

# Planning Proposal

**to amend Wingecarribee Local Environmental Plan 2010 to rezone land at Centennial Vineyards, 254 Centennial Road Bowral from E3 Environmental Management to SP3 Tourist**

**Version 2 for Gateway Determination  
Prepared by Wingecarribee Shire Council**

**February 2021**

**Version 1 Initially prepared for Council assessment by Lee Environmental Planning  
on behalf of the owners of the subject properties, March 2020.**

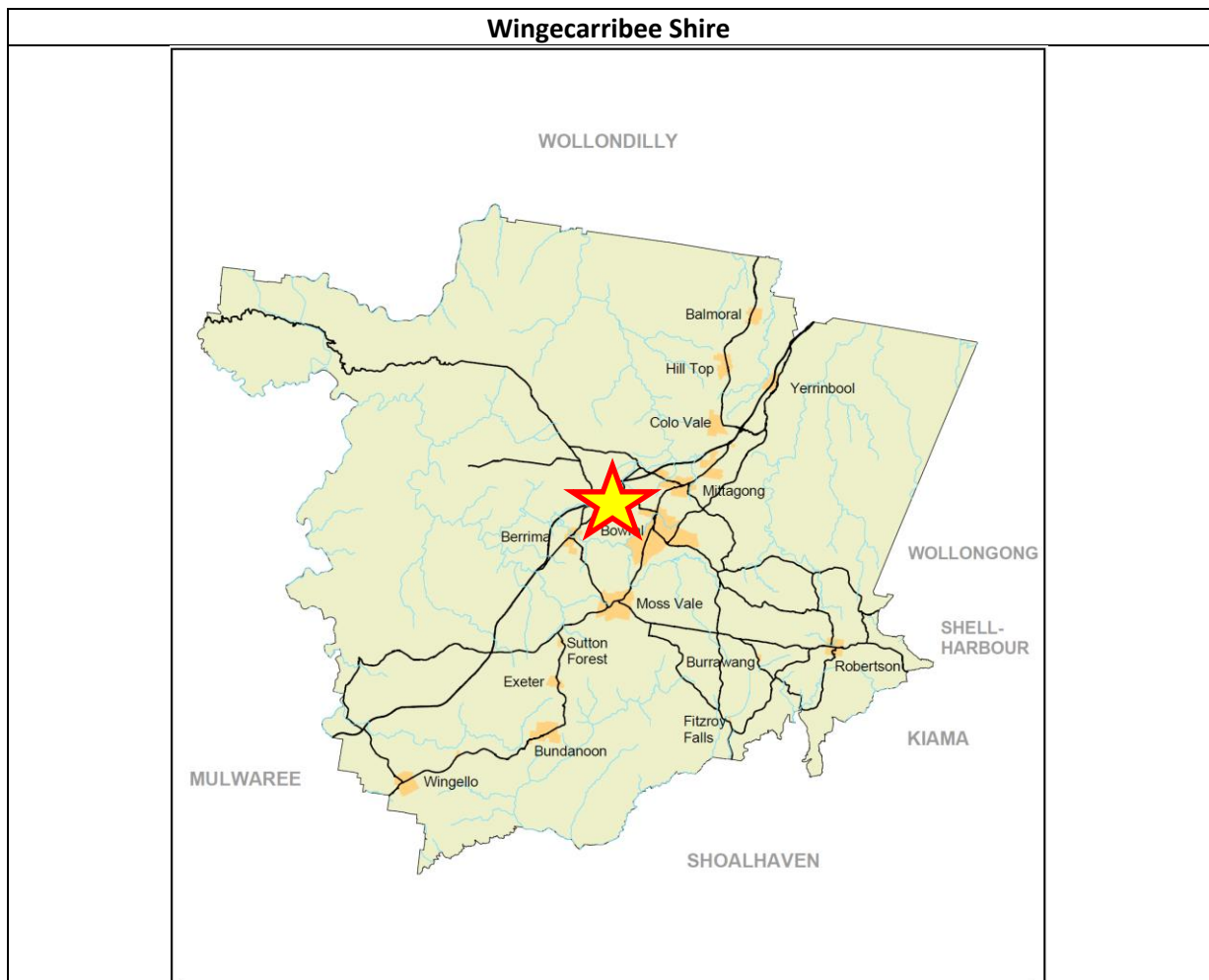
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## Address of the Subject Land

Legal Description	Lot 1 DP 126196; Lot 1 DP 435373; Lot 5A DP16192 and part of Lot 1 DP16192
Property Address	254 Centennial Road Bowral NSW 2576



## Council Resolution to Support Planning Proposal

At its Ordinary Meeting of 22 July 2020, Council considered a Planning Proposal (Version 1 for Council Assessment) submitted by the proponent and resolved as follows:

- 1. THAT the Planning Proposal to rezone land at 252-254 Centennial Road Bowral (Centennial Vineyards) from E3 Environmental Management to SP3 Tourist BE SUPPORTED for progression to a Gateway Determination for the following lots: Lot 1 DP 126196, Lot 1 DP 435373, Lot 5A DP 16192 and part of Lot 1 DP 16192, and**
- 2. THAT any future Development Application for the rezoned portion of the subject land shall provide a Concept Master Plan, as required under the Rural Tourism Policy, and shall demonstrate to Council's satisfaction that no clearing of native vegetation will be required.**

This Planning Proposal (Version 2 for Gateway Determination) has been prepared by Council, based on information provided by the proponent in Version 1 and updated to reflect more recent strategic documents adopted by Council and LEP amendments made since the original Planning Proposal was submitted.

