vineyard and Winery (LUA08/0622) and in April 2010 Council granted a further development consent for a Winery Refreshment Room and Cellar Door (LUA09/1045).

The relevant Council Reports and Resolutions are included with this Planning Proposal as Attachments 6-10.

JUSTIFICATION OF THIS PART OF THE PLANNING PROPOSAL

Council seeks to rezone the sites to SP3 Tourist because:

- a) Function Centres, Tourist & Visitor Accommodation and Restaurants (unless ancillary development only) are all prohibited in both the RU2 Rural Landscape and the E3 Environmental Management zones and it would not be desirable from a strategic planning perspective to permit such development in these zones.
- b) Rezoning is sought in preference to a Schedule 1 amendment because previous advice from the Department of Planning & Infrastructure (DP&I) (Attachment 11) emphasised that it will not consider any Planning Proposal to amend Schedule 1 of WLEP 2010 unless there is no rezoning alternative available.
- c) The SP3 Tourist zone is the preferred zone in line with DP&I advice (Attachment 11).
- d) All proposed developments are permitted with consent in the SP3 Tourist zone.
- e) All sites meet criteria established by Council (referred to in the report to Council of 22 August 2012 – Attachment 5 and further discussed below in Section A -1 -

Is the Planning Proposal the result of any strategic study or report) for assessing whether to consider an SP3 Tourist zoning for the site.

2 *Prohibition of 'Dwelling houses' and introducing a minimum lot size of 20 hectares for land zoned SP3 Tourist.*

At its Ordinary Meeting of 22 August 2012 Council considered a report to amend the SP3 Tourist zone (Attachment 7) and resolved as follows (Attachment 8):

- 1. *THAT in accordance with Section 55 of the Environmental Planning and Assessment Act, 1979, Council resolve to prepare and lodge with the NSW Department of Planning and Infrastructure a Planning Proposal to create a minimum lot size of 20 hectares on land zoned SP3 Tourist under WLEP 2010, and remove Dwelling houses as permitted with consent from the SP3 Tourist land use table.***
- 2. *THAT a new Development Control Plan (DCP) be drafted addressing development on land zoned SP3 Tourist, incorporating the current SP3 Tourist provisions in the Rural Lands DCP and inserting new controls to address ancillary residential development AND THAT this draft be reported to Council as soon as practicable for endorsement to place on public exhibition.***

This resolution provides the basis for Part 2 of this Planning Proposal.

Dwelling houses are permitted with consent in the SP3 Tourist zone because Council's initial advice from the (then) Department of Planning during the drafting of WLEP 2010 was that this was necessary in order to permit a dwelling for use as a manager's residence associated with a tourist development.

Since then, DP&I has advised that such a manager's residence would be a form of ancillary development and specific permissibility for Dwelling houses is not required in the land use table.

Therefore, Council seeks to prohibit Dwelling houses in the SP3 Tourist zone and instead rely on the concept of ancillary development, reinforced through appropriate DCP controls.

Under WLEP 2010 no minimum lot size applies to most of the land currently zoned SP3 Tourist. The intention of this approach was to retain flexibility in the future development of land and subdivision patterns within the SP3 zones depending on the proposed land use.

However, the lack of a minimum lot size means that any application to subdivide land in the SP3 Tourist zone need not be accompanied by details of the intended use for which the subdivision is sought.

This situation, in conjunction with the permissibility of Dwelling houses, creates the potential for residential subdivision within the SP3 Tourist zone despite the stated objectives of that zone. The application of a 20 hectare minimum lot size to the SP3 zones would be one method of ensuring that residential subdivision could not occur. Twenty (20) hectare sized lots would also ensure there is sufficient separation between tourist facilities and any adjoining rural or environmental zoned land. DCP controls could stipulate suitable boundary setbacks for buildings.

Where an applicant seeks to develop a 20 hectare site through an composite development, such as a tourist attraction, hotel, function centre and restaurant, with each element separately owned on an individual title, Council can use a concept plan as a basis for further amending WLEP2010 to apply an appropriate minimum lot size to permit subsequent subdivision to create separate parcels for each part of the integrated concept plan.

Section A – Need for the Planning Proposal

1. Is the Planning Proposal the result of any strategic study or report?

The Wingecarribee Tourism Strategy is still in draft form, however, the Assessment Tool, summarised below, provides some strategic framework, particularly the sections titled 'Resident Values' and 'Destination Image'.

Resident Values

- The degree to which a target visitors behaviour, or their product/experience requirements, would align with the values of the residents of the Southern Highlands
- This includes consideration of environmental and amenity impacts

Destination Image

- Absence of significant negative aspects relating to destination image
- Geographically linked to the destination

Demand

- Evidence of adequate demand for what is to be presented to the target market
- Ability to contribute to the demand for the destination

Asset Significance

- Its ability to contribute to the destination image
- Value to the community
- Competitive strength
- Utilisation of existing assets and destination strengths

Economic

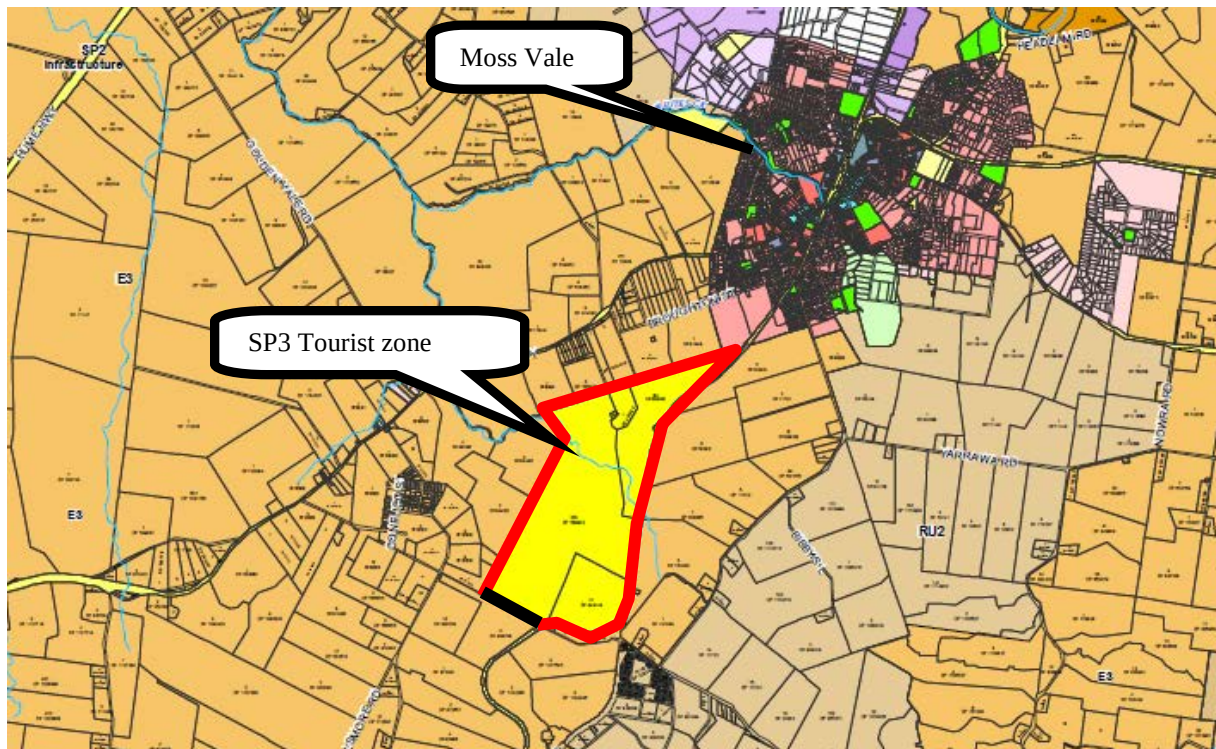
- Sustainable cost base
- Positive economic impact - employment generations
- Contributions to destination promotion (membership, fees, commissionable)

Return Timeframe

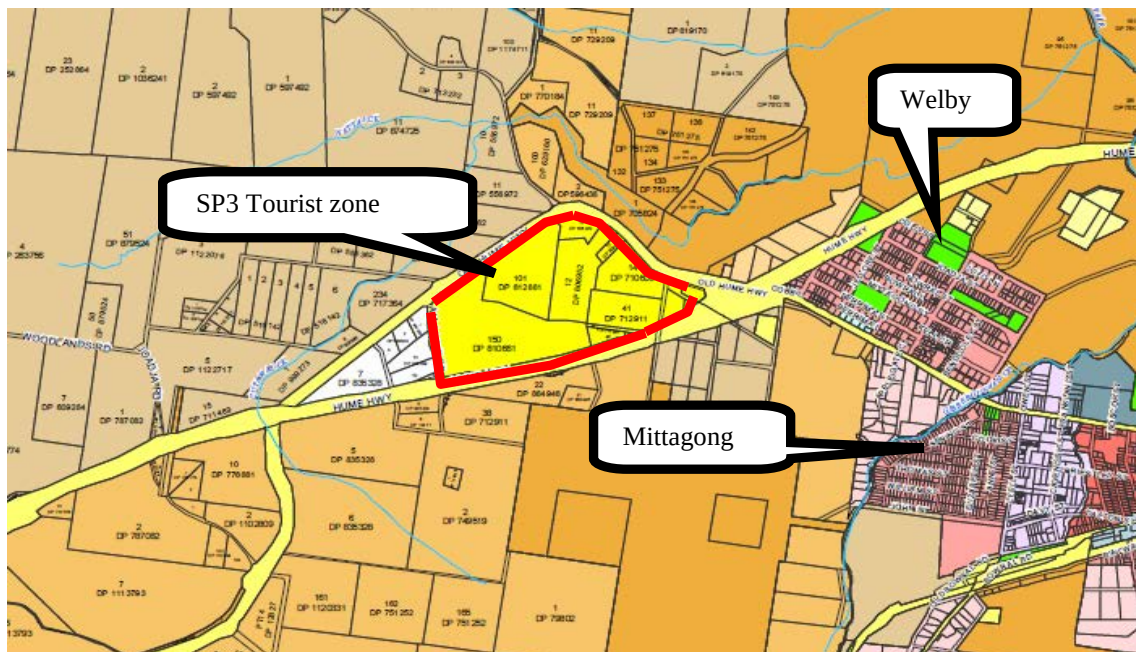
- Is the return on investment timeframe acceptable?

The characteristics of the existing SP3 Tourist zoned land were also reviewed in order to develop a more strategic approach to future rezoning requests, rather than using an approach based on site-specific assessment only with no reference to other sites.

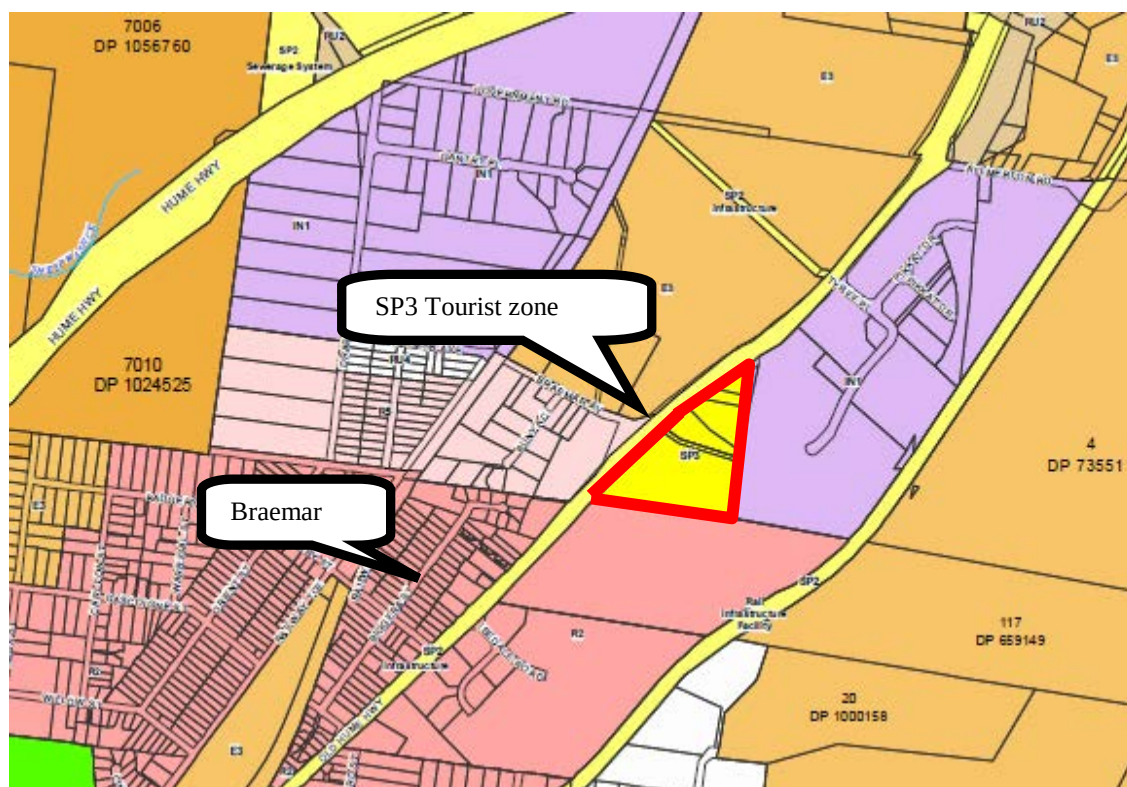
There are currently three (3) SP3 Tourist zones in WLEP 2010, as indicated below.



Southern side of Illawarra Highway at Sutton Forest.



Southern side of Old Hume Highway at Woodlands.



Eastern side of Old Hume Highway at Braemar.

These three locations share certain attributes which could be applied as criteria to assess other requests. These are:

- 1) Covering an area of at least 20 hectares.
- 2) Adjacent, or near to, a major access road.
- 3) Access to adequate water and sewer infrastructure.

Certain additional attributes could be considered, including:

- 1) Free of extensive areas of Ecologically Endangered Community (EEC) vegetation which might be impacted by the development proposal.
- 2) Free of other environmentally sensitive constraints as identified under WLEP 2010 which may be impacted by the development proposal.
- 3) Free of significant bushfire or flooding threat which cannot be adequately addressed through design considerations.
- 4) Continuously operating as a tourist establishment for at least three (3) years.
- 5) Not within 2km of residential development.

Thus a set of 8 criteria was developed which may be applied to proposals to rezone land to SP3 Tourist permit development for the purposes of function centres and tourist

and visitor accommodation on established tourist facilities on rural and environmental zoned land.

- 1) Covering an area of at least 20 hectares.
- 2) Adjacent, or near to a major access road.
- 3) Access to adequate water and sewer infrastructure.
- 4) Free of extensive areas of Ecologically Endangered Community (EEC) vegetation which might be impacted by the development proposal.
- 5) Free of other environmentally sensitive constraints as identified under WLEP 2010 which may be impacted by the development proposal.
- 6) Free of significant bushfire or flooding threat which cannot be adequately addressed through design considerations.
- 7) Continuously operating as a tourist establishment for at least three (3) years.
- 8) Not within 2km of residential development.

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

With regard to the rezoning of the subject sites, the only way to permit the types of development being sought is to amend WLEP 2010, by amending Schedule 1, by amending the land use table for the relevant zones currently applying to the sites, or by rezoning the sites to a zone which permits those developments. Each is considered below.

Option 1 - Amend Schedule 1 to permit the proposed development sought for each site.

Council agrees with DP&I that Schedule 1 should not be used when an alternative zoning option exists.

Option 2 – Retain the current zonings and amend the land use tables.

The four subject properties which form Part A of this Planning Proposal are zoned either RU1 Primary Production or E3 Environmental Management, neither of which permit the land uses being sought - function centres, tourist & visitor accommodation and food and drink premises.

One option is to amend the land use tables for these zones to permit these land uses. This option is not preferred because such land uses would not be in keeping with the objectives of each zone.

Rezoning to SP3 Tourist is preferred because that zone's land use table already permits the types of land uses being sought.

Option 3 - Rely on the SP3 Zone Objectives & DCP controls to protect against residential subdivision.

With regard to Part 2 of this Planning Proposal, it may be possible to protect against residential development in the SP3 zone by relying on the objectives of the zone and stronger controls in the DCP to prohibit dwellings houses in the form of a residential subdivision.

However, this approach would not offer the certainty that amending the land use table and imposing a minimum lot size would provide. Council is of the view that, because the LEP has to be amended to permit development for the purposes of function centres and tourist and visitor accommodation on the sites which form Part A of this Planning Proposal, this presented the opportunity to further amend the LEP to prohibit dwelling houses in the SP3 Tourist zone and to apply a 20 hectare minimum lot size on land zoned SP3 Tourist.

It is acknowledged that prohibiting dwelling houses from the SP3 Tourist zone would alone be sufficient to remove the potential for residential subdivision without the need for a 20 hectare minimum, however the lack of a minimum lot size still allows an application for subdivision without any justification for that subdivision based on future land use intentions.

As stated previously, where an applicant seeks to develop a 20 hectare site through a legitimate composite tourist-based development, with each element separately owned and managed on its own allotment, Council can use a concept plan as a basis for further amending WLEP2010 to apply an appropriate minimum lot size to permit subsequent subdivision to create separate parcels for each part of the integrated concept plan.

Therefore Council prefers to amend the SP3 Tourist land use table to prohibit dwelling houses and to apply a 20 hectares minimum lot size on all SP3 Tourist zoned land.

Section B – Relationship to strategic planning framework

3. Is the Planning Proposal consistent with the objectives and actions contained within the applicable regional or sub-regional strategy (including draft strategies)?

The two parts of this Planning Proposal are considered consistent with the Sydney-Canberra Corridor Regional Strategy as follows:

Part A – Rezoning of certain properties to SP3 Tourist Zone.

The Sydney-Canberra Corridor Regional Strategy recognises that rural lands in the region underpin its economic strength by providing resources for agriculture, industry

and tourism (p.17). All four subject sites, whilst having a significant agricultural component, have also developed their operations to attract tourism through cellar doors, restaurants, functions centres and tourist or visitor accommodation.

Each site's business is expanding and the provision of further facilities, such as function centres and tourist accommodation will contribute to a broader tourist-based economy across the Shire with associated employment opportunities. Such expansion also provides a stronger economic base for each individual site, protecting the agricultural base of the property as well as its tourism diversification.

Part B – Prohibiting Dwellings in the SP3 Tourist zone and creating a 20 hectare minimum lot size in SP3 Tourist zone.