## Site Location and Description

The land which is the subject of this Planning Proposal is legally described as follows:

- Lot 1 DP 126196;
- Lot 1 DP 435373;
- Lot 5A DP16192
- Part of Lot 1 DP16192

These lots are located within the site known as Centennial Vineyards, located at 254 Centennial Road, Bowral. Centennial Vineyards is situated on the western extremity of Bowral township, approximately 3 kilometres west of the town centre and east of Centennial Road's intersection with the Old Hume Highway as indicated in **Figure 1** below.

The site is irregular in shape and has a frontage to Centennial Road of approximately 1.3 kilometres. The total area of the land to which the Planning Proposal applies is approximately 120 hectares, as indicated in **Figure 2** below.

The site has access to all utilities including gas, electricity, town water and sewer.





**Figure 1: Site locality**



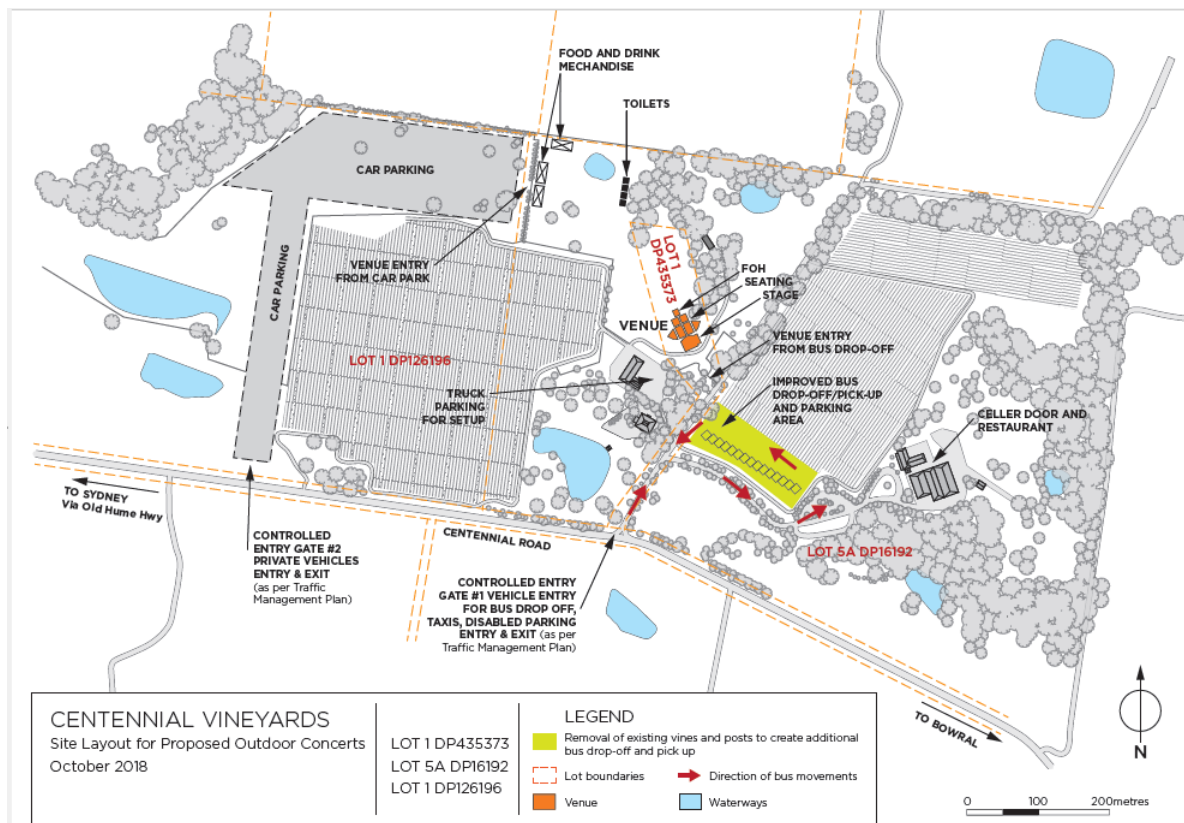
**Figure 2: Aerial view of the subject site (bounded red)**

The site has a long history of tourist related activity. Prior to the planting of the vineyard in 1998, the property was known as 'Maple Downs'. It contained a trout 'fish out' dam and numerous other dams that were utilised for the propagation of trout. You could catch a trout and the restaurant on site



would cook it for your meal. There was a horse-riding school and horse riding trails. There was a previous approval for small scale tourist cabins located within the area to the north east of the winery building where the outdoor concerts have more recently been held. These cabins are not present on site.