The Sydney-Canberra Corridor Regional Strategy is not supportive of new rural residential development unless it forms part of an agreed structure plan or local settlement strategy (p.13). This proposed amendment to WLEP 2010 is therefore consistent with the Strategy as there is currently the potential for residential subdivision within the SP3 Tourist zone.

4. Is the Planning Proposal consistent with a council's local strategy or other local strategic plan?

Wingecarribee Our Future 2002 Strategic Plan

"There are now in excess of 40 vineyards operating in the Shire and the area has recently been formally recognised as a separate 'wine region'. There is a strong local commitment to producing high quality 'boutique' cool climate grape and wine varieties with local distinctiveness, and opportunities are now being actively sought to integrate this emerging enterprise base with tourism."

To take advantage of, and develop, this tourist base, the Strategic Plan (Part 2, p.20) identifies the following objectives, strategies & actions which should be undertaken by Council:

- *Provide opportunities for a range of tourism and recreation developments and activities in appropriate locations (matching the desired tourism experience with 'environmental fit') including eco-recreation; agri-tourism; country fairs and festivals; gardens for public inspection; cultural instruction activities like cooking and art/sculpture classes; passive water based recreation; and equestrian based recreation etc;*
- *Extend opportunities for guest houses to be established across most urban, rural and natural bushland areas, subject to stringent environmental performance.*
- *Provide opportunities for rural properties to qualify for consideration to establish a 'self contained tourist cabin' thereon, in certain circumstances where Council*

can be guaranteed of a significant environmental improvement to the land over the long term.

- *Prohibit motels, hotels and backpacker accommodation in residential areas.*

This Planning Proposal is in keeping with these strategies, providing the opportunity for the Southern Highlands to continue to develop as a wine region within which establishments may expand their activities to also capture the growing country wedding market.

Wingecarribee Shire Community Strategic Plan 2031+

The Community Strategic Plan 2031+ represents the vision, aspirations, goals, priorities and challenges for the people of the Wingecarribee Shire. The document identifies goals and actions within each of the five nominated categories:

- Leadership
- People
- Places
- Environment
- Economy

This Planning Proposal is consistent with the 2031+ Strategic Plan as follows:

Leadership

Goal 1.2 – Wingecarribee leadership is visionary through creative thinking and practical planning.

The Planning Proposal provides a practical planning solution to allowing appropriate sites to expand their operations without compromising the objectives of the rural and environmental zones which currently apply to those sites.

People

Goal 2.3 – Services and facilities are provided locally to meet the needs of our community.

The Planning Proposal will enable an expansion of local services and facilities with the potential to expand employment opportunities and provide local suppliers with increased market opportunities.

Places

Goal 3.2 - Wingecarribee has maintained a distinct character of separate towns and villages.

The proposed restrictions on lot sizes and dwellings in the SP3 zone will remove the potential for residential development in inappropriate locations, protecting the rural landscape features separating the towns and villages of the Southern Highlands.

Environment

Goal 4.1 – Wingecarribee's distinct and diverse natural environment is protected and enhanced.

The subject properties retain their agricultural base whilst developing alternative uses to enhance their viability. The sites are located in different areas of the Shire and are surrounded by natural and modified landscapes. Further, the proposed restrictions on lot sizes and dwellings in the SP3 zones will remove any potential for inappropriate residential development.

Economy

Goal 5.2 – The 'Southern Highlands' is a recognised tourist destination throughout Australia

Goal 5.4 – Sustainable business and industry thrive in Wingecarribee

Goal 5.5 – Wingecarribee's diverse economy drives a wide range of job and career opportunities

All aspects of the Planning Proposal will make a direct and measurable contribution to the achievement of these goals.

5. Is the Planning Proposal consistent with applicable State Environmental Planning Policies?

State Environmental Planning Policy No. 44 – Koala Habitat Protection

SEPP 44 applies to all land with the Wingecarribee Shire Local Government Area and the some of the sites contain Endangered Ecological Communities.

The applicants have not provided any formal assessment of Koala populations or habitat. However, it is unlikely that there would be any core koala habitat in the locations that would probably be developed on the subject sites, i.e. in proximity to existing buildings that are currently surrounded by vineyards or paddocks used for equine purposes. Therefore, it is not considered necessary to require a study at this stage to determine whether there would be any impact on koalas or their core habitat for each of the subject sites.

Notwithstanding, should the subject sites be rezoned to SP3 Tourist, any subsequent development applications may need to address the provisions of SEPP 44, which would then determine the impact as required by the SEPP.

State Environmental Planning Policy (Rural Lands) 2008

The Rural Lands SEPP applies to the subject sites therefore Council must consider whether the Planning Proposal is consistent with the *Aims of the Policy* and the *Planning Principles* contained in Clause 7.

The *Aims of the Policy* are:

- (a) *to facilitate the orderly and economic use and development of rural lands for rural and related purposes,*
- (b) *to identify the Rural Planning Principles and the Rural Subdivision Principles so as to assist in the proper management, development and protection of rural lands for the purpose of promoting the social, economic and environmental welfare of the State,*
- (c) *to implement measures designed to reduce land use conflicts,*
- (d) *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,*
- (e) *to amend provisions of other environmental planning instruments relating to concessional lots in rural subdivisions.*

The Planning Proposal is considered to be consistent with the above objectives for the following reasons:

- a. The subject sites are seeking SP3 Tourist zoning to allow them to expand their current operations in conjunction with the principal rural use currently practised on each site.
- b. As the SP3 Tourist zoned lands in the Shire are all within a rural setting, the proposed 20 hectare minimum lot size restriction and prohibition of dwellings houses will protect these rural lands from inappropriate residential subdivision.
- c. As per 'b' above, the proposed restrictions on minimum lot sizes in the SP3 Tourist zone and the prohibition of dwellings will reduce potential land use conflicts.
- d. N/A – the subject sites are not identified as State Significant Agricultural land.
- e. N/A – this Planning Proposal is not amending WELP 2010 in respect of concessional allotments

The *Clause 7 Rural Planning Principles* are:

- (a) *the promotion and protection of opportunities for current and potential productive and sustainable economic activities in rural areas,*
- (b) *recognition of the importance of rural lands and agriculture and the changing nature of agriculture and of trends, demands and issues in agriculture in the area, region or State,*
- (c) *recognition of the significance of rural land uses to the State and rural communities, including the social and economic benefits of rural land use and development,*
- (d) *in planning for rural lands, to balance the social, economic and environmental interests of the community,*
- (e) *the identification and protection of natural resources, having regard to maintaining biodiversity, the protection of native vegetation, the importance of water resources and avoiding constrained land,*

- (f) *the provision of opportunities for rural lifestyle, settlement and housing that contribute to the social and economic welfare of rural communities,*
- (g) *the consideration of impacts on services and infrastructure and appropriate location when providing for rural housing,*
- (h) *ensuring consistency with any applicable regional strategy of the Department of Planning or any applicable local strategy endorsed by the Director-General.*

The Planning Proposal is consistent with Rural Planning Principles as follows:

- a. The proposed rezoning for the four subject properties to SP3 will enable further expansion of uses associated with the productive pursuits already existing on the sites, which in turn will improve viability and sustainability.
- b. The proposed rezoning will enhance the unique nature of those rural pursuits providing greater potential to build upon the existing agricultural uses in line with tourism trends and demands in the Southern Highlands region.
- c. The changes proposed under this Planning Proposal will not erode the significance of the rural and environment protection zones. Quite the contrary, the proposed rezoning seeks to protect the rural and environmental zones from inappropriate development while enabling exiting agricultural pursuits to continue.
- d. The rezoning and proposed SP3 Tourist zone amendments will provide a balance contribution to the social, economic and environmental interests of the community, by enabling four current businesses expand their operations & services. The proposed minimum lot size restrictions and prohibition of dwellings will also protect rural lands from encroaching residential subdivision, preventing potential land use conflicts between rural and residential pursuits.
- e. It is not considered that the Planning Proposal will result in any adverse impacts on natural resources, biodiversity, native vegetation and water resources, the latter having been addressed by the Sydney Catchment Authority (SCA). Notwithstanding, any further developments proposed on the subject sites, should they be zoned SP3 Tourist, will need to be assessed under Section 79(C) of the EPA Act in respect of environmental impacts. Further, the subject sites are not considered to be constrained land.
- f. The Planning Proposal will prevent the residential subdivision of SP3 Tourist zones. Dwellings should only be permissible in the SP3 Tourist zone where they are ancillary (i.e. managers residence) to a primary use that is tourism based, contributing to the social and economic welfare of the rural community.
- g. The minimum lot size restrictions and prohibition of dwellings as a singular use will ensure that unplanned housing and demand for services and infrastructure will not occur outside of planned rural residential settlements.
- h. Refer to assessment under the Section B Part 3 of this report.

State Environmental Planning Policy (Sydney Drinking Water Catchment) 2011

In accordance with the Section 117 Directions the Planning Proposal (except for the Bendooley property (Site D) was referred to the Sydney Catchment Authority (SCA) for comment on 9 October 2011. The SCA's response ([Attachment 12](#)) indicates support for the Planning Proposal. A formal response from the SCA with regard to the Bendooley Estate will be obtained during the Public Authority referrals phase of the Planning Proposal. It is not anticipated that the SCA will have any objection to the Planning proposal with regard to this site.

As the SEPP applies, Council must ensure any future development results in a neutral or beneficial effect on water quality resulting from the site once developed. Such detail will likely be submitted with a future development application.

6. Is the Planning Proposal consistent with applicable section 117 Directions?

A comprehensive assessment of the Section 117 Directions follows.

1.1 Business and Industrial Zones – Not relevant

1.2 Rural Zones – Justifiably Inconsistent

This Direction applies as the 'Zen Oasis' property is zoned RU2 Rural Landscape. When this Direction applies a Planning Proposal must not rezone rural zoned land to a tourist zone, unless the Director-General of the Dept. of Planning and Infrastructure (or a delegated officer) is satisfied that the provisions of the Planning Proposal are:

- a. Justified by a strategy which:
 - i. Gives consideration to the objectives of this direction
 - ii. Identified the land which is the subject of the planning proposal (if the planning proposal relates to a particular site or sites, and
 - iii. Is approved by the Director-General of the Department or Planning, or
- b. Justified by a study prepared in support of the planning proposal which gives consideration to the objectives of this direction, or
- c. In accordance with the relevant Regional Strategy or Sub-Regional prepared by the Department of Planning which gives consideration to the objective of this direction, or
- d. Is of minor significance

With regard to the 'Zen Oasis' site, this Planning Proposal is inconsistent with this Direction. This inconsistency is considered justifiable because the site has a long history of use for tourist-related purposes ([Attachment 2, para 2.5](#)). The proposed SP3 Tourist zone will enable a minor expansion of use on the site, through future development consents. Any future applications will be subject to rigorous environmental assessment under Section 79(C) of the EPA Act.

It is noted that the Department of Planning & Infrastructure has recommended a RU2 to SP3 rezoning in similar circumstances (Attachment 8).

- 1.3 Mining Petroleum Production and Extractive Industries – Not relevant as none of the subject sites is identified as containing extractive materials on Council's WLEP 2010 maps.
- 1.4 Oyster Aquaculture – Not relevant
- 1.5 Rural Lands – Consistent

This Direction applies as the Planning Proposal will affect land zoned E3 Environmental Management and RU2 Rural Landscape, by changing 4 properties to an SP3 Tourist zone; and change the minimum lot size of those 4 properties to 20 hectares from their current minimum lot size of 40 hectares. In the case of this Planning Proposal, Council must determine whether it is consistent with the Rural Planning Principles and Rural Subdivision Principles contained in *State Environmental Planning Policy (Rural Lands) 2008*. An assessment of the SEPP is provided in the section above, which finds that the Planning Proposal is consistent with the Rural Planning Principles and Rural Subdivision Principles of the Rural Land SEPP.

2.1 Environment Protection Zones –Consistent

This Direction applies as the Planning Proposal will affect land zoned E3 Environmental Management. When this Direction applies Council must ensure that the environmental protection standards that apply to the land must not be reduced. Although the Planning Proposal intends to rezone land there is no intention to reduce the environmental protection standards which apply. Any future development must comply with the NORBE principles and any other environmental protection standards required under law or identified in the relevant DCP.

2.2 Coastal Protection – Not relevant

2.3 Heritage Conservation – Not relevant as none of the properties affected by this Planning Proposal contains a Heritage Item/s or are within a Heritage Conservation Area

2.4 Recreation Vehicle Areas – Not relevant

3.1 Residential Zones – Not relevant, as current SP3 Tourist zoned land affected by this Planning Proposal is not intended for significant residential development (3(b)).

3.2 Caravan Parks and Manufactured Home Estates – Consistent, as the Planning Proposal retains zonings of existing caravan parks and increases the potential for further caravan parks by creating further SP3 Tourist zoned land. Manufactured Home Estates are excluded in the Wingecarribee as it is within the Sydney Water Catchment, overseen by the Sydney Catchment Authority (SEPP 36, Schedule 2(3)).

3.3 Home Occupations – Not relevant

3.4 Integrated Land Use and Transport – Consistent

This Direction applies to the Planning Proposal as it will create, alter and remove a provision relating to land zoned for urban purposes including tourist purposes.

Under this Direction must locate zones for urban purposes and include provisions that give effect to and are consistent with the aims, objectives and principles of

- (a) *Improving Transport Choice – Guidelines for planning and development* (DUAP 2001), and
- (b) *The Right Place for Business and Services – Planning Policy* (DUAP 2001).

The Guidelines have been noted, but given the location of the proposed tourist zones it is not practicable in this case to improve public transport choice. The intended businesses are appropriately located to meet their intended market and function.

The prohibition of dwelling houses from the SP3 zone would ensure that inappropriate residential subdivision did not occur without adequate access to public transport.

3.5 Development Near Licensed Aerodromes – Not relevant

3.6 Shooting Ranges – Not relevant

4.1 Acid Sulfate Soils – Not relevant

4.2 Mine Subsidence and Unstable Land – Not relevant

4.3 Flood Prone Land – Not relevant

4.4 Planning for Bushfire Protection – Consistent

This Direction applies as the properties which are the subject of this Planning Proposal are identified as being partly bushfire affected. This Direction requires that following Gateway Determination the Planning Proposal is to be referred to

the NSW Rural Fire Service (NSW RFS) for comment. This will be done and any future development application will need to take into account the RFS comments received.

5.1 Implementation of Regional Strategies – Consistent

This direction applies to the Planning Proposal in respect of the *Sydney-Canberra Corridor Regional Strategy 2006-2031*. The Planning Proposal is considered consistent with the Strategy, as addressed previously in this report under Section B, Question 3.

5.2 Sydney Drinking Water Catchment – Consistent

The Planning Proposal (except for the Bendooley property (Site D) was referred to the Sydney Catchment Authority (SCA) for comment on 9 October 2011. The SCA's response (Attachment 12) indicates support for the Planning Proposal. A formal response from the SCA with regard to the Bendooley Estate will be obtained during the Public Authority referrals phase of the Planning Proposal. It is not anticipated that the SCA will have any objection to the Planning proposal with regard to this site.

As the SEPP applies, Council must ensure any future development results in a neutral or beneficial effect on water quality resulting from the site once developed. Such detail will likely be submitted with a future development application.

5.3 Farmland of State and Regional Significance on the NSW Far North Coast – Not relevant.

5.4 Commercial and Retail Development along the Pacific Highway, North Coast – Not relevant

5.8 Second Sydney Airport: Badgerys Creek – Not relevant

6.1 Approval and Referral Requirements – Consistent

This direction applies to all Planning Proposals. The Planning Proposal is considered consistent with this Direction as it will not create designated development or allow development that will require significant concurrence, consultation or referral to the Minister of Planning and Infrastructure.

6.2 Reserving Land for Public Purposes – Consistent

This direction applies to all Planning Proposals. The Planning Proposal is considered consistent with this direction as it will not result in the loss of any public land.

6.3 Site Specific Provisions – Consistent

This Direction applies as the Planning Proposal seeks to introduce a 20 hectare minimum lot size development standard to land which either has no minimum lot size, or a minimum lot size of 40 hectares.

However the Planning Proposal is considered consistent because the 20 hectare minimum lot size will apply to all SP3 zoned land and not just to the specific sites which are the subject of this Planning Proposal.

7.1 Implementation of the Metropolitan Plan for Sydney 2036 – Not Relevant

Section C – Environmental, social and economic impact

7. Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the Planning Proposal?

No formal studies have been undertaken at this stage to determine the impact on critical habitat or ecological communities for any of the sites in this Planning Proposal.

It is noted that some of the sites contain some Southern Highland Shale Woodland, which is a State listed Environmental Endangered Community but it is considered unlikely that any adverse impacts will result as the endangered communities are generally on the fringes of the subject sites and not within the areas of the sites that are currently and likely to be further developed.

Notwithstanding, appropriate studies could be requested as part of any supportive Gateway Determination and/or appropriate studies could be requested for any subsequent development applications, should the Planning Proposal be supported.

8. Are there any other likely environmental effects as a result of the Planning Proposal and how are they proposed to be managed?

No formal environmental studies have been undertaken at this stage for any of the proposals, but appropriate studies would be requested for any subsequent development application should the Planning Proposal be supported.

9. Has the Planning Proposal adequately addressed any social and economic effects?

No formal reports have been undertaken in respect of social and economic impacts. However the proposed amendments are unlikely to have any adverse impacts in this respect as the Planning Proposal, should it be supported, will allow reasonable expansion of current business operations, which is most likely to have a positive impact on their viability.

Further, in respect of housing, the proposed prohibition of dwellings in the SP3 Tourist zone and the standardisation of a 20 hectare minimum lot size will reduce potential land use conflicts between genuine economic rural pursuits and residential development.

It is noted that two of the subject sites currently zoned SP3 Tourist contain Heritage Items listed in Schedule 5 of WLEP 2010. Those sites are identified as follows:

- Lot 32 DP550667 and Lot 5 DP248501 – Poplars Restaurant Inn (I160)
- Lot 1 DP236285 – “Peppers” (former Mt Broughton) house, ground and outbuildings (I488)

Both sites currently have a minimum lot size of 40 hectares and the Planning Proposal, if supported, would result in a minimum lot size of 20 hectares for each of the sites. However, because both sites are substantially below the proposed 20 hectare minimum lot size (“Poplars” – 7,322m² (Lot 32) and 1,892m² (Lot 5), and “Peppers” – 10.12 hectares) no adverse impacts are foreseen.

Section D – State and Commonwealth interests

10. Is there adequate public infrastructure for the Planning Proposal?

This proposal is not considered to be of a scale that would affect public infrastructure.

11. What are the views of State and Commonwealth public authorities consulted in accordance with the Gateway Determination?

Further public authority consultation will occur through the exhibition period as required in the Gateway Determination.

PART 4 – MAPPING

This section provides all maps associated with each site affected by this Planning Proposal, including aerial photos, current zoning, current minimum lot sizes, bushfire maps, vegetation maps, riparian corridors and draft maps suitable for public exhibition.

These are based on the current relevant LEP maps and have been appropriately annotated to enable the subject land properties to be easily identified during consultations.

The maps are grouped in relation to each of the properties included in this Planning Proposal, rather than by type to enable easy examination of each of the sites in the following order:

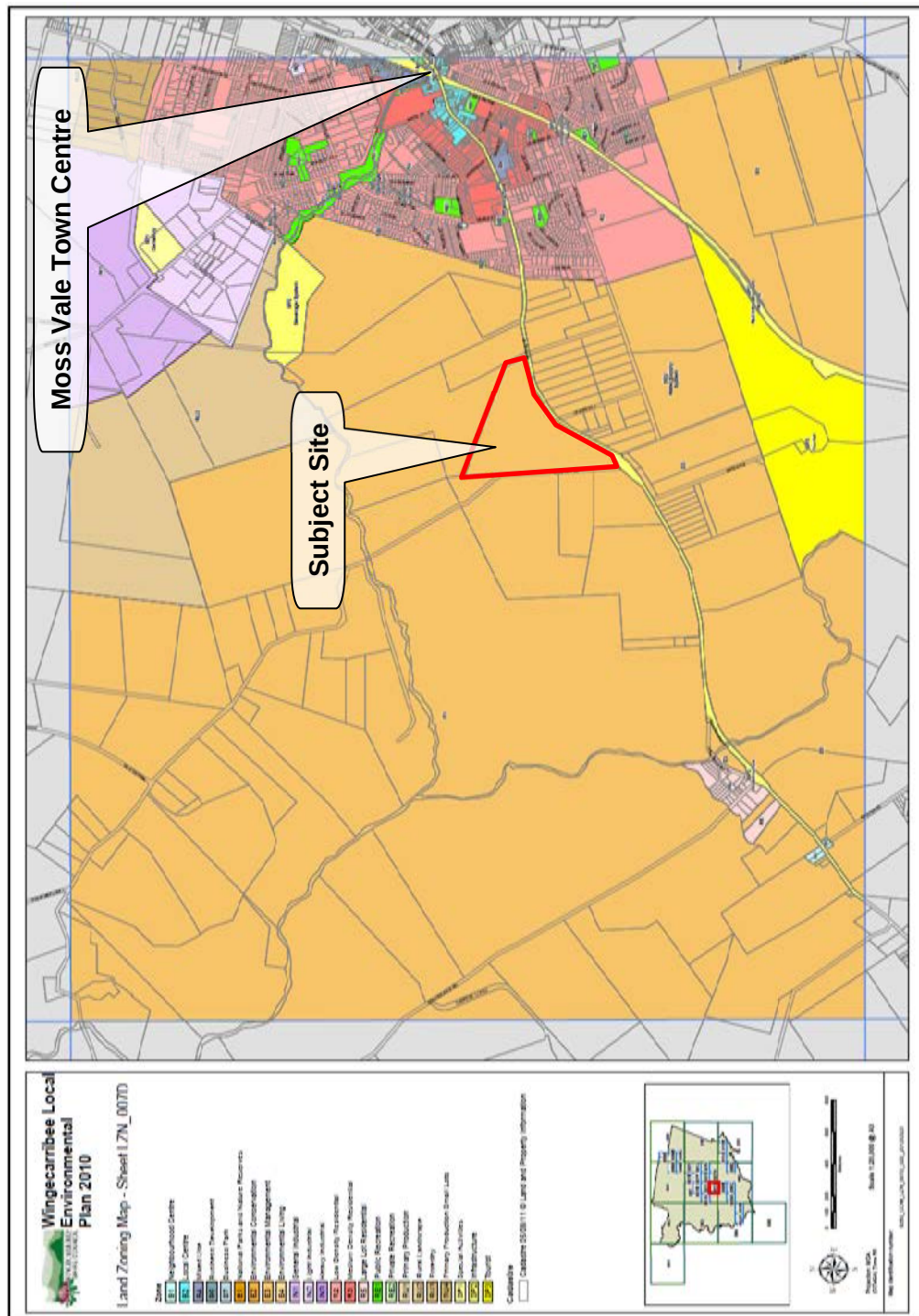
1. Southern Highland Wines
2. Zen Oasis
3. Sutton Forest Wines Estate
4. Bendooley Estate
5. Current SP3 zoned sites.

Southern Highland Wines - Lot 1 DP 10658, 42 Oldbury Road, Sutton Forest

Figure 1 -Aerial Photo

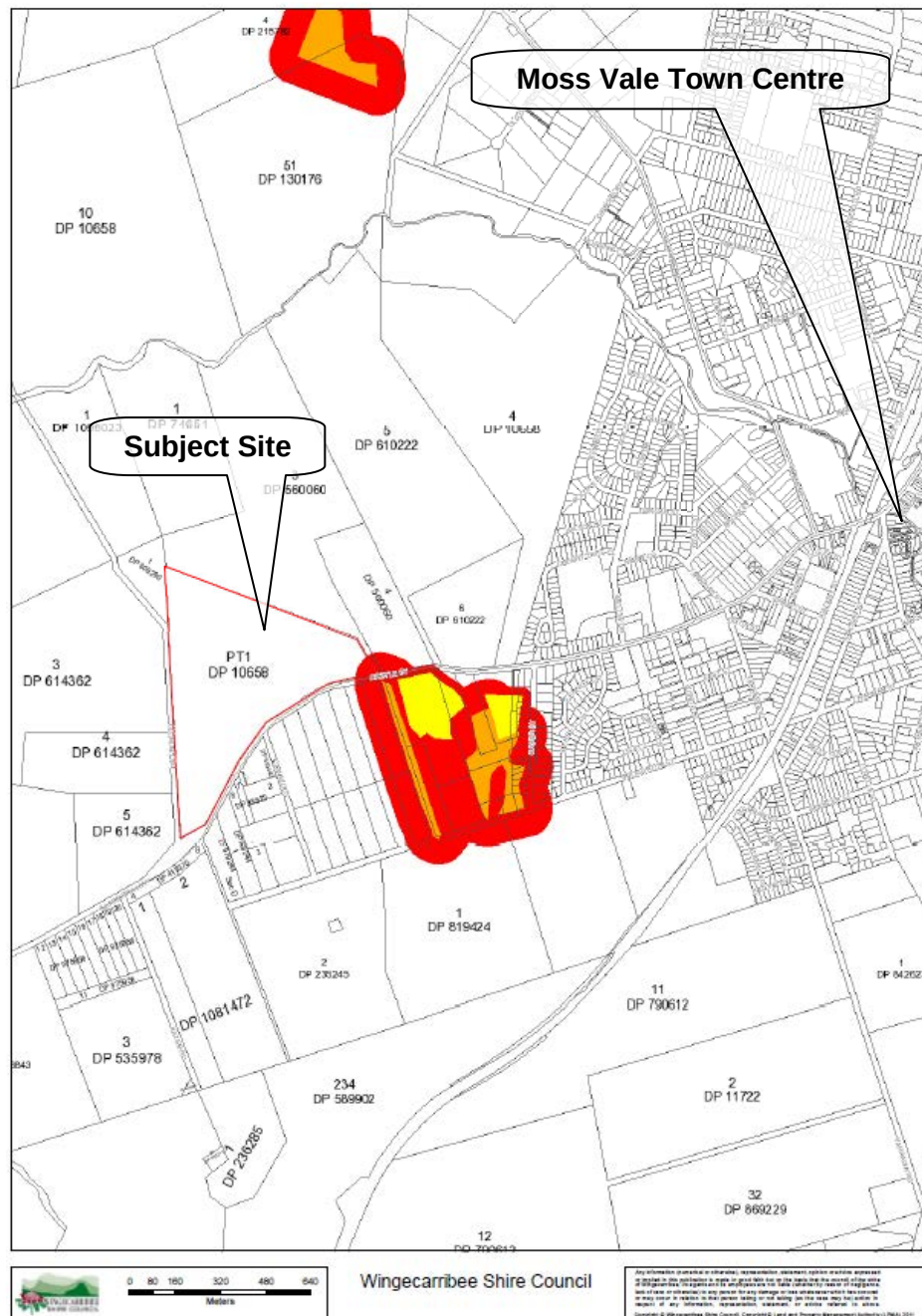


Figure 2 –Current Zone Map



[illegible]

Figure 4 –Current Bushfire Map



Wingecarribee Local Environmental Plan 2010

Land Zoning Map - Sheet LZN_007D

Legend:

- Zone**
- Neighbourhood Centre**
 - NC1 Neighbourhood Centre
- Local Centre**
 - LC1 Local Centre
- Mixed Use**
 - MU1 Mixed Use
- Business Development**
 - BD1 Business Development
- Business Park**
 - BP1 Business Park
- Nature Parks and Nature Reserves**
 - NP1 Nature Parks and Nature Reserves
- Environmental Conservation**
 - EC1 Environmental Conservation
- Environmental Management**
 - EM1 Environmental Management
- Environmental Living**
 - EL1 Environmental Living
- General Industry**
 - GI1 General Industry
- Light Industry**
 - LI1 Light Industry
- Heavy Industry**
 - HI1 Heavy Industry
- Low Density Residential**
 - LD1 Low Density Residential
- Medium Density Residential**
 - MD1 Medium Density Residential
- Large Lot Residential**
 - LR1 Large Lot Residential
- Public Recreation**
 - PR1 Public Recreation
- Private Recreation**
 - PR2 Private Recreation
- Primary Production**
 - PP1 Primary Production
- Rural Landscapes**
 - RL1 Rural Landscapes
- Primary Production (Crop Land)**
 - PP2 Primary Production (Crop Land)
- Primary Production (Pasture)**
 - PP3 Primary Production (Pasture)
- Primary Production (Other)**
 - PP4 Primary Production (Other)
- Other**
 - OT1 Other

Callouts:

- Callouts 01/05/10: Callout and Property Information (CPI)

Scale: 1:10,000 @ A3

North Arrow: North

Inset Map: Shows the location of the sheet within the Wingecarribee Local Government Area.

Figure 8 – Proposed Minimum Lot Size Map

It is anticipated that a current Planning Proposal which will result in all Minimum Lot Size Maps being amended to replace the current AB2 (40 hectares) designation with AB2 (20 hectares) and to introduce a new AB3 (40 hectares) designation will have been made by the time this Planning Proposal is ready for public exhibition. Therefore proposed minimum lot size maps have not been included in the Planning Proposal at this stage, but will be included prior to Community Consultation should a supportive Gateway Determination be obtained.

Figure 10 – Current Land Zoning Map

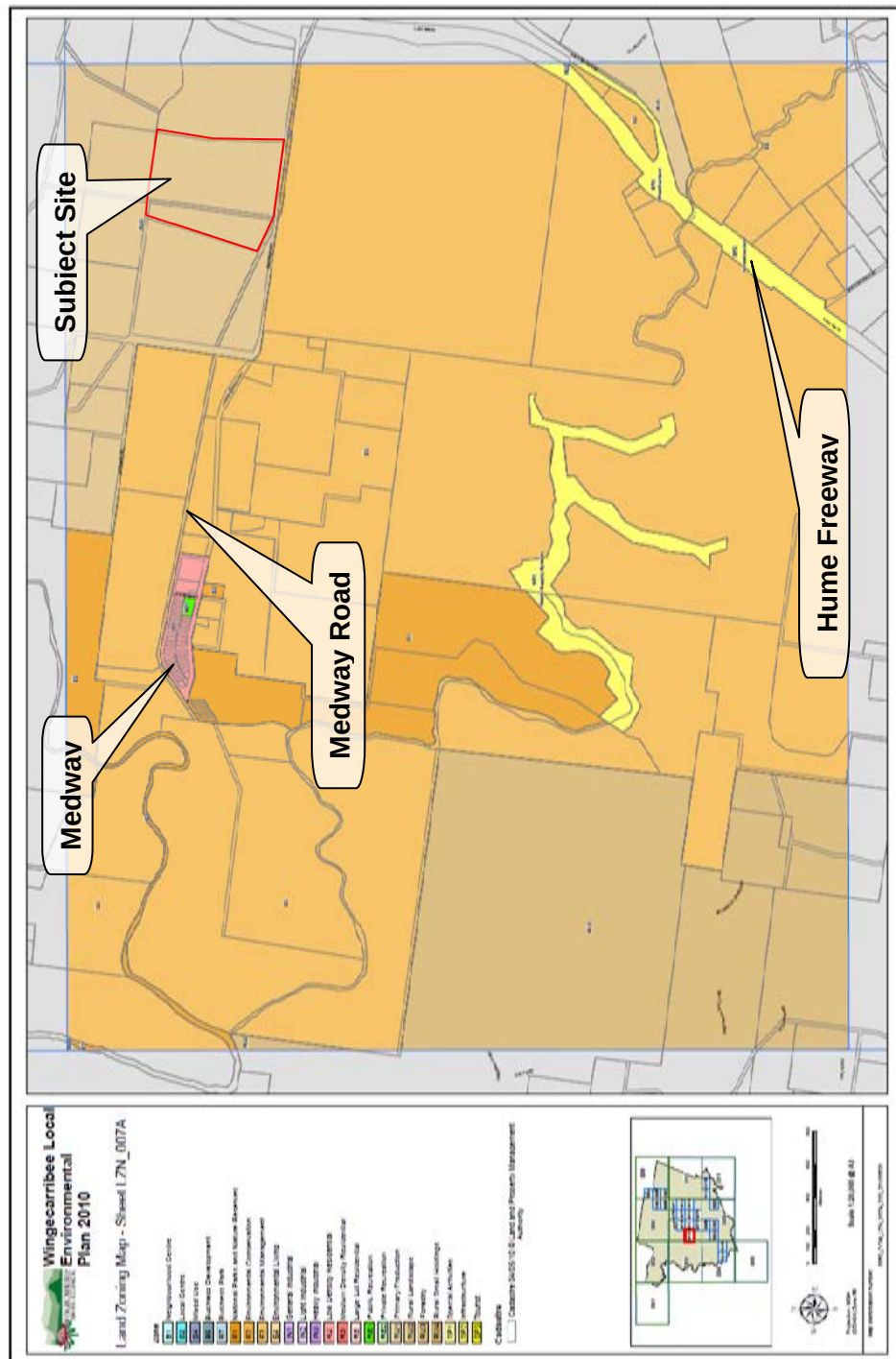
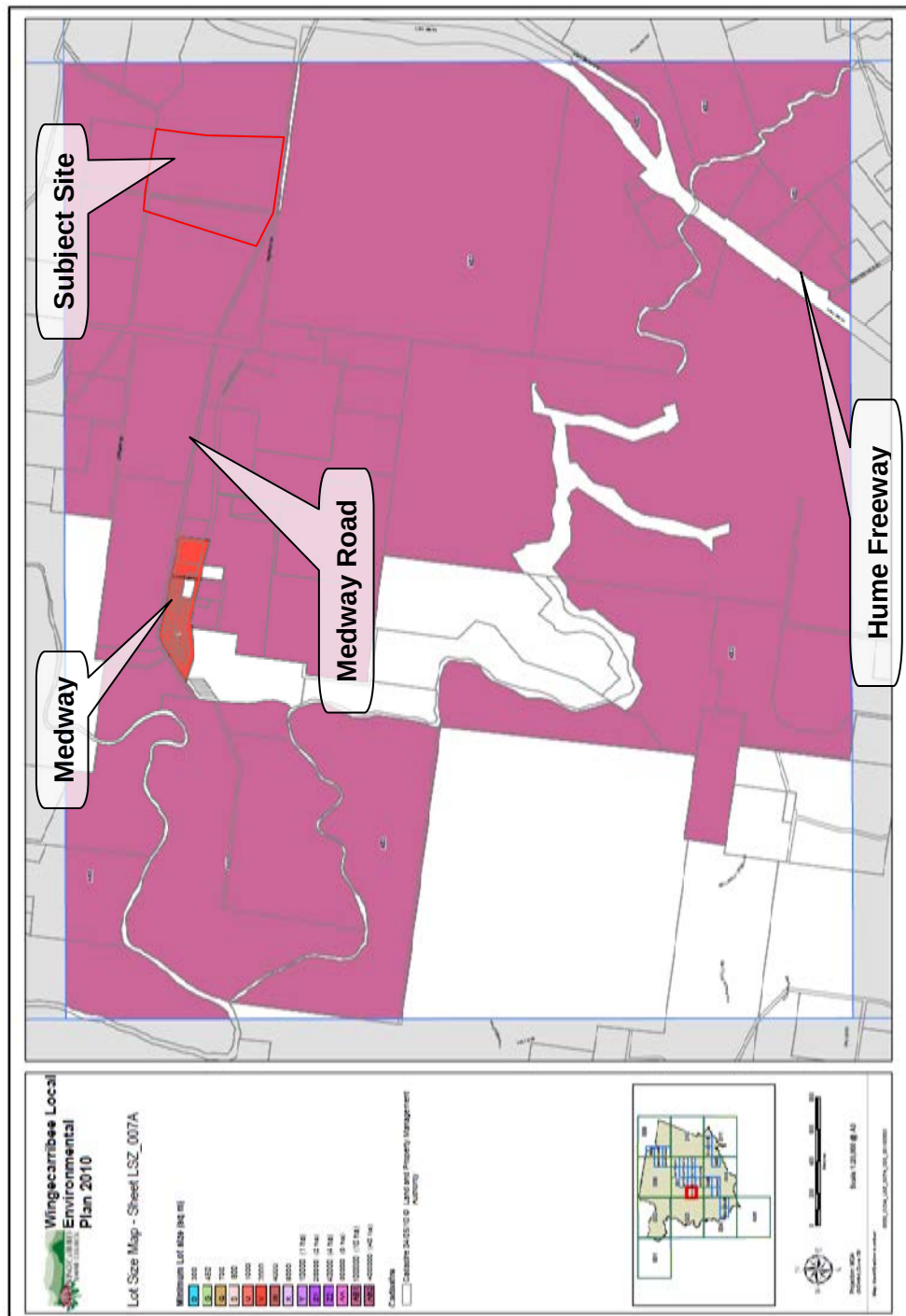