The winery is arguably the most well known and substantial within the Southern Highlands. The winery has been the recipient of a 5 Star rating within the James Halliday Wine Companion as far back as 2014. On this score it places Centennial Vineyards in the top echelon of wineries across Australia. The associated Centennial Restaurant is rated within the top 3 outside of Sydney as a function venue. The winery, cellar door and restaurant are accessed off Centennial Road, up a long tree lined driveway with the buildings sitting behind a screen of native vegetation and a backdrop of vines. The improvements upon the site are associated with the vineyards, winery, cellar door, restaurant, storage sheds and farm buildings and car park area. Current approved uses are indicated in **Figure 3** below.



**Figure 3: Current approved uses**

There are large areas under vine occupying approximately 30 hectares of the site. A large proportion of these vines are visible from the sites lengthy frontage to Centennial Road and they contribute in a significant way to the visual character of the site.

There are also large areas of remnant bushland amounting to approximately 25 hectares or about 20% of the site area. They are scattered across the site, the largest contiguous parcels being located at the northern and western ends of the site. There is a good scattering of native vegetation visible from Centennial Road. **Figure 4** below indicates the location and extent of this vegetation. The

subject land is outlined pale blue. Hatched purple land is predicted threatened ecological community, unhatched purple land indicated high value koala habitat.



**Figure 4: Mapped vegetation**

The site is currently within the E3 Environmental Management zone of the Wingecarribee Local Environmental Plan 2010 with a minimum lot size of 40 hectares. **Figures 5 - 8** below provide photographs of the subject land.





**Figure 5: View of site from Centennial Road entrance**



**Figure 6: View of main restaurant and cellar door buildings**





**Figure 7: Area of site approved for outdoor concerts in preparation for concert season**



**Figure 8: View of site from the western boundary**



## Part 1: Objectives or Intended Outcomes

The objectives of, and intended outcomes from, this Planning Proposal are as follows:

- To change the zoning of the land from E3 Environmental Management to SP3 Tourist in order to better reflect its current usage as a long established and approved winery, cellar door and restaurant with high tourist visitation.
- To provide a zoning for the land that will better facilitate the long term usage of the land including the continuance of the winery, cellar door, restaurant and other associated tourist related activities including outdoor concerts for which it has an established track record and a current Development Application to conduct 4 concerts per season.
- To give effect to Council's stated strategic planning aims of planning for tourism opportunities and building a strong local economy with tourism as a major contributor.
- Provide a planning regime whereby the land can be developed in an appropriate manner, subject to development approvals, for tourist related activities including food and drink premises, functions, a continuation of outdoor concerts and the potential for tourist style accommodation.

The intended statutory planning outcome would be that the land described in the Site Description and Location section of this Planning Proposal, is identified upon the appropriate Zoning Maps of Wingecarribee Local Environmental Plan 2010 as SP3 Tourist.

In relation to the Minimum Lot Size Maps the current maps require a minimum 40 hectares to create any new allotment. It is not intended that the Lot Size map be amended. It is noted that pursuant to Clause 2.6 of the Wingecarribee Local Environmental Plan 2010, subdivision of land would be permissible development within the SP3 Tourist zone and therefore maintenance of the larger lot size at this point in time is considered appropriate, without compromising the potential tourist related development options for the land.

There would be no immediate change to the physical nature of the subject site as a result of the change in zoning. The existing uses would not change in purpose, scale or character. Because all of the existing uses on the site, including the vineyard and winery, would be permissible uses in the SP3 Tourist zone, there would be no future existing use rights established.

If the site were to be rezoned, then it would provide opportunity for tourist related development in the future.

Outcomes of any subsequent development proposals would be subject to the submission and assessment of Development Applications at the appropriate time.

These would be assessed in the first instance for permissibility against the land use tables of the SP3 zone. Permissible land uses include tourist and visitor accommodation, food and drink premises

(cafes, restaurants etc), functions and receptions and recreational facilities. Any such development proposals would then be assessed against the zone objectives and then against any relevant development controls Council has in place in the relevant Development Control Plans.

## Part 2: Explanation of the Provisions

The preferred amendment to the WLEP2010 as put forward in this Planning Proposal submission is to change the current zoning of the land from its current E3 Environmental Management zoning and include the subject land into the SP3 Tourist zone of Wingecarribee Local Environmental Plan 2010.

The SP3 zone has been specifically designed and included into the suite of zoning options available under the Standard LEP template to serve the precise purpose as set out in the intended objectives and outcomes. Council has embraced the SP3 Tourist zone as a means of fulfilling its stated tourist related strategic aims, hence the SP3 Tourist zoning that now applies to at least five other wineries: Bendooley Estate, Mt Ashby, Artemis, Sutton Forest Estate and Southern Highlands Wines.

The zoning change will require an amendment to the Land Zoning maps of the WLEP2010. It is not intended that the Minimum Lot Size Maps be amended to change the minimum lot size for the subdivision of land. While it is reasonable to assume that a 40 hectare minimum lot size that was pertinent to the E3 Environmental Management zone is not necessarily relevant to land within a tourist zone, there is no intention currently to subdivide the land. At a later date and based upon more detailed information about potential development options that may arise under the proposed zoning, this issue can be further explored.