Figure 11 – Current Minimum Lot Size Map



[illegible]

Figure 13 – Current Vegetation Map

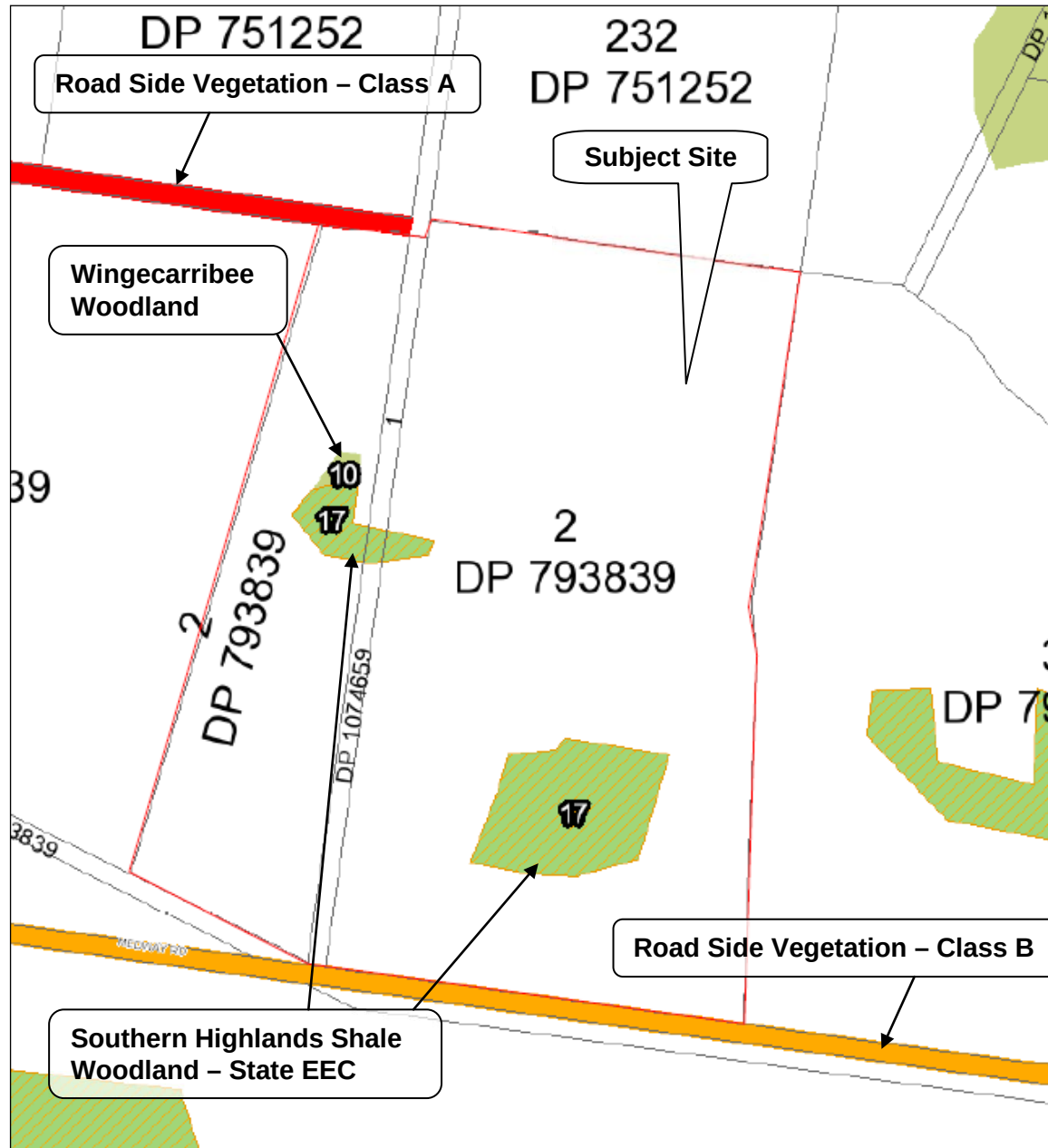
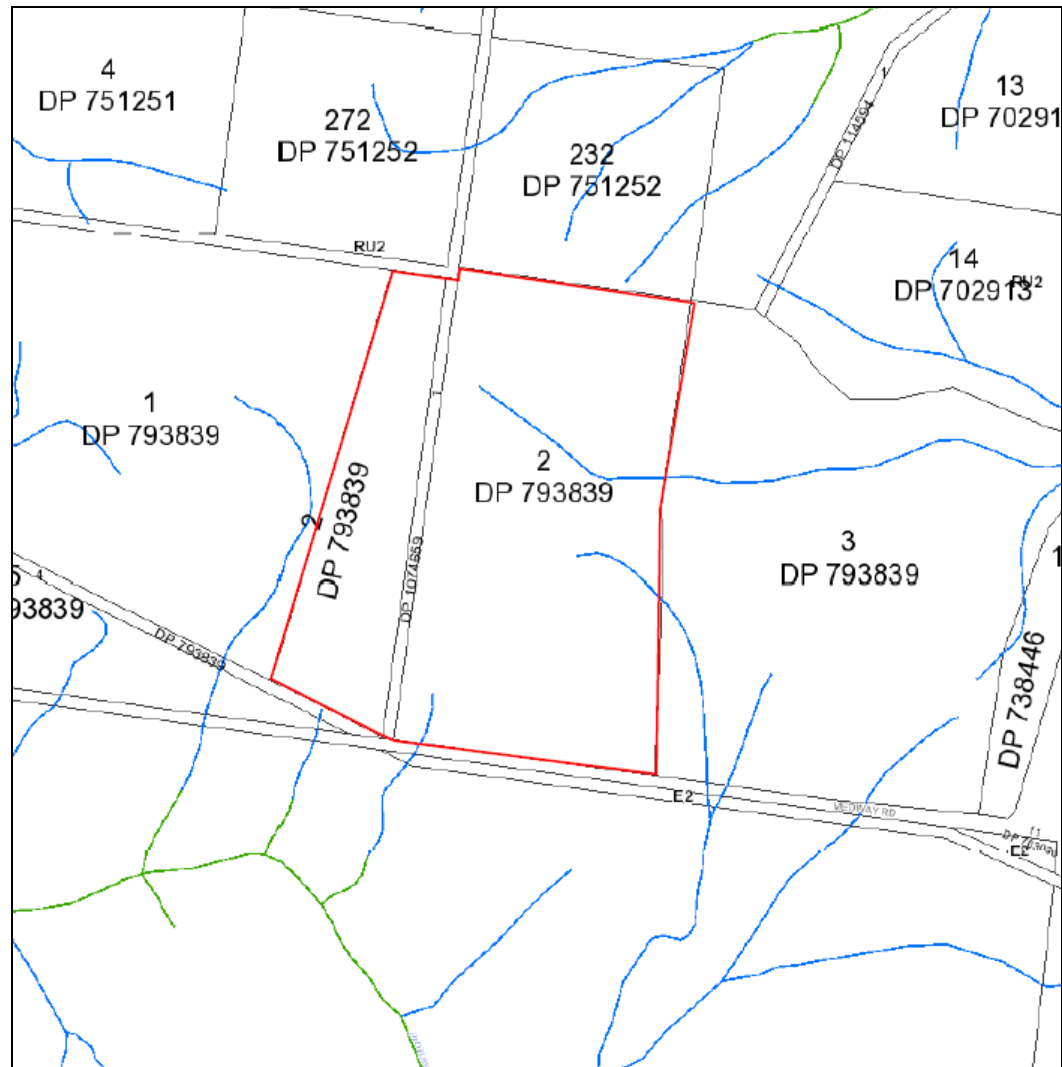


Figure 14 – Current Natural Resources Sensitivity Map



Riparian Land

- Category 1 - Environmental Corridor
(within 50 metres from the top of stream bank on each side)
- Category 2 - Aquatic & Terrestrial Habitat
(within 30 metres from the top of stream bank on each side)
- Category 3 - Bank Stability & Water Quality
(within 10 metres from the top of stream bank on each side)

Natural Waterbodies

Regional Wildlife Habitat Corridor

Figure 15 – Proposed Zoning Map - LZN_007A

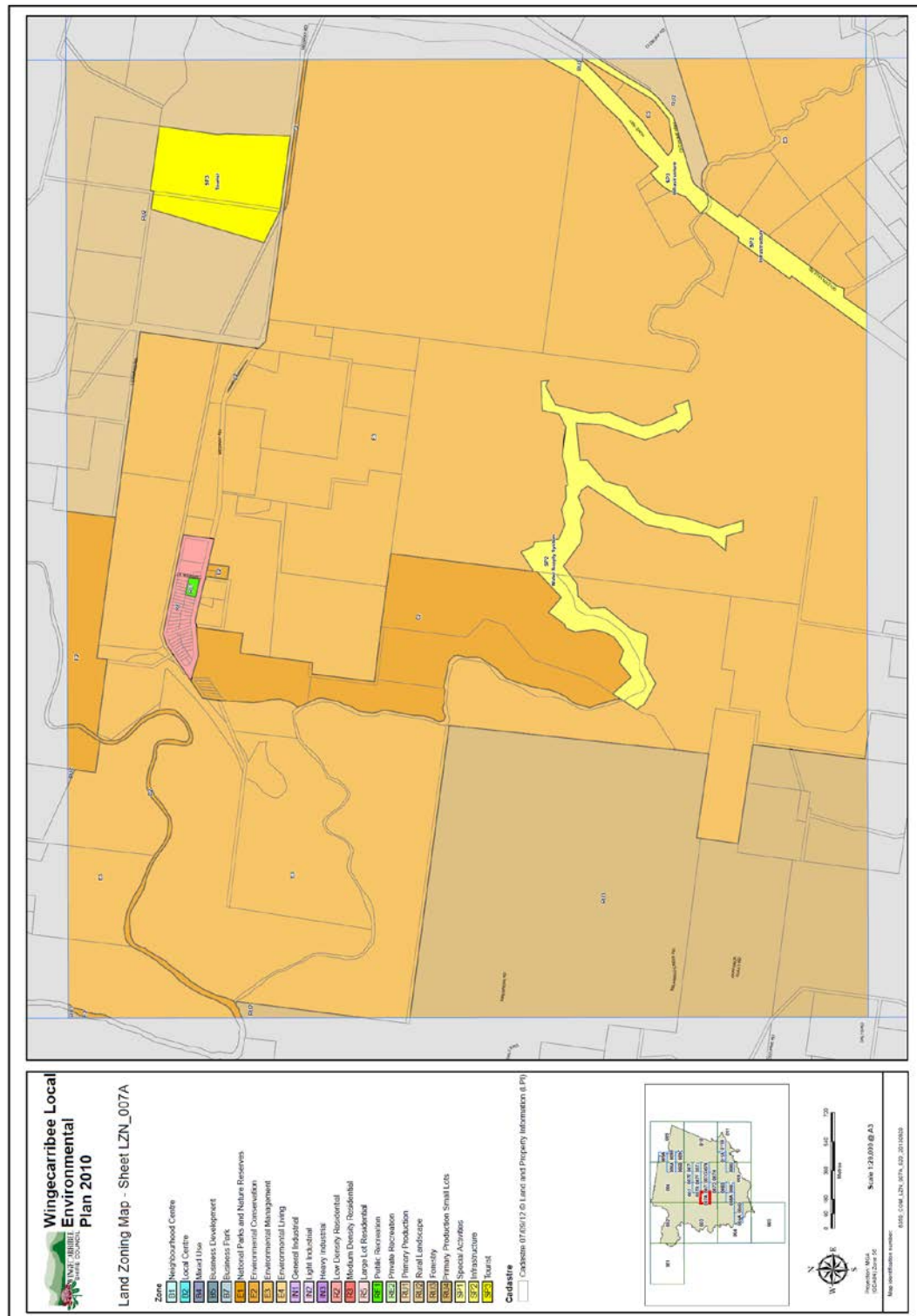


Figure 16 – Proposed Minimum Lot Size Map

It is anticipated that a current Planning Proposal which will result in all Minimum Lot Size Maps being amended to replace the current AB2 (40 hectares) designation with AB2 (20 hectares) and to introduce a new AB3 (40 hectares) designation will have been made by the time this Planning Proposal is ready for public exhibition. Therefore proposed minimum lot size maps have not been included in the Planning Proposal at this stage, but will be included prior to Community Consultation should a supportive Gateway Determination be obtained.