- To achieve the intended outcomes of the Planning Proposal no specific changes to any particular land use tables or clauses of the WLEP2010 are required.
- To achieve the intended outcomes of the Planning Proposal the following WLEP 2010 maps will require amendment:

Map Affected	Detail of Amendment
Land Zoning Map – Sheet LZN_007F	<p>Amend the WLEP2010 maps so that the subject lands as described below are within the SP3 Tourist zone:</p> <ul style="list-style-type: none"><li>• Lot 1 DP 126196;</li><li>• Lot 1 DP 435373;</li><li>• Lot 5A DP16192</li><li>• Part of Lot 1 DP16192</li></ul> <p>As indicated in Figure 4 above.</p>



## Part 3: Justification of Objectives, Outcomes & Process

### Section A – Need for the Planning Proposal

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

The Planning Proposal derives from the Wingecarribee Rural Tourism Policy which was adopted by Council at its Ordinary Meeting of 13 November 2019. The objectives of the adopted Policy are:

- *to provide a direct 'line of sight' between the South East and Tablelands Regional Plan, the Destination Management Plan, the Community Strategic Plan and Council's planning framework as it relates to rural tourism development*
- *to outline a clear approval pathway for certain rural tourism related developments in the Wingecarribee Shire*
- *to provide greater certainty and consistency in the assessment of rural tourism related development proposals for both the industry and the broader community, and*
- *to set out criteria for determining when Council will consider a Planning Proposal to rezone land to SP3 Tourist.*

Council recognises that tourism is a key economic driver for the Shire. Tourism is a key employer 'first job' and 'part time' job opportunities for the young and part time as well as full time jobs for men and women across a broad age range and across a broad range of skill sets. It is also recognised that the Shire can provide opportunities for year-round tourism.

Council also recognises the economic challenges that traditionally face rural communities and that rural based tourism provides the potential for a broader economic base in such communities to add diversity to the economy.

The benefits of tourism are acknowledged in the Wingecarribee Shire Community Strategic Plan (CSP) (June 2017), however, the CSP also acknowledges that these goals and strategies need to be balanced against community and environmental impacts which are not always positive (Strategy 5.1.3 - *ensure tourism balances the economic benefits with impact on environment and community*).

Therefore, the adopted Policy provides a framework for both Council and the tourism industry to consider large scale rural tourism proposals at a strategic level and to ensure that any negative impacts are identified, managed and mitigated appropriately.

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

In adopting the Rural Tourism Policy in November 2019, Council created a pathway framework to inform any Planning Proposal that seeks a rezoning of land into the SP3 Tourist zone. This is preferable to utilising any other mechanism to achieve the intended outcome, such as the Temporary Use of Land clause, or Schedule 1 (Additional Permitted Uses) of WLEP 2010, as discussed

below, although it is noted that these also require a Planning Proposal. The following table makes relevant comments in relation to Centennial Vineyards in the context of the rezoning pathway framework.

Council shall not consider a Planning Proposal for the purposes of rezoning land to SP3 Tourist if the subject land is within any Landscape Conservation Area mapped under Wingecarribee Local Environmental Plan 2010.	The land is not within a Landscape Conservation Area
Council shall not consider a Planning Proposal for the purposes of rezoning rural land to SP3 Tourist without supporting evidence which demonstrates to Council's satisfaction that a tourist facility has been operating on the subject land for at least three (3) years. The intent of this restriction is to limit opportunistic tourism development in rural locations.	Ample evidence exists within Council, including previous development approvals, that support the fact that Centennial Vineyards and winery have been in operation for over 20 years, not to mention the winery restaurant and function centre and the conduct of occasional outdoor concerts.
<p>Council shall not consider a Planning Proposal for the purposes of rezoning land to SP3 Tourist unless accompanied by a Concept Master Plan which:</p> <p>a) indicates the intended extent of the tourist development proposed for the subject site, and</p> <p>b) is sufficient to allow consideration of the cumulative impacts of each land use type proposed for the site at the strategic planning level including assessments at (4) and (7) below.</p>	<p>There is no current plan to expand upon the existing facilities on the site – winery/cellar door, restaurant/function space and outdoor concert venue.</p> <p>The purpose of the rezoning is to provide a more appropriate zone for long term security and investment purposes.</p> <p>Any future development proposals will be subject to the Development Application process. It may in due course be desirable to put forward a 'masterplan' under the provisions of Part 4 Division 4 Sections 4.21 - 4.24 of the Environmental Planning and Assessment Act 1979, although it needs to be pointed out that Council has no statutory powers to enforce those provisions upon a land owner.</p>
<p>Any Planning Proposal for the purposes of rezoning land to SP3 Tourist shall demonstrate to Council's satisfaction that the development will not occur on land that:</p> <p>a) contains any mapped Threatened</p>	<p>Areas identified as containing predicted threatened ecological community, or are identified as being high value koala habitat have been excluded from the original Planning Proposal submitted to Council for consideration. The remaining land meets this Policy directive.</p>