Sutton Forest Estate Wines - Lot 6 DP 660349, 21 Black Horse Lane, Sutton Forest

Figure 17 – Aerial Photo

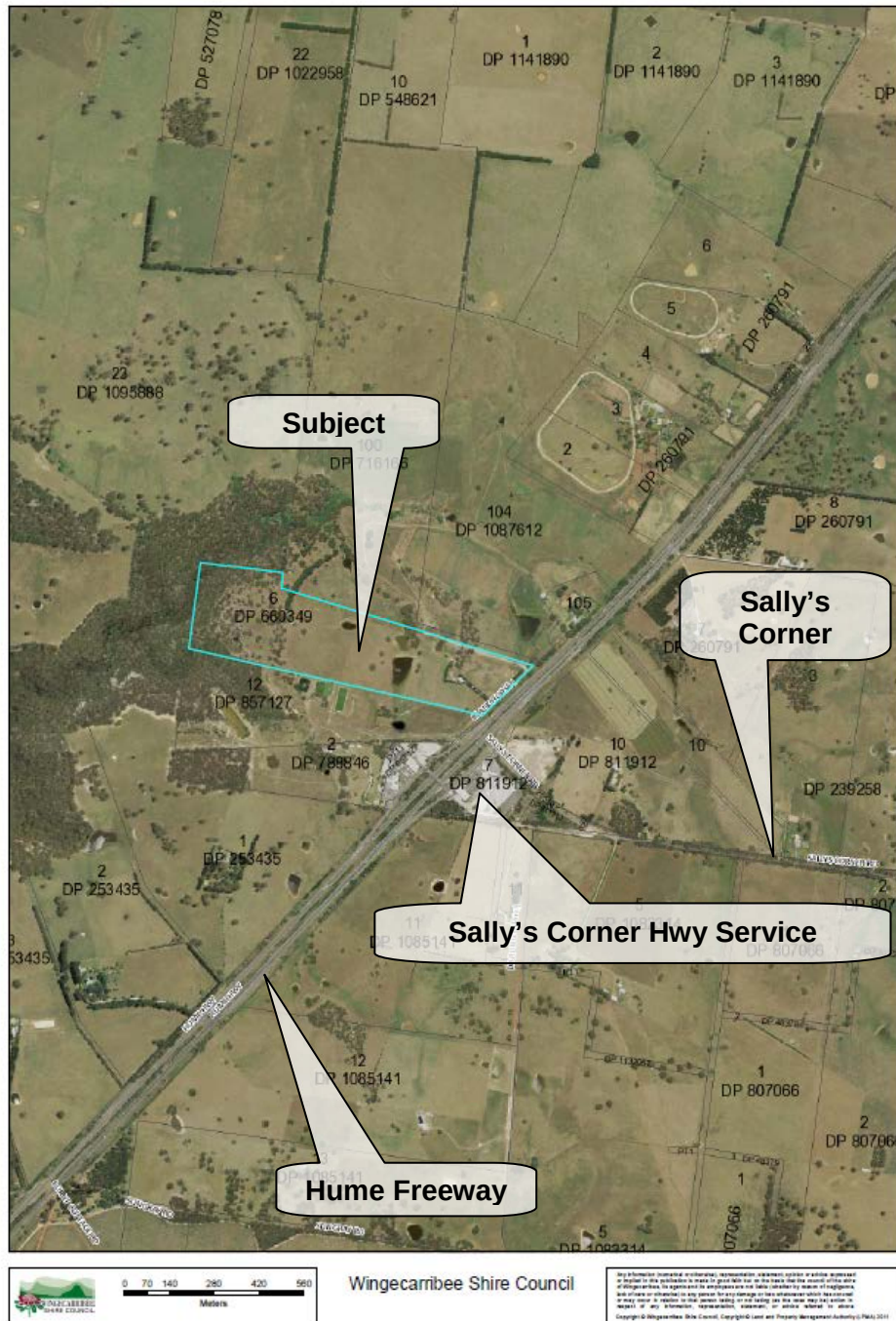


Figure 18 – Current Land Zoning Map

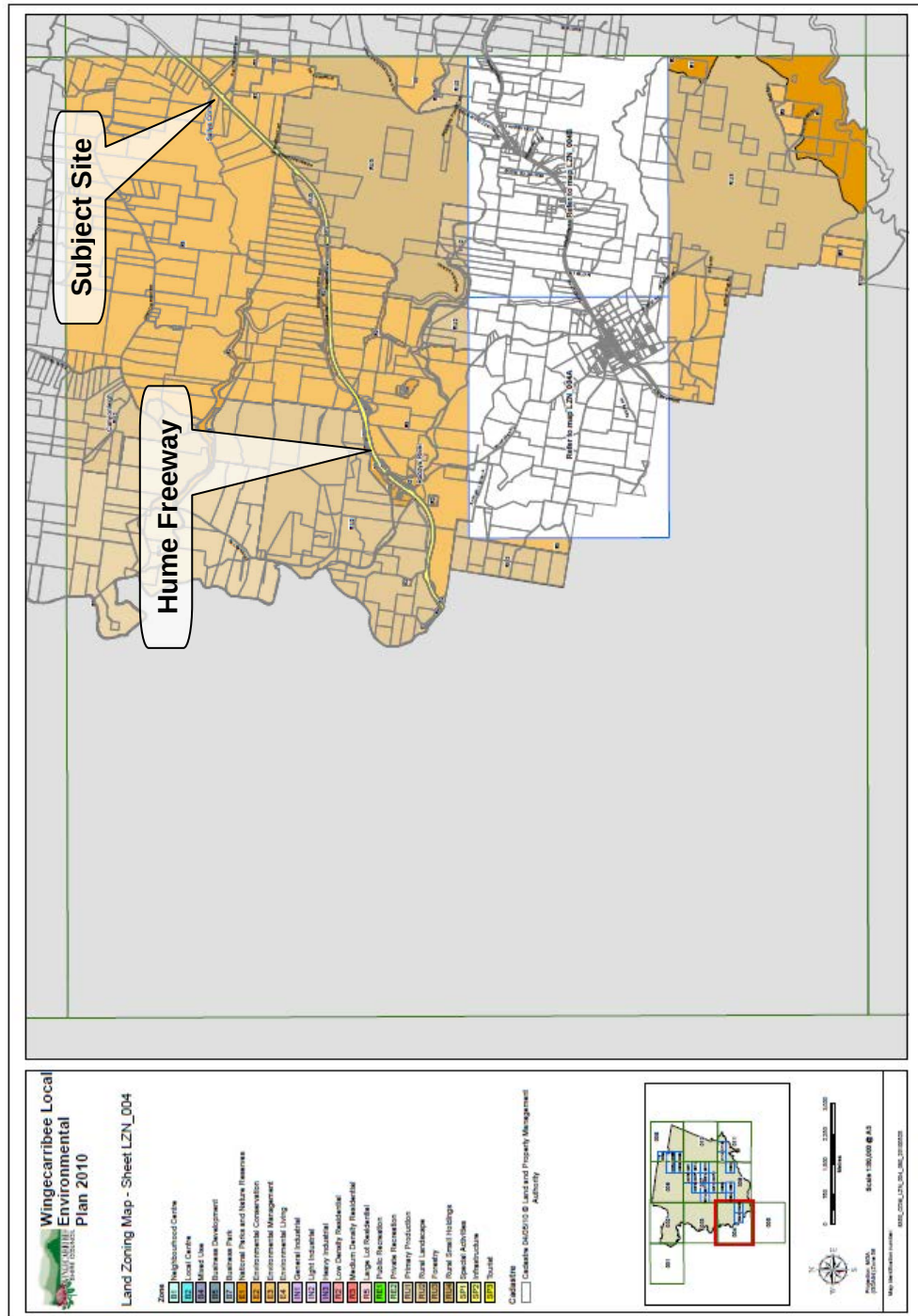


Figure 19 – Current Minimum Lot Size Map

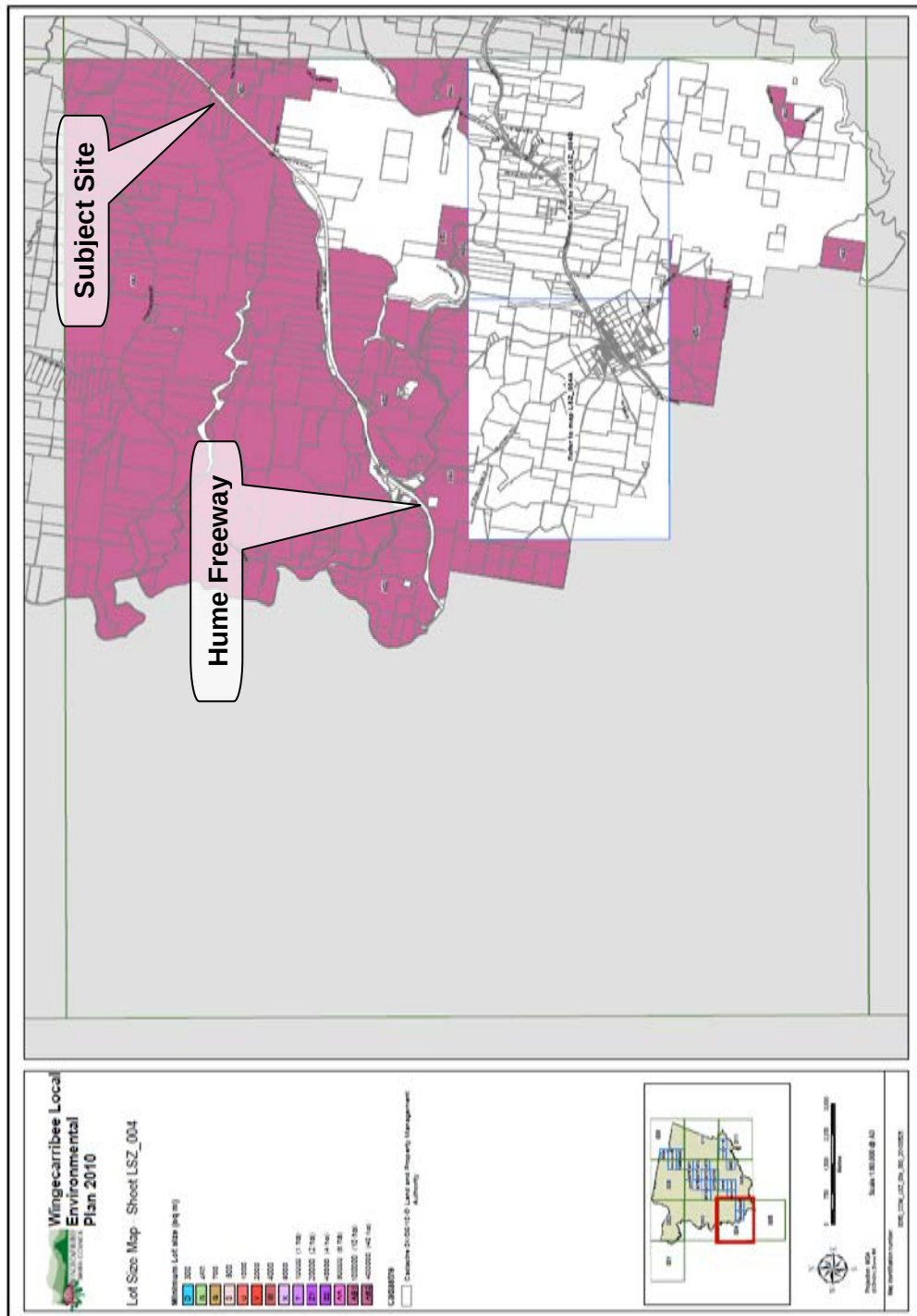


Figure 20 – Current Bushfire Map

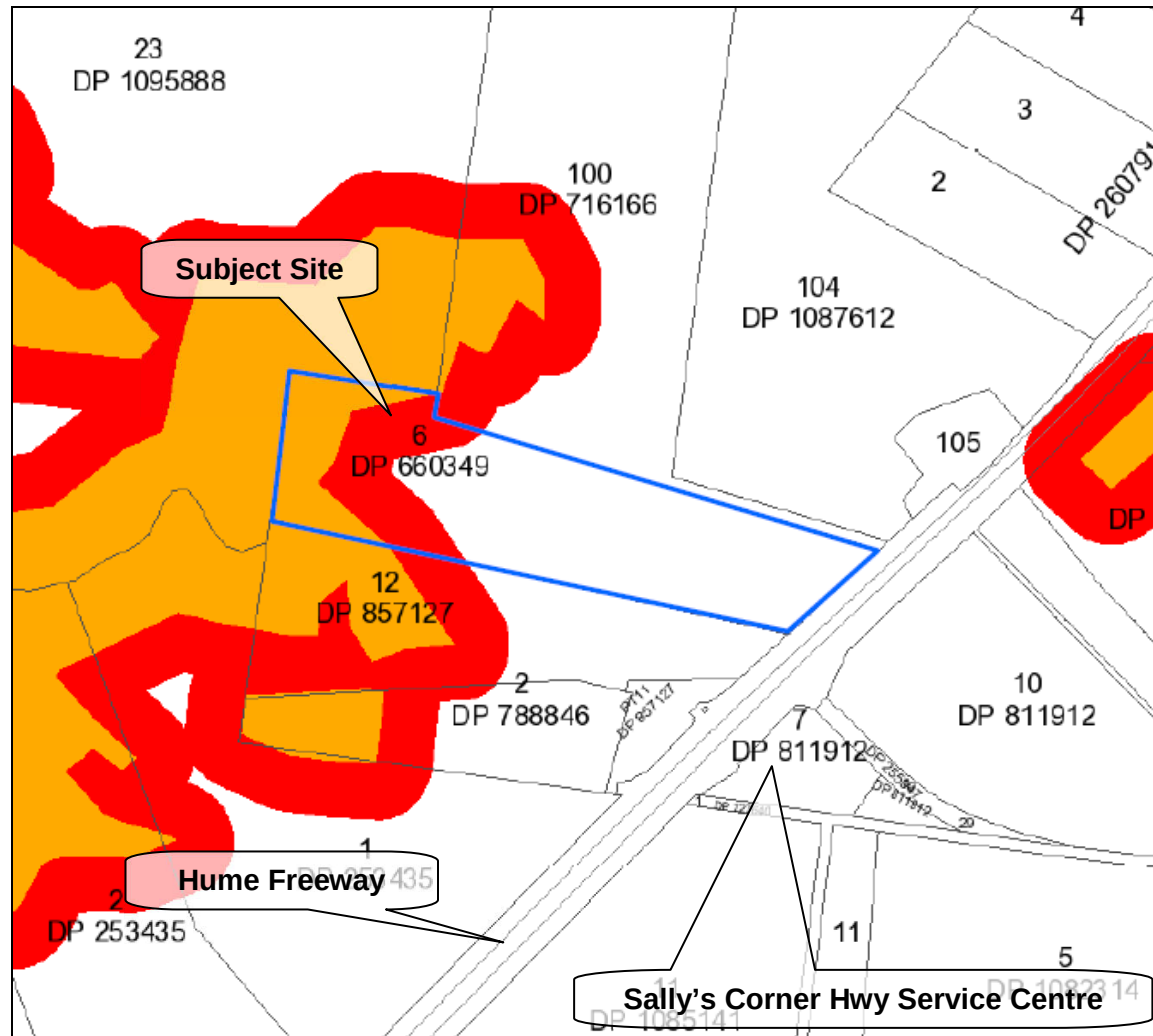


Figure 21 – Current Vegetation Map

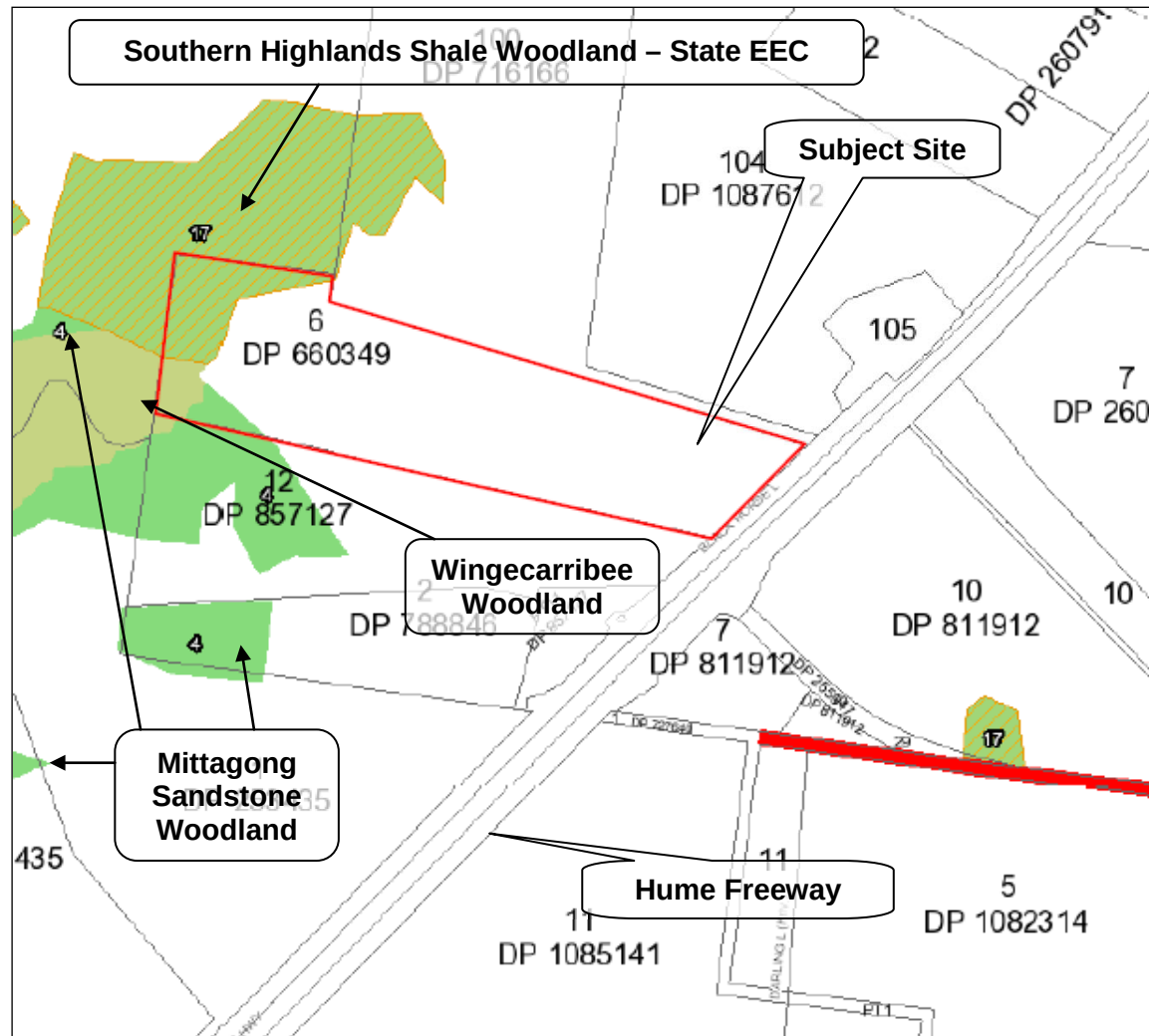
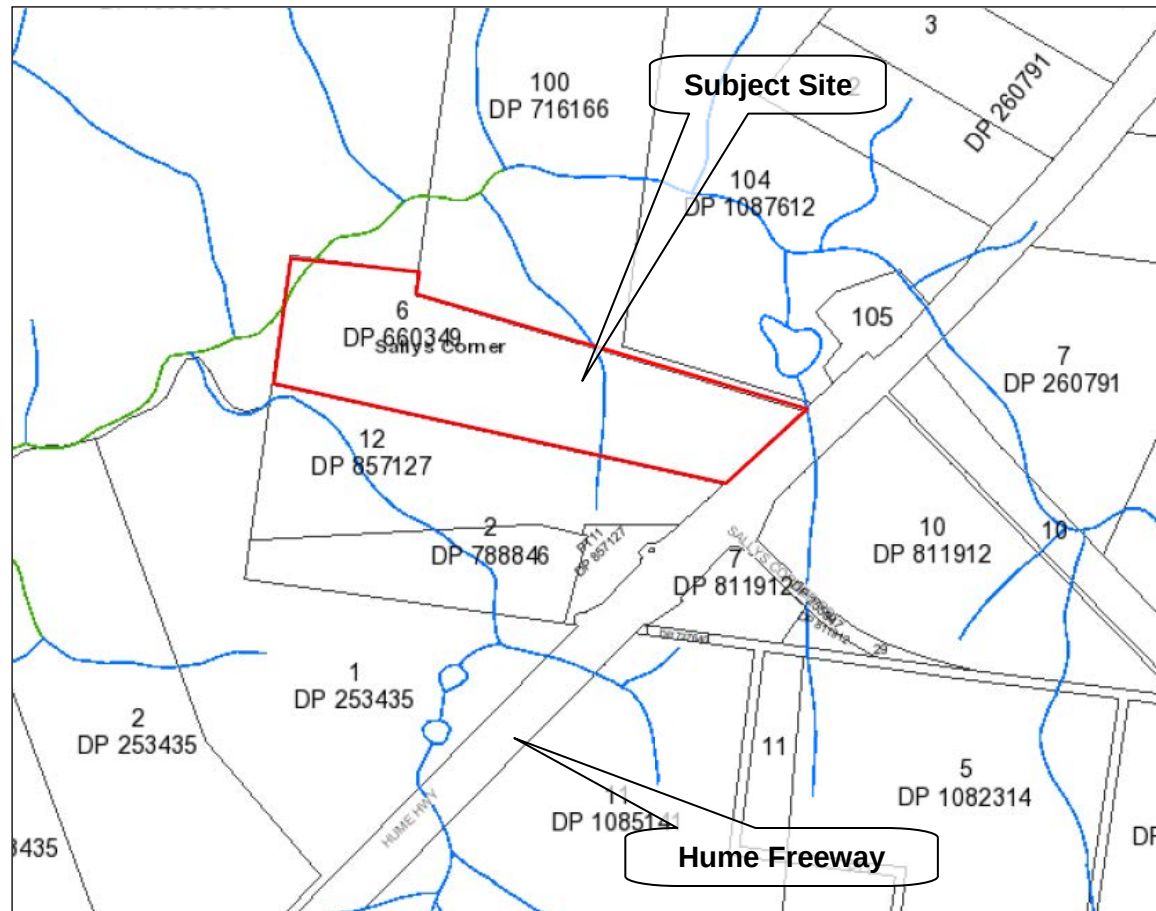


Figure 22 – Current Natural Resources Sensitivity Map



Riparian Land

- Category 1 - Environmental Corridor
(within 50 metres from the top of stream bank on each side)
- Category 2 - Aquatic & Terrestrial Habitat
(within 30 metres from the top of stream bank on each side)
- Category 3 - Bank Stability & Water Quality
(within 10 metres from the top of stream bank on each side)

 Natural Waterbodies

 Regional Wildlife Habitat Corridor

Figure 23 – Proposed Land Zoning Map – LZN_004

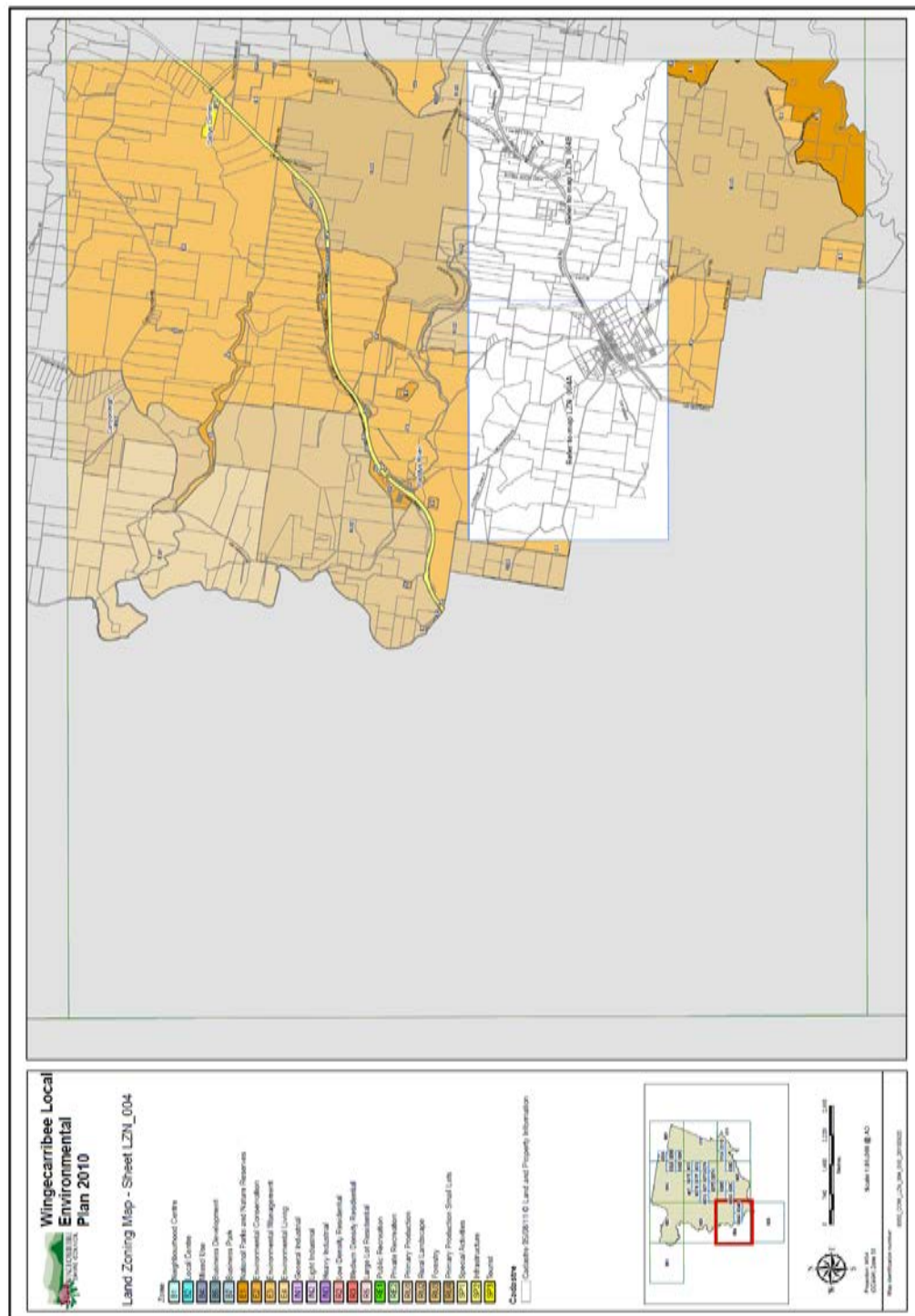


Figure 24 – Proposed Minimum Lot Size Map

It is anticipated that a current Planning Proposal which will result in all Minimum Lot Size Maps being amended to replace the current AB2 (40 hectares) designation with AB2 (20 hectares) and to introduce a new AB3 (40 hectares) designation will have been made by the time this Planning Proposal is ready for public exhibition. Therefore proposed minimum lot size maps have not been included in the Planning Proposal at this stage, but will be included prior to Community Consultation should a supportive Gateway Determination be obtained.

**Bendooley Estate - Lot 2 DP 584423, “Jamar” 214 Old Hume Highway, Berrima;
and Part Lot 3 DP 584423, “Bendooley”, 3020 Old Hume Highway, Berrima**

Figure 25 – Aerial Photo

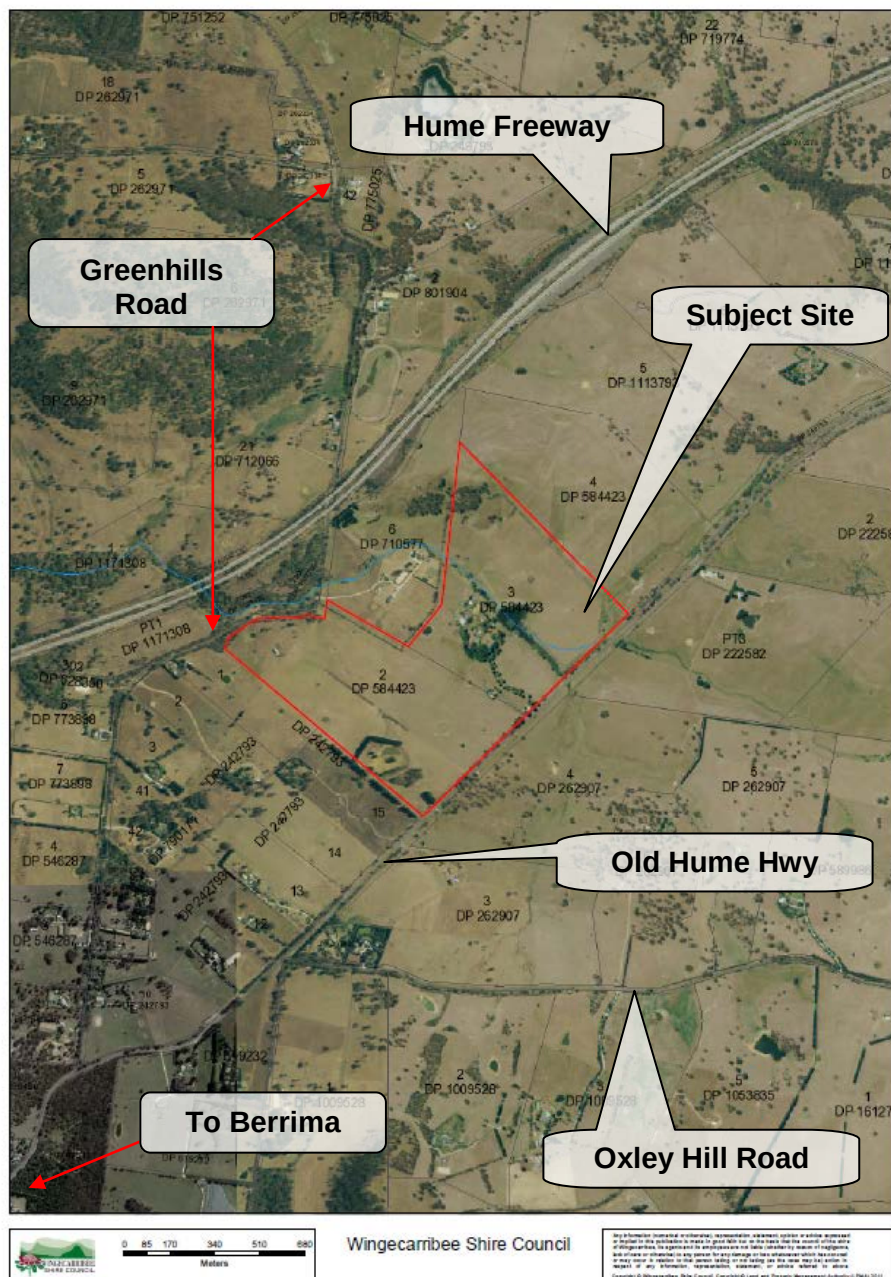


Figure 28 – Current Bushfire Map

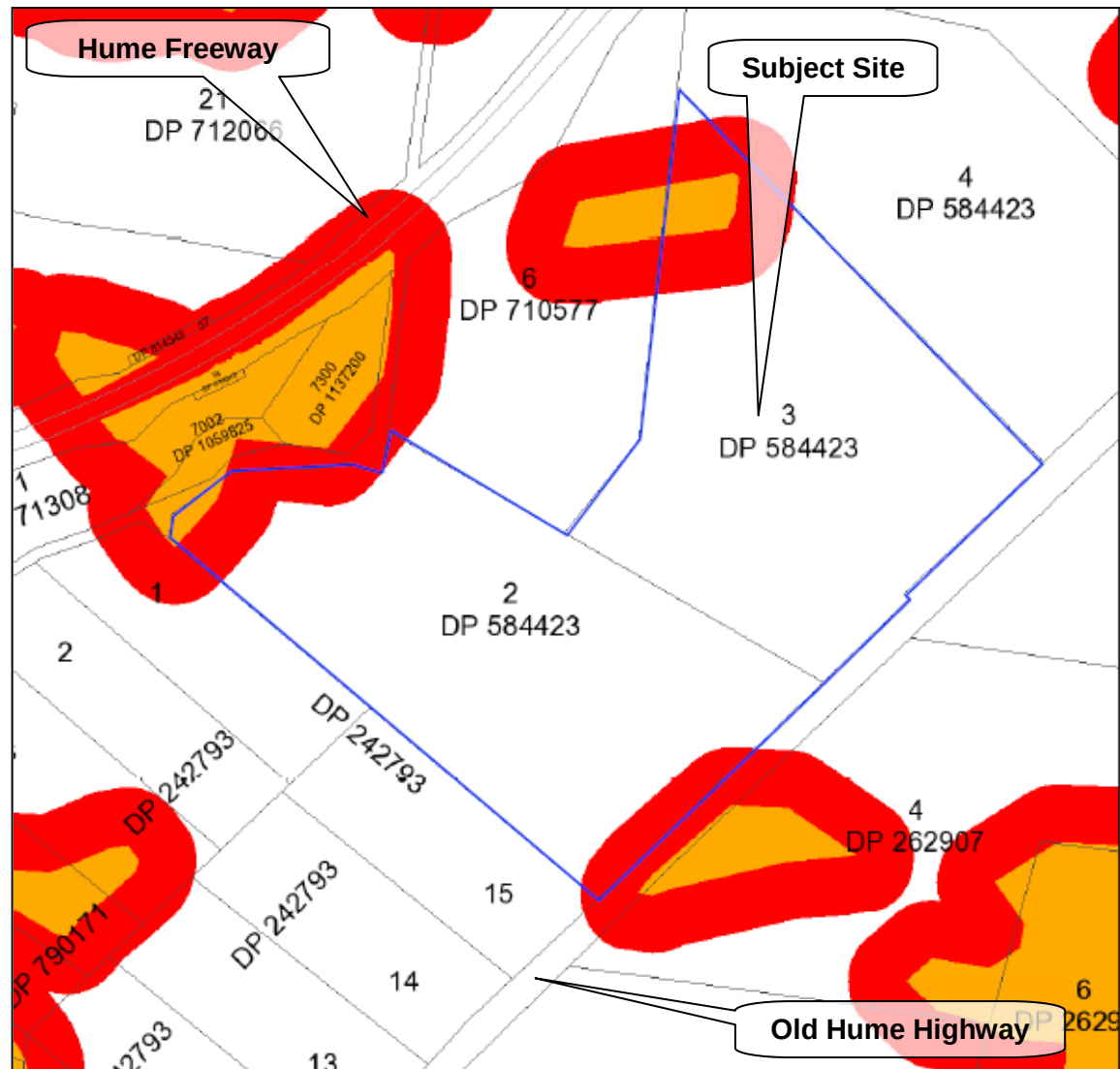


Figure 29 – Current Vegetation Map

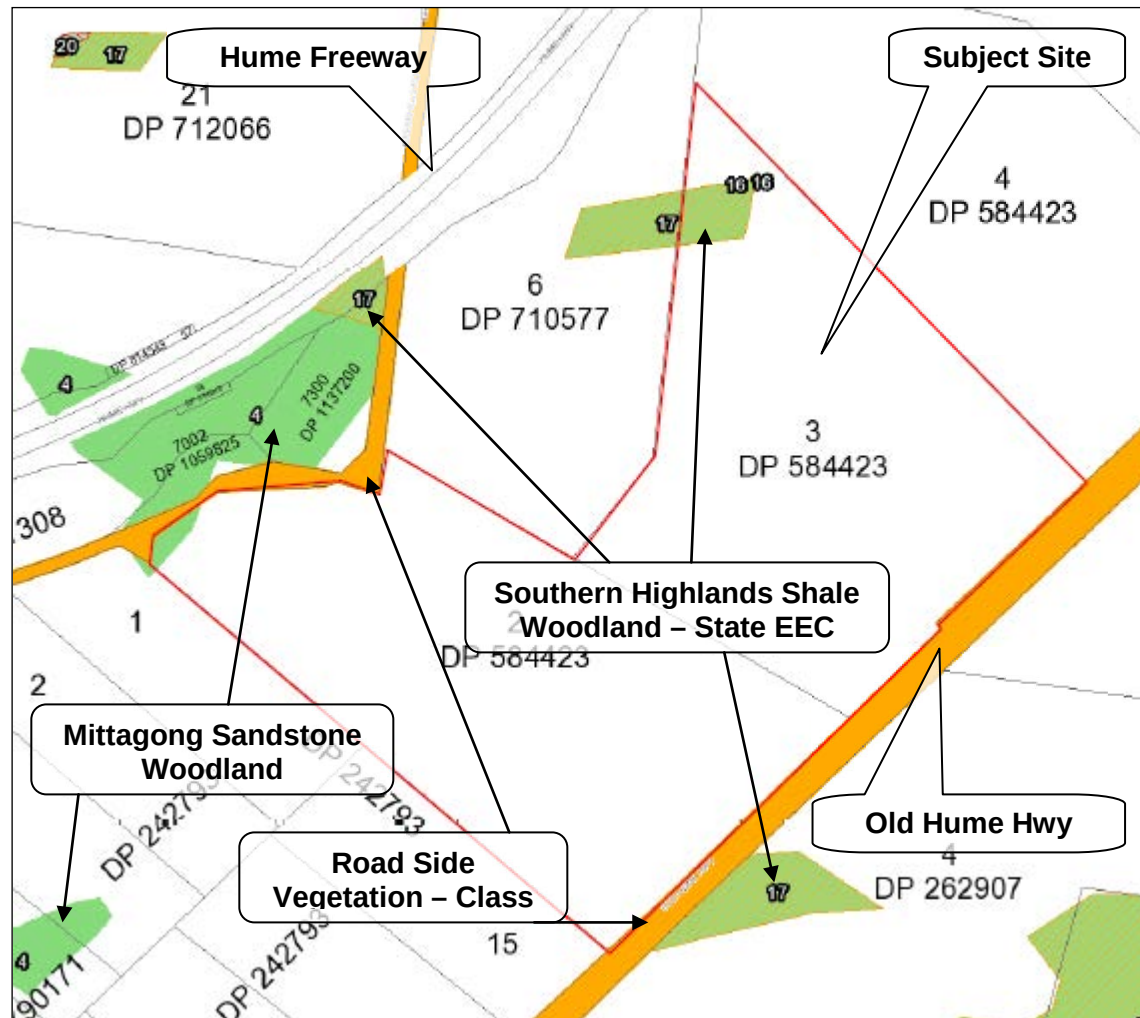
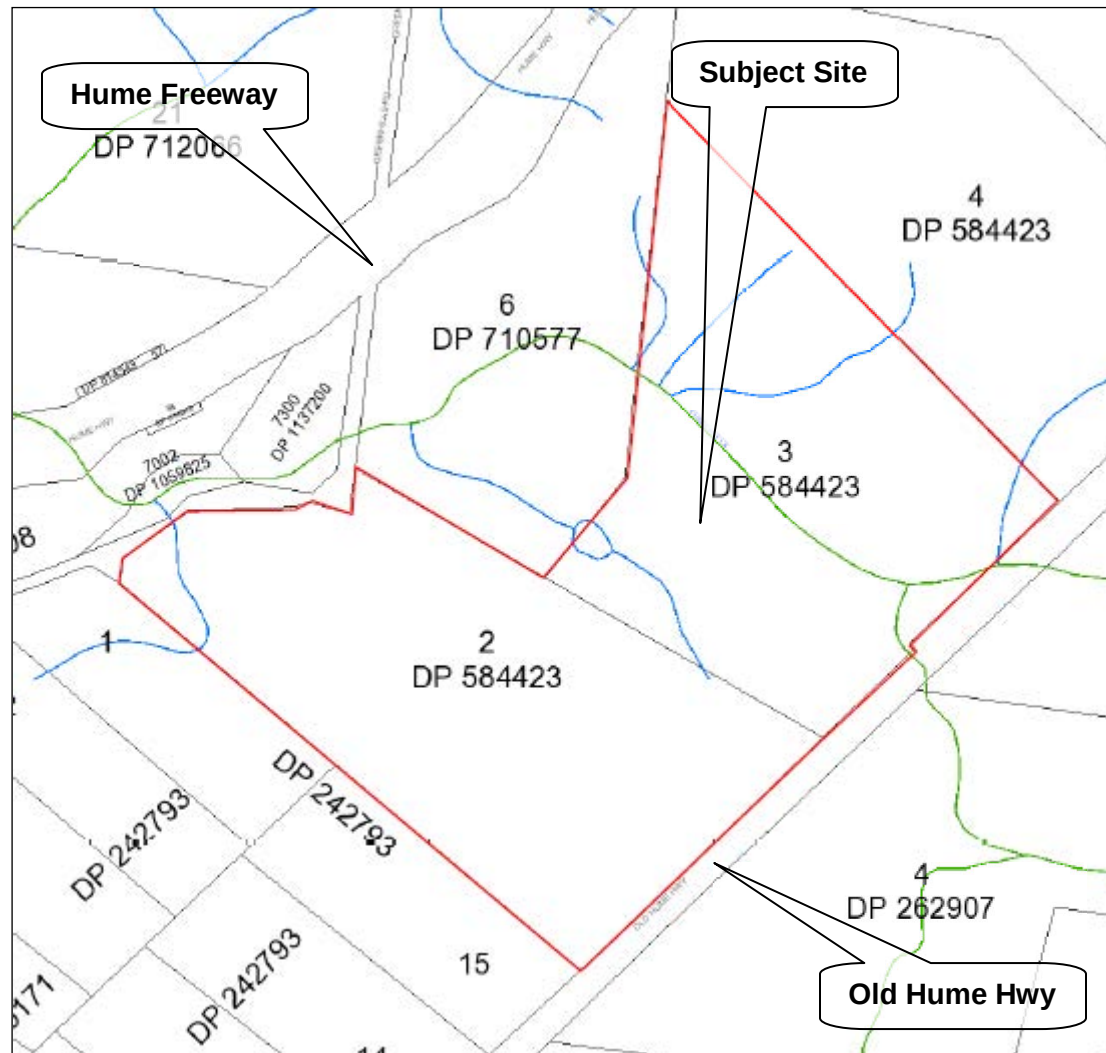


Figure 30 – Current Natural Resources Sensitivity Map



Riparian Land

- Category 1 - Environmental Corridor
(within 50 metres from the top of stream bank on each side)
- Category 2 - Aquatic & Terrestrial Habitat
(within 30 metres from the top of stream bank on each side)
- Category 3 - Bank Stability & Water Quality
(within 10 metres from the top of stream bank on each side)