Ecological Community, or  b) will not impact on any mapped Threatened Ecological Community.	
Compliance with (4) above shall be by means of a Biodiversity Development Assessment Report (BDAR) prepared by an accredited assessor as required under the <i>Biodiversity Conservation Act 2016</i> . Where a Threatened Ecological Community is indicated on the subject land, the BDAR must demonstrate to Council's satisfaction how the proposal will avoid this area.	The Biodiversity Conservation Act 2016, in combination with the Environmental Planning and Assessment Act 1979, contains all necessary requirements for the development assessment process to ensure the appropriate outcomes.
If Council determines that the proposed development will likely result in a serious and irreversible impact on any mapped Threatened Ecological Community, Council will not support the Planning Proposal.	See comments above
Any Planning Proposal for the purposes of rezoning land to SP3 Tourist shall demonstrate to Council's satisfaction that any mapped High Value Agricultural Land on the subject land shall avoided in any proposed development.	As stated, there is no development proposed as part of the Planning Proposal – the site already accommodates tourist related uses.  The Rural Lands Development Control Plan provides a broad based map of the agricultural land classifications across the Shire. The subject site is within a Class 3 area, with the high value Class 2 lands being restricted to the eastern portion of the Shire.
Should a property contain either High Value Environmental Land or High Value Agricultural Land, this may result in only a portion of the subject land being considered by Council for rezoning to SP3 Tourist.	See previous comments. The site has a large site area and currently 30 hectares are under vine, which has proven to be a successful use of agricultural land. There is no plan to cease the use of land for agricultural purposes.
Any land supported for rezoning to SP3 Tourist in accordance with (7) above would also have a minimum lot size applied to it to ensure that only one principal dwelling, and one secondary dwelling, as permitted in the zone, could be constructed on the rezoned area. The purpose of this is to prevent further subdivision of the site for residential development.	As already noted, the Planning Proposal does not contemplate any change to the existing 40 hectare minimum lot size.

Any Planning Proposal for the purposes of rezoning land to SP3 Tourist involving a Function Centre shall demonstrate to Council's satisfaction compliance with the following provisions, the intent of which is to ensure that any Function Centre is sensitively located and designed so it does not adversely impact on the ecological values, agricultural production, natural resources, or visual, scenic, environmental or residential amenity values of the land.	<p>The Centennial Vineyards Restaurant is a long established and well recognised venue that operates as a restaurant that is suitable for functions such as weddings, wine dinners, book launches and the like.</p> <p>The Planning Proposal will not change this. All existing infrastructure is in place and no changes to any built form is proposed.</p> <p>It is noted that WLEP 2010 was amended on 4 December 2020 (Amendment 57) to include a Heads of Consideration clause for Function Centres. Therefore, more detailed assessment in this regard would occur at the DA stage, should such an application be made.</p>
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The only alternative to the rezoning pathway is the use of Schedule 1 Additional Permitted Uses, but this is not considered appropriate given the existing tourist uses on the site and the well established nature of the property.

## Section B – Relationship to the 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 Planning Proposal is consistent with the South East and Tablelands Regional Plan that has superseded the Sydney Canberra Corridor Regional Strategy 2006-31.

In broad terms, the Regional Plan, as did its predecessor, seeks to cater for continued growth within the region, without impacting adversely upon the character of the region.

This Planning Proposal achieves this by providing an opportunity for existing and potential tourism development upon the land that is ideally situated in accordance with Council's adopted assessment criteria. Any future development can maintain consistency with the predominant rural character of the locality and within the capacity of the land to accommodate tourism development.

Set out in Chapter 1 of the Regional Plan is Goal 1, being a connected and prosperous economy. Tourism is specifically identified as a priority growth area within the Region. To give effect to the broader goal, Direction 9 of this Chapter is to grow tourism in the region. It follows that to do so, opportunities for tourist development are needed.

The South East and Tablelands Regional Plan (page 66) also acknowledges the need for a balance between tourism and protecting the environmental, agricultural and heritage values of the Shire, as follows:

- *Protect high environmental value lands including regionally significant biodiversity corridors*



- *Protect the Sydney Drinking Water Catchment*
- *Protect important agricultural lands as a resource for food security*
- *Protect the shire's valued heritage assets*

The exclusion of areas within the Centennial Vineyard site which contain predicted Threatened Ecological Community or high value koala habitat addresses these priorities.

#### **4. Is the Planning Proposal consistent with a council's Local Strategic Planning Statement or other local strategic plan?**

One of the specific objectives of the Rural Tourism Policy is to provide a strategic assessment framework for the rezoning of land to SP3 Tourist, in this case from E3 Environmental Management. The E3 Environmental Management zone accounts for some 49% of all land within the Shire.

Development of the rural weddings tourist market, and other large venue activities, is restricted in the E3 Environmental Management zone due to function centres, restaurants and cafes being prohibited in the zone.