 Natural Waterbodies

 Regional Wildlife Habitat Corridor

Wingecarribee Local Environmental Plan 2010

Land Zoning Map - Sheet LZN_007B

Zone

B1	Neighbourhood Centre
B2	Local Centre
B3	Mixed Use
B4	Business Development
B5	Business Park
B6	National Parks and Nature Reserves
B7	Environmental Conservation
B8	Environmental Management
B9	Environmental Living
B10	General Industrial
B11	Light Industrial
B12	Heavy Industrial
B13	Low Density Residential
B14	Medium Density Residential
B15	Large Lot Residential
B16	Public Recreation
B17	Primary Production
B18	Artisan Landscapes
B19	Primary Production Small Lots
B20	Special Activities
B21	Administrative
B22	Special

Catchment

☐ Catchment 37/39/1/2 © Land and Property Information (LPI)

Scale 1:50,000 @ A3

Legend

☐ Road
☐ Water
☐ Boundary
☐ Other

Map Information

Prepared by: Wingecarribee Shire Council
 Date: 2010
 Map Information: Wingecarribee Shire Council

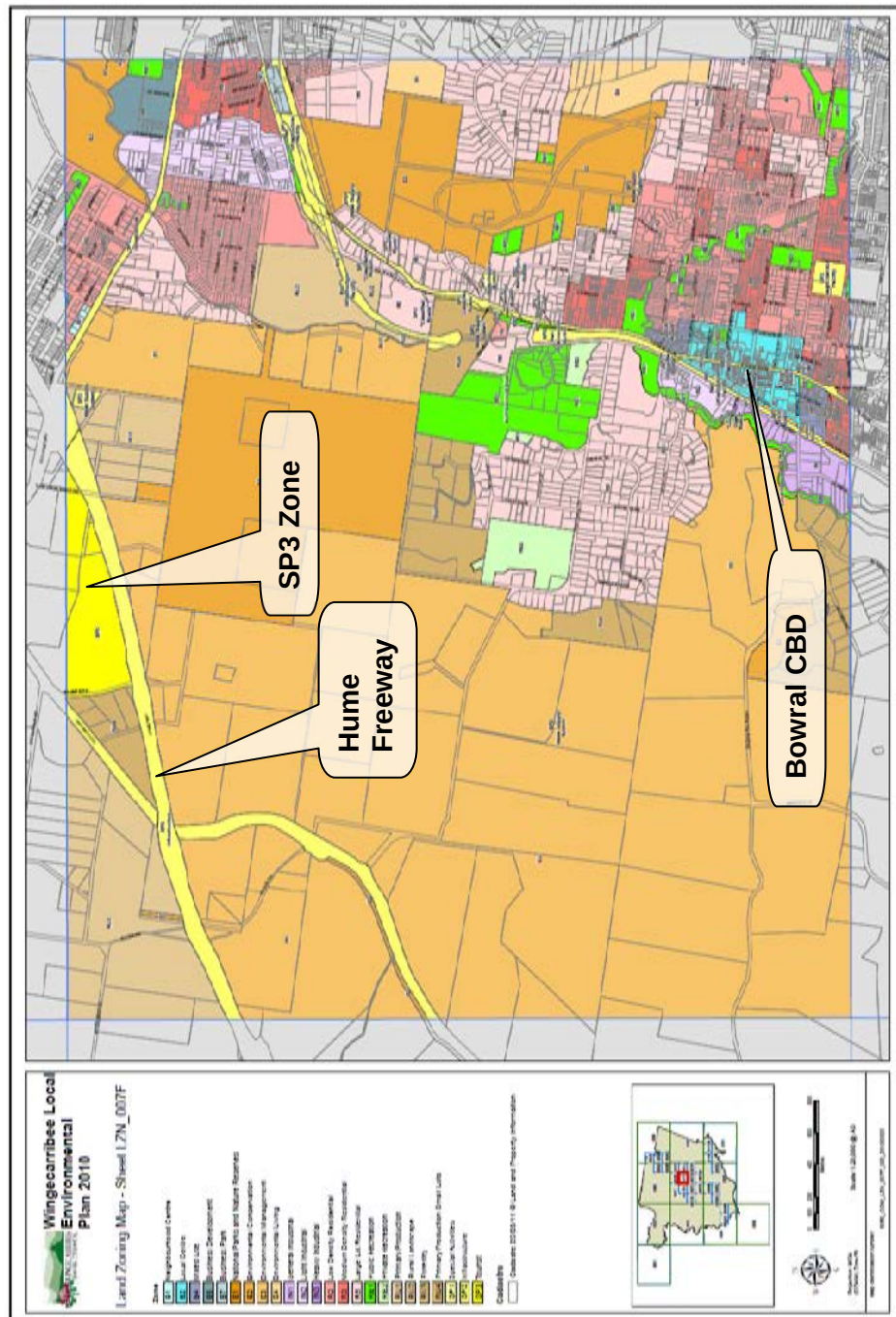
Figure 32 – Proposed Minimum Lot Size Map LSZ_007B

It is anticipated that a current Planning Proposal which will result in all Minimum Lot Size Maps being amended to replace the current AB2 (40 hectares) designation with AB2 (20 hectares) and to introduce a new AB3 (40 hectares) designation will have been made by the time this Planning Proposal is ready for public exhibition. Therefore proposed minimum lot size maps have not been included in the Planning Proposal at this stage, but will be included prior to Community Consultation should a supportive Gateway Determination be obtained.

Current SP3 Zoned Sites with Current & Proposed Minimum Lot Size

Site 1 – Woodlands – comprising 2 maps as follows

Figure 33 – Current Land Zoning Map LZN_007F



Wingecarribee Local Environmental Plan 2010
Land Zoning Map - Sheet LZN 007E

Zones

- 1B1 Neighbourhood Centre
- 1B2 Local Centre
- 1B3 Small Local Centre
- 1B4 Medium Density Residential
- 1B5 Medium Density Residential
- 1B6 Medium Density Residential
- 1B7 Medium Density Residential
- 1B8 Medium Density Residential
- 1B9 Medium Density Residential
- 1B10 Medium Density Residential
- 1B11 Medium Density Residential
- 1B12 Medium Density Residential
- 1B13 Medium Density Residential
- 1B14 Medium Density Residential
- 1B15 Medium Density Residential
- 1B16 Medium Density Residential
- 1B17 Medium Density Residential
- 1B18 Medium Density Residential
- 1B19 Medium Density Residential
- 1B20 Medium Density Residential
- 1B21 Medium Density Residential
- 1B22 Medium Density Residential
- 1B23 Medium Density Residential
- 1B24 Medium Density Residential
- 1B25 Medium Density Residential
- 1B26 Medium Density Residential
- 1B27 Medium Density Residential
- 1B28 Medium Density Residential
- 1B29 Medium Density Residential
- 1B30 Medium Density Residential

Callouts

- 1B1 Neighbourhood Centre
- 1B2 Local Centre
- 1B3 Small Local Centre
- 1B4 Medium Density Residential
- 1B5 Medium Density Residential
- 1B6 Medium Density Residential
- 1B7 Medium Density Residential
- 1B8 Medium Density Residential
- 1B9 Medium Density Residential
- 1B10 Medium Density Residential
- 1B11 Medium Density Residential
- 1B12 Medium Density Residential
- 1B13 Medium Density Residential
- 1B14 Medium Density Residential
- 1B15 Medium Density Residential
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- 1B25 Medium Density Residential
- 1B26 Medium Density Residential
- 1B27 Medium Density Residential
- 1B28 Medium Density Residential
- 1B29 Medium Density Residential
- 1B30 Medium Density Residential

Scale

0 100 200 300 400 500 600 700 800 900 1000 1100 1200 1300 1400 1500 1600 1700 1800 1900 2000 2100 2200 2300 2400 2500 2600 2700 2800 2900 3000 3100 3200 3300 3400 3500 3600 3700 3800 3900 4000 4100 4200 4300 4400 4500 4600 4700 4800 4900 5000 5100 5200 5300 5400 5500 5600 5700 5800 5900 6000 6100 6200 6300 6400 6500 6600 6700 6800 6900 7000 7100 7200 7300 7400 7500 7600 7700 7800 7900 8000 8100 8200 8300 8400 8500 8600 8700 8800 8900 9000 9100 9200 9300 9400 9500 9600 9700 9800 9900 10000 10100 10200 10300 10400 10500 10600 10700 10800 10900 11000 11100 11200 11300 11400 11500 11600 11700 11800 11900 12000 12100 12200 12300 12400 12500 12600 12700 12800 12900 13000 13100 13200 13300 13400 13500 13600 13700 13800 13900 14000 14100 14200 14300 14400 14500 14600 14700 14800 14900 15000 15100 15200 15300 15400 15500 15600 15700 15800 15900 16000 16100 16200 16300 16400 16500 16600 16700 16800 16900 17000 17100 17200 17300 17400 17500 17600 17700 17800 17900 18000 18100 18200 18300 18400 18500 18600 18700 18800 18900 19000 19100 19200 19300 19400 19500 19600 19700 19800 19900 20000 20100 20200 20300 20400 20500 20600 20700 20800 20900 21000 21100 21200 21300 21400 21500 21600 21700 21800 21900 22000 22100 22200 22300 22400 22500 22600 22700 22800 22900 23000 23100 23200 23300 23400 23500 23600 23700 23800 23900 24000 24100 24200 24300 24400 24500 24600 24700 24800 24900 25000 25100 25200 25300 25400 25500 25600 25700 25800 25900 26000 26100 26200 26300 26400 26500 26600 26700 26800 26900 27000 27100 27200 27300 27400 27500 27600 27700 27800 27900 28000 28100 28200 28300 28400 28500 28600 28700 28800 28900 29000 29100 29200 29300 29400 29500 29600 29700 29800 29900 30000 30100 30200 30300 30400 30500 30600 30700 30800 30900 31000 31100 31200 31300 31400 31500 31600 31700 31800 31900 32000 32100 32200 32300 32400 32500 32600 32700 32800 32900 33000 33100 33200 33300 33400 33500 33600 33700 33800 33900 34000 34100 34200 34300 34400 34500 34600 34700 34800 34900 35000 35100 35200 35300 35400 35500 35600 35700 35800 35900 36000 36100 36200 36300 36400 36500 36600 36700 36800 36900 37000 37100 37200 37300 37400 37500 37600 37700 37800 37900 38000 38100 38200 38300 38400 38500 38600 38700 38800 38900 39000 39100 39200 39300 39400 39500 39600 39700 39800 39900 40000 40100 40200 40300 40400 40500 40600 40700 40800 40900 41000 41100 41200 41300 41400 41500 41600 41700 41800 41900 42000 42100 42200 42300 42400 42500 42600 42700 42800 42900 43000 43100 43200 43300 43400 43500 43600 43700 43800 43900 44000 44100 44200 44300 44400 44500 44600 44700 44800 44900 45000 45100 45200 45300 45400 45500 45600 45700 45800 45900 46000 46100 46200 46300 46400 46500 46600 46700 46800 46900 47000 47100 47200 47300 47400 47500 47600 47700 47800 47900 48000 48100 48200 48300 48400 48500 48600 48700 48800 48900 49000 49100 49200 49300 49400 49500 49600 49700 49800 49900 50000 50100 50200 50300 50400 50500 50600 50700 50800 50900 51000 51100 51200 51300 51400 51500 51600 51700 51800 51900 52000 52100 52200 52300 52400 52500 52600 52700 52800 52900 53000 53100 53200 53300 53400 53500 53600 53700 53800 53900 54

Wingecarribee Local Environmental Plan 2010
Sheet LSZ_007F

Lot Size Map - Sheet LSZ_007F

Minimum Lot Area (sq m)

300	400	500	600	700	800	900	1000	1200	1500	2000	2500	3000	4000	5000	6000	7000	8000	9000	10000	12000	15000	20000	25000	30000	40000	50000	60000	70000	80000	90000	100000	120000	150000	200000	250000	300000	400000	500000	600000	700000	800000	900000	1000000	1200000	1500000	2000000	2500000	3000000	4000000	5000000	6000000	7000000	8000000	9000000	10000000	12000000	15000000	20000000	25000000	30000000	40000000	50000000	60000000	70000000	80000000	90000000	100000000	120000000	150000000	200000000	250000000	300000000	400000000	500000000	600000000	700000000	800000000	900000000	1000000000	1200000000	1500000000	2000000000	2500000000	3000000000	4000000000	5000000000	6000000000	7000000000	8000000000	9000000000	10000000000	12000000000	15000000000	20000000000	25000000000	30000000000	40000000000	50000000000	60000000000	70000000000	80000000000	90000000000	100000000000	120000000000	150000000000	200000000000	250000000000	300000000000	400000000000	500000000000	600000000000	700000000000	800000000000	900000000000	1000000000000	1200000000000	1500000000000	2000000000000	2500000000000	3000000000000	4000000000000	5000000000000	6000000000000	7000000000000	8000000000000	9000000000000	10000000000000	12000000000000	15000000000000	20000000000000	25000000000000	30000000000000	40000000000000	50000000000000	60000000000000	70000000000000	80000000000000	90000000000000	100000000000000	120000000000000	150000000000000	200000000000000	250000000000000	300000000000000	400000000000000	500000000000000	600000000000000	700000000000000	800000000000000	900000000000000	1000000000000000	1200000000000000	1500000000000000	2000000000000000	2500000000000000	3000000000000000	4000000000000000	5000000000000000	6000000000000000	7000000000000000	8000000000000000	9000000000000000	10000000000000000	12000000000000000	15000000000000000	20000000000000000	25000000000000000	30000000000000000	40000000000000000	50000000000000000	60000000000000000	70000000000000000	80000000000000000	90000000000000000	100000000000000000	120000000000000000	150000000000000000	200000000000000000	250000000000000000	300000000000000000	400000000000000000	500000000000000000	600000000000000000	700000000000000000	800000000000000000	900000000000000000	1000000000000000000	1200000000000000000	1500000000000000000	2000000000000000000	2500000000000000000	3000000000000000000	4000000000000000000	5000000000000000000	6000000000000000000	7000000000000000000	8000000000000000000	9000000000000000000	10000000000000000000	12000000000000000000	15000000000000000000	20000000000000000000	25000000000000000000	30000000000000000000	40000000000000000000	50000000000000000000	60000000000000000000	70000000000000000000	80000000000000000000	90000000000000000000	100000000000000000000	120000000000000000000	150000000000000000000	200000000000000000000	250000000000000000000	300000000000000000000	4
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Wingecarribee Local Government Area

Land Use Zoning Environmental Plan 2010

Lot Size Map - Sheet L SZ_007E

Minimum Lot size (sq m)

50	100	200	300	400	500	600	700	800	900	1000	1200	1500	2000	2500	3000	3500	4000	5000	6000	7000	8000	10000	12000	15000	20000	25000	30000	40000
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Catchments

- Urban Catchment
- Rural Catchment
- Water Catchment

Hume Freeway

Welby

SP3 Zoned Land
- No current minimum Lot Size

Scale 1:50,000 @ A4

Page 1 of 1

Date 15/01/2010

By 15/01/2010

For 15/01/2010

File 15/01/2010

15/01/2010

Figure 34 – Proposed Minimum Lot Size Maps LSZ_007F & LSZ_007E

It is anticipated that a current Planning Proposal which will result in all Minimum Lot Size Maps being amended to replace the current AB2 (40 hectares) designation with AB2 (20 hectares) and to introduce a new AB3 (40 hectares) designation will have been made by the time this Planning Proposal is ready for public exhibition. Therefore proposed minimum lot size maps have not been included in the Planning Proposal at this stage, but will be included prior to Community Consultation should a supportive Gateway Determination be obtained.

Site 2 – Sutton Forest– comprising 2 maps as follows

Figure 38 – Current Land Zoning Map LZN_007D

PLANNING PROPOSAL TO REZONE CERTAIN SITES TO SP3 TOURIST AND TO AMEND THE SP3 TOURIST ZONE TO PROHIBIT DWELLING HOUSES AND APPLY A MINIMUM LOT SIZE OF 20 HECTARES.