As **Figure 4** above indicates, the subject land is located within an area of mapped predicted Threatened Ecological Community (TEC- Southern Highlands Shale Woodland), which is listed on both national and state registers, as well as high value koala habitat extending west to the Old Hume Highway and Hume Motorway. Consequently, the most highly valued areas which have not already been developed have been excluded from rezoning, resulting in an area of land for potential rezoning (the subject land) as indicated in **Figure 2** above, and, in resolving to proceed with the Planning Proposal, Council resolved that any future Development Application for the rezoned portion of the subject land shall provide a Concept Master Plan, as required under the Rural Tourism Policy, and shall demonstrate to Council's satisfaction that no clearing of native vegetation will be required.

#### **5. Is the Planning Proposal consistent with applicable State Environmental Planning Policies (SEPPs)?**

(NB: SEPPs which do not apply to Wingecarribee Shire have been excluded.)

SEPP No 21 – Caravan Parks
<p>(1) The aim of this Policy is to encourage -</p> <p>(a) the orderly and economic use and development of land used or intended to be used as a caravan park catering exclusively or predominantly for short-term residents (such as tourists) or for long-term residents, or catering for both, and</p> <p>(b) the proper management and development of land so used, for the purpose of promoting the social and economic welfare of the community, and</p> <p>(c) the provision of community facilities for land so used, and</p> <p>(d) the protection of the environment of, and in the vicinity of, land so used.</p>
<b>Assessment – Consistent</b> – Caravan Parks are permitted with consent in the SP3 Tourist zone, and

any such proposal would be considered at the DA stage should the Planning Proposal receive a Gateway Determination and the land progress to rezoning.

#### SEPP No 33 - Hazardous & Offensive Development

This Policy aims—

- (a) to amend the definitions of hazardous and offensive industries where used in environmental planning instruments, and
  - (b) to render ineffective a provision of any environmental planning instrument that prohibits development for the purpose of a storage facility on the ground that the facility is hazardous or offensive if it is not a hazardous or offensive storage establishment as defined in this Policy, and
- (c) to require development consent for hazardous or offensive development proposed to be carried out in the Western Division, and
- (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, and
- (f) to require the advertising of applications to carry out any such development.

**Assessment – Consistent** – The land uses which are the subject of this SEPP are not permitted in the SP3 Tourist zone.

#### SEPP No 36 – Manufactured Home Estates

(1) The aims of this Policy are—

- (a) to facilitate the establishment of manufactured home estates as a contemporary form of medium density residential development that provides an alternative to traditional housing arrangements, and
- (b) to provide immediate development opportunities for manufactured home estates on the commencement of this Policy, and
- (c) to encourage the provision of affordable housing in well designed estates, and
- (d) to ensure that manufactured home estates are situated only in suitable locations and not on land having important resources or having landscape, scenic or ecological qualities that should be preserved, and
- (e) to ensure that manufactured home estates are adequately serviced and have access to essential community facilities and services, and
- (f) to protect the environment surrounding manufactured home estates, and
- (g) to provide measures which will facilitate security of tenure for residents of manufactured home estates.

**Assessment – Consistent** – The SEPP does not apply to land within a water catchment (as prescribed by Schedule 2). The subject land is within the Sydney Drinking Water Catchment Area and therefore the SEPP does not apply.

#### SEPP No 50 – Canal Estate Development

This Policy aims to prohibit canal estate development as described in this Policy in order to ensure that the environment is not adversely affected by the creation of new developments of this kind.

**Assessment – Consistent** – Clause 5 of the SEPP states “A person must not carry out canal estate

development” therefore such development would be prohibited should the Planning Proposal be supported.

#### SEPP No 55 - Remediation of Land

- (1) The object of this Policy is to provide for a Statewide planning approach to the remediation of contaminated land.
- (2) In particular, this Policy aims to promote the remediation of contaminated land for the purpose of reducing the risk of harm to human health or any other aspect of the environment—
  - (a) by specifying when consent is required, and when it is not required, for a remediation work, and
  - (b) by specifying certain considerations that are relevant in rezoning land and in determining development applications in general and development applications for consent to carry out a remediation work in particular, and
  - (c) by requiring that a remediation work meet certain standards and notification requirements.

*NB: This SEPP was amended & a new 9.1 Direction (2.6) created in April 2020. Please ensure you comply with the new requirements. This may require submission of a Preliminary Site Inspection report with the Planning Proposal.*

**Assessment – Consistent** - This Policy applies to land within the Wingecarribee Shire. Clause 6 requires the planning authority to consider whether the land is contaminated and/or whether the land can be made suitable for the intended purpose. The land is not within a class of land identified within Clause 6 subclause (4) and there is nothing in the history of the site to suggest that land contamination will be present to an extent that would jeopardise the future use of the land. Initial contamination assessments can be required either as part of a Gateway Determination or as part of subsequent Development Applications if that was deemed necessary.