Version 2 – October 2013

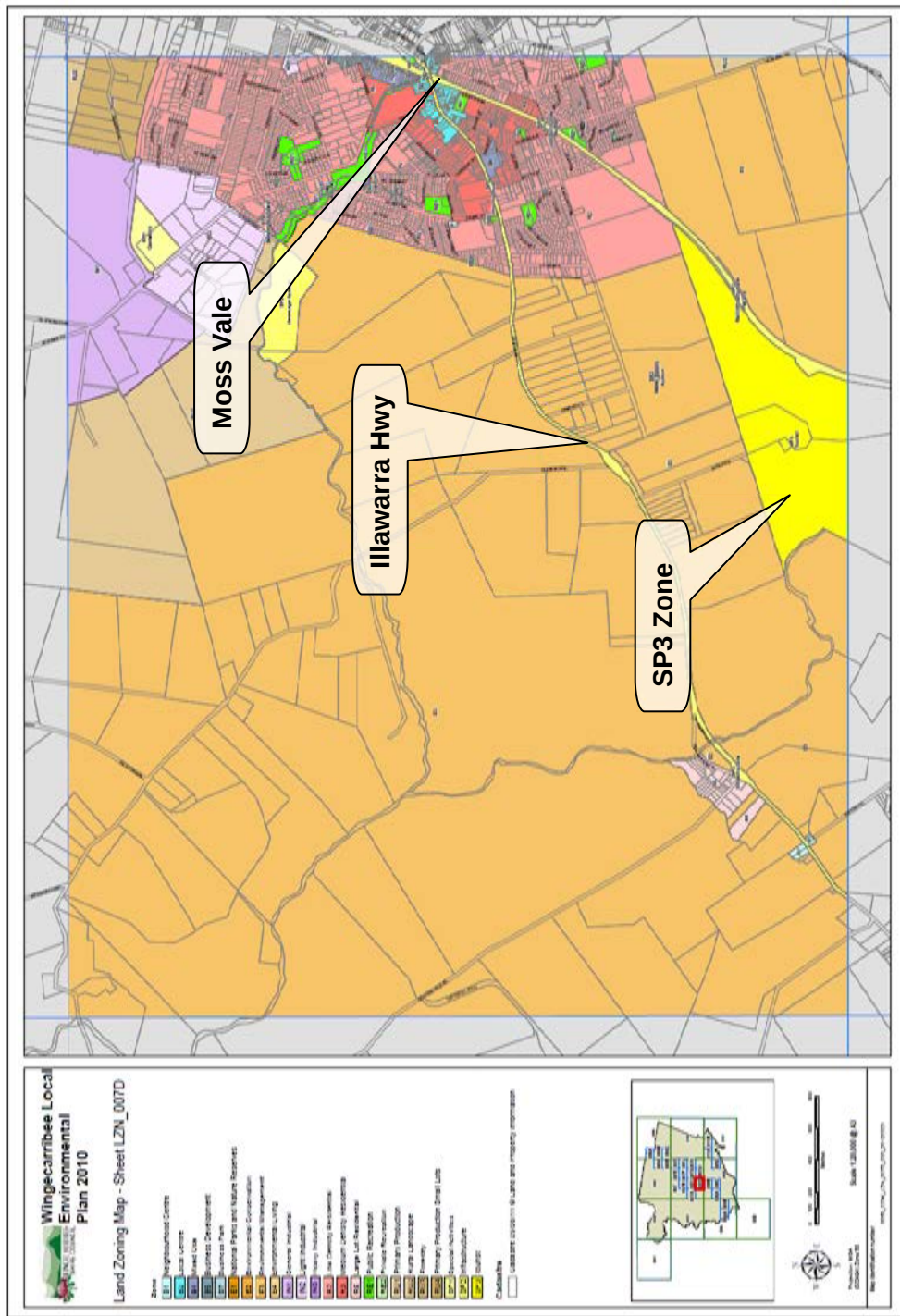


Figure 39 – Current Land Zoning Map LZN_008B

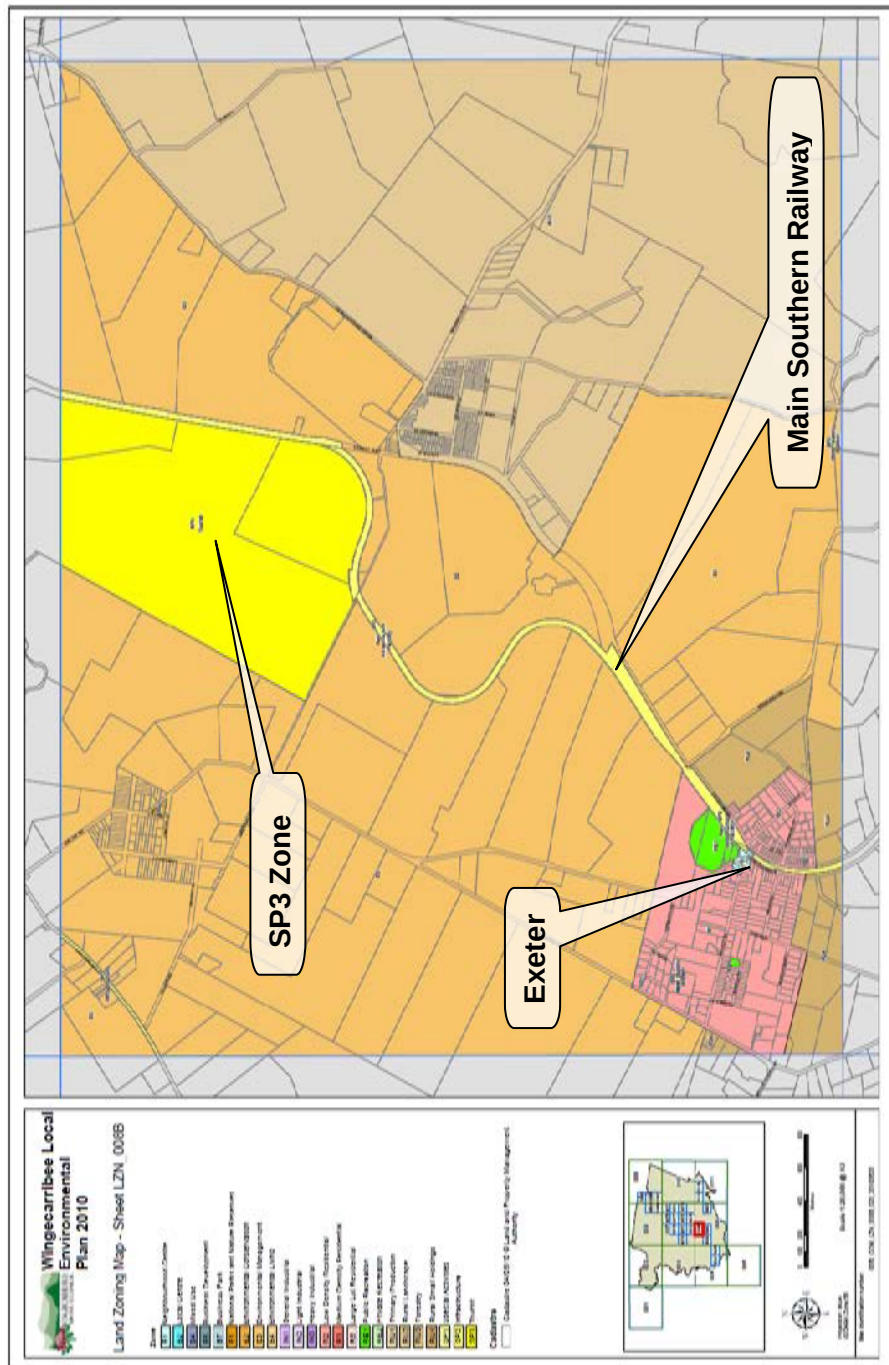
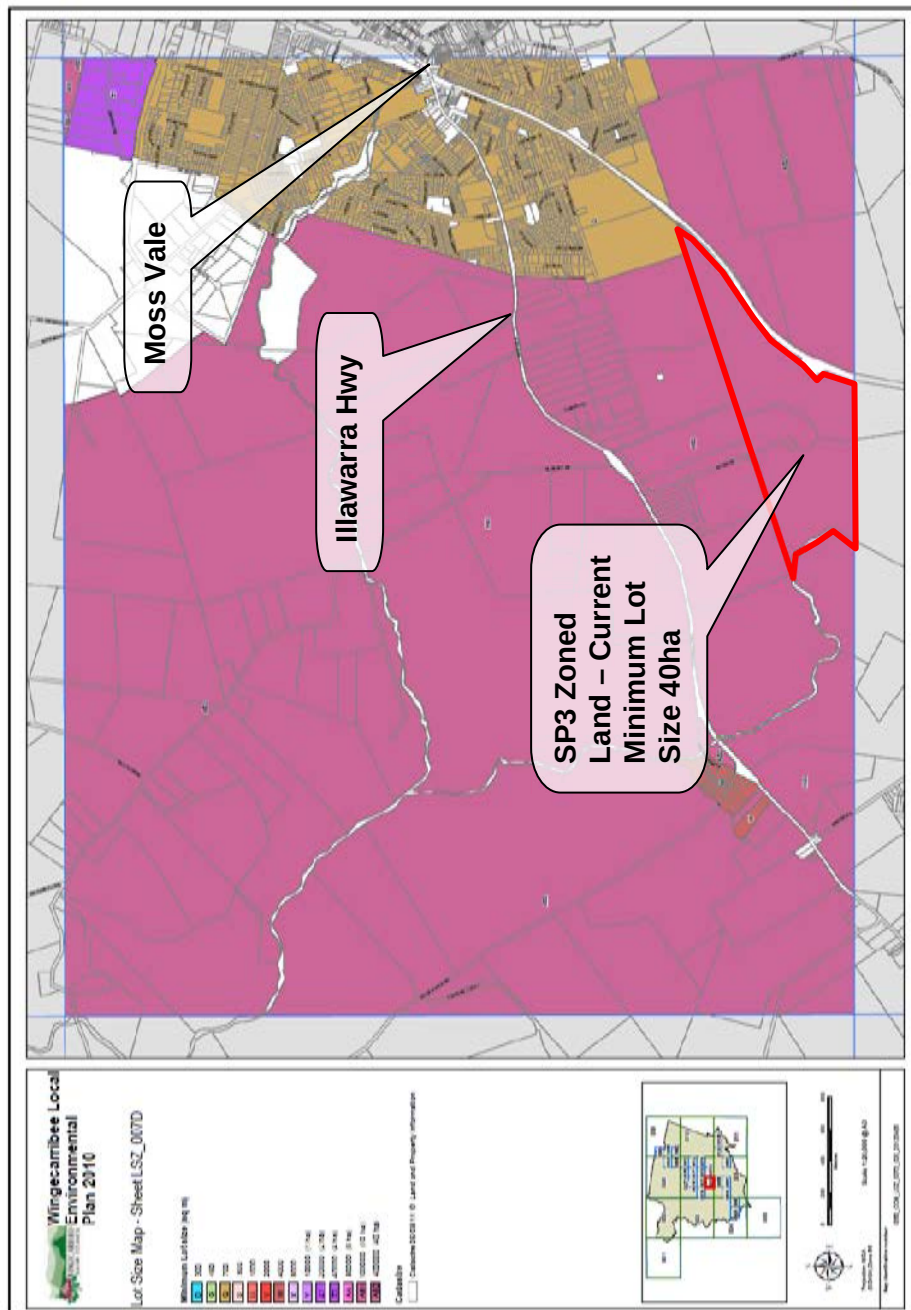


Figure 35 – Current Minimum Lot Size Map LSZ_007D



Wingecarribee Local Environmental Plan 2010

Lot Size Map - Sheet LSZ_0003

Minimum Lot Size (sq m)

300	350	400	450	500	550	600	650	700	750	800	850	900	950	1000	1050	1100	1150	1200	1250	1300	1350	1400	1450	1500	1550	1600	1650	1700	1750	1800	1850	1900	1950	2000	2050	2100	2150	2200	2250	2300	2350	2400	2450	2500	2550	2600	2650	2700	2750	2800	2850	2900	2950	3000	3050	3100	3150	3200	3250	3300	3350	3400	3450	3500	3550	3600	3650	3700	3750	3800	3850	3900	3950	4000	4050	4100	4150	4200	4250	4300	4350	4400	4450	4500	4550	4600	4650	4700	4750	4800	4850	4900	4950	5000	5050	5100	5150	5200	5250	5300	5350	5400	5450	5500	5550	5600	5650	5700	5750	5800	5850	5900	5950	6000	6050	6100	6150	6200	6250	6300	6350	6400	6450	6500	6550	6600	6650	6700	6750	6800	6850	6900	6950	7000	7050	7100	7150	7200	7250	7300	7350	7400	7450	7500	7550	7600	7650	7700	7750	7800	7850	7900	7950	8000	8050	8100	8150	8200	8250	8300	8350	8400	8450	8500	8550	8600	8650	8700	8750	8800	8850	8900	8950	9000	9050	9100	9150	9200	9250	9300	9350	9400	9450	9500	9550	9600	9650	9700	9750	9800	9850	9900	9950	10000
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Exemptions

☐ Section 215(1)(b) - Land and Property Information (LPI)

Scale

North Arrow

Inset Map

Legend

SP3 Zoned Land

- Current

Minimum Lot

Size 40ha

Main Southern Rail Line

Exeter

Figure 42 – Proposed Minimum Lot Size Maps LSZ_008B & LSZ_008D

It is anticipated that a current Planning Proposal which will result in all Minimum Lot Size Maps being amended to replace the current AB2 (40 hectares) designation with AB2 (20 hectares) and to introduce a new AB3 (40 hectares) designation will have been made by the time this Planning Proposal is ready for public exhibition. Therefore proposed minimum lot size maps have not been included in the Planning Proposal at this stage, but will be included prior to Community Consultation should a supportive Gateway Determination be obtained.

Site 3 – Braemar

Figure 43 – Current Land Zoning Map LZN_007I

Figure 36 – Current Minimum Lot Size Map LSZ_007I

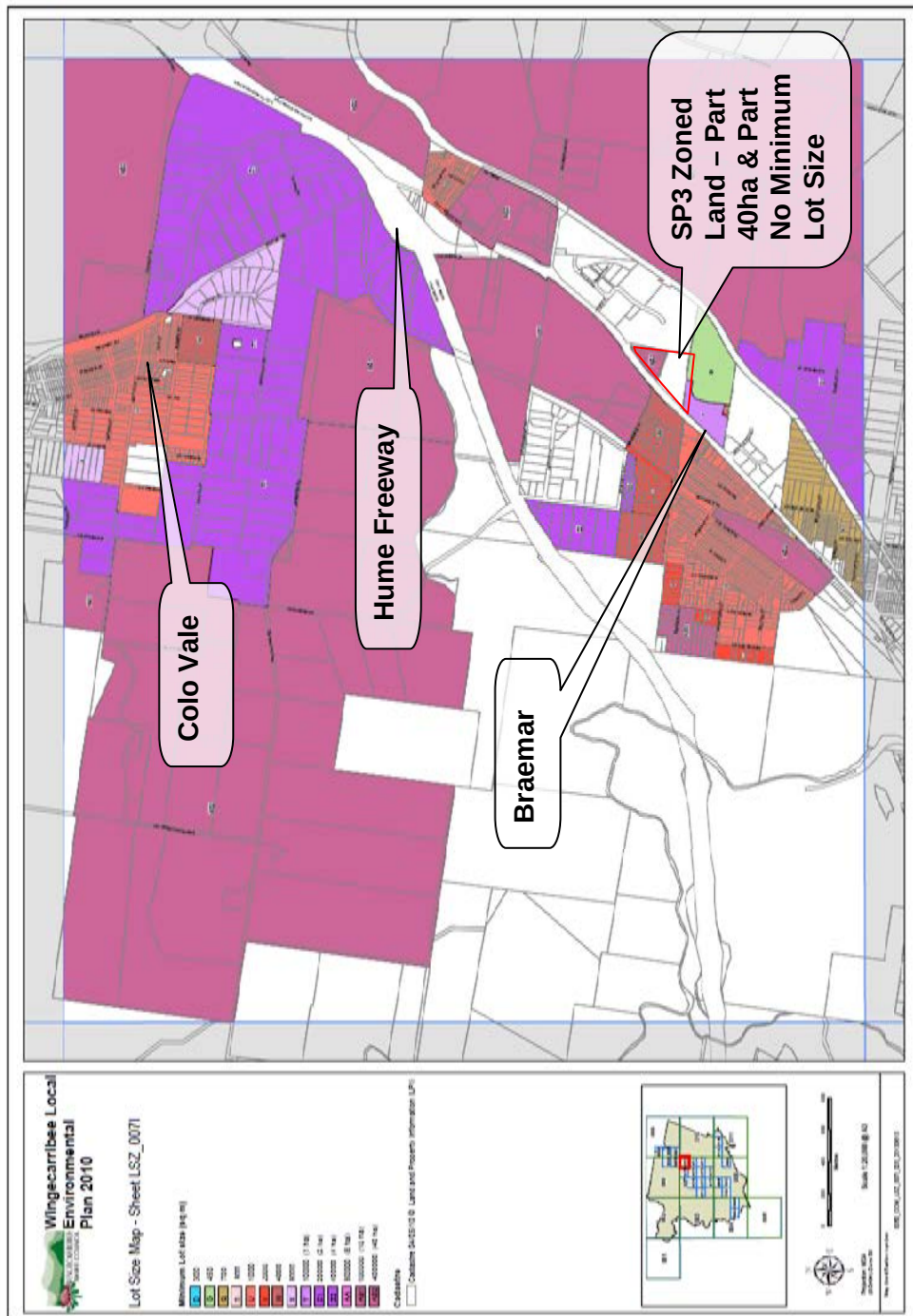


Figure 37 – Proposed Minimum Lot Size Map LSZ_007I

It is anticipated that a current Planning Proposal which will result in all Minimum Lot Size Maps being amended to replace the current AB2 (40 hectares) designation with AB2 (20 hectares) and to introduce a new AB3 (40 hectares) designation will have been made by the time this Planning Proposal is ready for public exhibition. Therefore proposed minimum lot size maps have not been included in the Planning Proposal at this stage, but will be included prior to Community Consultation should a supportive Gateway Determination be obtained.

PART 5 – COMMUNITY CONSULTATION

It is recommended that the Planning Proposal be publicly exhibited for a period of 28 days.

Council's standard procedure is to place the Planning Proposal on public exhibition by advertising in the local newspaper, making it available on Council's website, and sending notifications to affected property owners and to owners of properties in the vicinity of affected properties.

PART 6 – PROJECT TIMELINE

The key dates for the Planning Proposal are:

- Referral to Sydney Catchment Authority – 16 September 2013
- Approximate Gateway Determination - End October 2013
- Revised/updated Planning Proposal – November 2013
- Public Exhibition/Consultation with government agencies – February 2014
- Report to Council on exhibition/final Planning Proposal – March 2014
- S59 submission to DP&I – April 2014
- Approximate completion date – June 2014

DELEGATIONS

Council is applying to use its delegation to complete this proposal and an Evaluation Form has been attached for consideration.

ATTACHMENTS

Attachment 1 – Planning Proposal submission from Bureaucracy Busters – Town Planning Consultants on behalf of Southern Highland Wines.

Attachment 2 - Planning Proposal submission from Bureaucracy Busters – Town Planning Consultants on behalf of Zen Oasis Restaurant.

Attachment 3 – Email dated 2 July 2012 from Proprietors of Sutton Forest Estate Wines.

Attachment 4 – Letter dated 8th April 2013 from proprietors of Bendooley Estate.

Attachment 5 – Council Report of 22 August 2012 to Rezone Certain Sites under WLEP 2010.

Attachment 6 – Council Resolution of 22 August 2012 to Rezone Certain Sites under WLEP 2010.

Attachment 7 – Council Report of 22 August 2012 to Amend the SP3 Tourist zone in WLEP 2010.

Attachment 8 – Council Resolution of 22 August 2012 to Amend the SP3 Tourist zone in WLEP 2010.

Attachment 9 – Council Report of 12 June 2013 to Rezone ‘Jamar’ and “Bendooley”.

Attachment 10 – Council Resolution of 12 June 2013 to Rezone ‘Jamar’ and “Bendooley”.

Attachment 11 – Letter dated 6 June 2011 from Department of Planning and Infrastructure regarding a previous Planning Proposal, subsequently withdrawn.

Attachment 12 – Response from SCA to all sites except Bendooley Estate and proposed amendments to the SP3 zone.

Attachment 13 – Evaluation Criteria for Evaluation of Plan Making Functions (DP&I Reference Attachment 4)