#### SEPP No 64 – Advertising & Signage

- (1) This Policy aims -
  - (a) to ensure that signage (including advertising):
    - (i) is compatible with the desired amenity and visual character of an area, and
    - (ii) provides effective communication in suitable locations, and
    - (iii) is of high quality design and finish, and
  - (b) to regulate signage (but not content) under Part 4 of the Act, and
  - (c) to provide time-limited consents for the display of certain advertisements, and
  - (d) to regulate the display of advertisements in transport corridors, and
  - (e) to ensure that public benefits may be derived from advertising in and adjacent to transport corridors.

**Assessment – Consistent** – Should the Planning Proposal receive a Gateway Determination and the land be subsequently rezoned, this SEPP would be considered at the DA stage should any relevant application be assessed.

#### SEPP No 65 – Design Quality of Residential Apartment Development

- (1) This Policy aims to improve the design quality of residential apartment development in New South Wales.
- (2) This Policy recognises that the design quality of residential apartment development is of significance for environmental planning for the State due to the economic, environmental,



cultural and social benefits of high quality design.

- (3) Improving the design quality of residential apartment development aims:
- (a) to ensure that it contributes to the sustainable development of New South Wales:
    - (i) by providing sustainable housing in social and environmental terms, and
    - (ii) by being a long-term asset to its neighbourhood, and
    - (iii) by achieving the urban planning policies for its regional and local contexts, and
  - (b) to achieve better built form and aesthetics of buildings and of the streetscapes and the public spaces they define, and
  - (c) to better satisfy the increasing demand, the changing social and demographic profile of the community, and the needs of the widest range of people from childhood to old age, including those with disabilities, and
  - (d) to maximise amenity, safety and security for the benefit of its occupants and the wider community, and
  - (e) to minimise the consumption of energy from non-renewable resources, to conserve the environment and to reduce greenhouse gas emissions, and
  - (f) to contribute to the provision of a variety of dwelling types to meet population growth, and
  - (g) to support housing affordability, and
  - (h) to facilitate the timely and efficient assessment of applications for development to which this Policy applies.
- (4) This Policy aims to provide:
- (a) consistency of policy and mechanisms across the State, and
  - (b) a framework for local and regional planning to achieve identified outcomes for specific places.

**Assessment – Consistent** – Residential Flat Buildings are prohibited in the SP3 Tourist zone.

#### SEPP (Building Sustainability Index : BASIX) 2004

- (1) Regulations under the Act have established a scheme to encourage sustainable residential development (**the BASIX scheme**) under which:
- (a) an application for a development consent, complying development certificate or construction certificate in relation to certain kinds of residential development must be accompanied by a list of commitments by the applicant as to the manner in which the development will be carried out, and
  - (b) the carrying out of residential development pursuant to the resulting development consent, complying development certificate or construction certificate will be subject to a condition requiring such commitments to be fulfilled.
- (2) The aim of this Policy is to ensure consistency in the implementation of the BASIX scheme throughout the State.
- (3) This Policy achieves its aim by overriding provisions of other environmental planning instruments and development control plans that would otherwise add to, subtract from or modify any obligations arising under the BASIX scheme.

**Assessment – Consistent** – The provisions of the SEPP would apply at any subsequent Development Application stage.

#### SEPP (Educational Establishments & Child Care Facilities) 2017

The aim of this Policy is to facilitate the effective delivery of educational establishments and early education and care facilities across the State by—

- (a) improving regulatory certainty and efficiency through a consistent planning regime for educational establishments and early education and care facilities, and

- (b) simplifying and standardising planning approval pathways for educational establishments and early education and care facilities (including identifying certain development of minimal environmental impact as exempt development), and
- (c) establishing consistent State-wide assessment requirements and design considerations for educational establishments and early education and care facilities to improve the quality of infrastructure delivered and to minimise impacts on surrounding areas, and
- (d) allowing for the efficient development, redevelopment or use of surplus government-owned land (including providing for consultation with communities regarding educational establishments in their local area), and
- (e) providing for consultation with relevant public authorities about certain development during the assessment process or prior to development commencing, and
- (f) aligning the NSW planning framework with the National Quality Framework that regulates early education and care services, and
- (g) ensuring that proponents of new developments or modified premises meet the applicable requirements of the National Quality Framework for early education and care services, and of the corresponding regime for State regulated education and care services, as part of the planning approval and development process, and
- (h) encouraging proponents of new developments or modified premises and consent authorities to facilitate the joint and shared use of the facilities of educational establishments with the community through appropriate design.

**Assessment – Consistent** - This Policy applies to land within Wingecarribee Shire, however, the Policy is focused on the development application process. It is not relevant to the SP3 Tourism zone. There is nothing in the Planning Proposal that seeks to override the State policy.

#### SEPP (Exempt & Complying Development Codes) 2008

This Policy aims to provide streamlined assessment processes for development that complies with specified development standards by—

- (a) providing exempt and complying development codes that have State-wide application, and
- (b) identifying, in the exempt development codes, types of development that are of minimal environmental impact that may be carried out without the need for development consent, and
- (c) identifying, in the complying development codes, types of complying development that may be carried out in accordance with a complying development certificate as defined in the Act, and
- (d) enabling the progressive extension of the types of development in this Policy, and
- (e) providing transitional arrangements for the introduction of the State-wide codes, including the amendment of other environmental planning instruments.

**Assessment – Consistent** – The SEPP applies more than the DA stage and would be applied should a Gateway Determination be supported and the land subsequently rezoned.

#### SEPP (Infrastructure) 2007

The aim of this Policy is to facilitate the effective delivery of infrastructure across the State by—

- (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.

**Assessment – Consistent** - This Policy applies to land within Wingecarribee Shire when development may be of sufficient scale to trigger referral to the RMS as Traffic Generating Development under Clause 104 Schedule 3. This would be dealt with as part of the Development Application process. The Planning Proposal is consistent with the Policy. Any subsequent Gateway Determination may require more detailed assessment as part of the formal exhibition process or the matter could be dealt with as part of the Development Application process and this would be addressed prior to public exhibition of the Planning Proposal.

#### SEPP (Koala Habitat Protection) 2019

This Policy aims to encourage the proper conservation and management of areas of natural vegetation that provide habitat for koalas to ensure a permanent free-living population over their present range and reverse the current trend of koala population decline—

- (a) by requiring the preparation of plans of management before development consent can be granted in relation to areas of core koala habitat, and
- (b) by encouraging the identification of areas of core koala habitat, and
- (c) by encouraging the inclusion of areas of core koala habitat in environment protection zones.

**Assessment – Consistent** – Areas of land in the vicinity of the subject land were originally included in the Planning Proposal but have been excluded for the purposes of the Planning Proposal being submitted for a Gateway Determination, as resolved by Council on 22 July 2020.

#### SEPP (Mining, Petroleum Production & Extractive Industries) 2007

The aims of this Policy are, in recognition of the importance to New South Wales of mining, petroleum production and extractive industries -

- (a) to provide for the proper management and development of mineral, petroleum and extractive material resources for the purpose of promoting the social and economic welfare of the State, and
- (b) to facilitate the orderly and economic use and development of land containing mineral, petroleum and extractive material resources, and
- (b1) to promote the development of significant mineral resources, and
- (c) to establish appropriate planning controls to encourage ecologically sustainable development through the environmental assessment, and sustainable management, of development of mineral, petroleum and extractive material resources, and
- (d) to establish a gateway assessment process for certain mining and petroleum (oil and gas) development -
- (i) to recognise the importance of agricultural resources, and
- (ii) to ensure protection of strategic agricultural land and water resources, and
- (iii) to ensure a balanced use of land by potentially competing industries, and
- (iv) to provide for the sustainable growth of mining, petroleum and agricultural industries.

**Assessment – Consistent** - The policy is focused on the Development Application phase and is unlikely to be relevant to future development upon the subject land.

#### SEPP – Primary Production & Rural Development (2019)

The aims of this Policy are as follows—

- (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.

**Assessment – Consistent** - The land is not State Significant agricultural land and the land that is currently used for agricultural production (vineyards) is excluded from this Planning Proposal. The proposed use of the land for rural tourism functions is considered to be a benefit to the economic viability of the rural economy.

#### SEPP (State & Regional Development) 2011

The aims of this Policy are as follows—

- (a) to identify development that is State significant development,
- (b) to identify development that is State significant infrastructure and critical State significant infrastructure,
- (c) to identify development that is regionally significant development.

**Assessment – Consistent** – The Planning Proposal does not involve land or a scale of development that is relevant to this Policy. Further consideration of this Policy would occur at the DA stage.

#### SEPP (Sydney Drinking Water Catchments) 2011

The aims of this Policy are -

- (a) to provide for healthy water catchments that will deliver high quality water while permitting development that is compatible with that goal, and
- (b) to provide that a consent authority must not grant consent to a proposed development unless it is satisfied that the proposed development will have a neutral or beneficial effect on water quality, and
- (c) to support the maintenance or achievement of the water quality objectives for the Sydney drinking water catchment.

**Assessment – Consistent** – Most of Wingecarribee Shire is within the area covered by the Policy. Should a Gateway Determination be received, referral to WaterNSW would occur as required under this Policy and Ministerial Direction 5.2 (Sydney Drinking Water Catchments). Should the Planning Proposal proceed to public exhibition, the WaterNSW response would be included and this Assessment updated accordingly.

#### SEPP (Urban Renewal) 2010

The aims of this Policy are -

- (a) to establish the process for assessing and identifying sites as urban renewal precincts,
- (b) to facilitate the orderly and economic development and redevelopment of sites in and

around urban renewal precincts,  
(c) to facilitate delivery of the objectives of any applicable government State, regional or metropolitan strategies connected with the renewal of urban areas that are accessible by public transport.

**Assessment – Consistent** – The Planning Proposal does not involve matters to which this Policy applies.

## 6. Is the Planning Proposal consistent with applicable Section 9.1(2) Directions?

### 1. Employment & Resources

#### 1.1 Business & Industrial Zones

This Direction applies when a planning proposal affects land within an existing or proposed business or industrial zone (including the alteration of any existing business or industrial zone boundary). The objectives of this Direction are:

- (a) encourage employment growth in suitable locations,
- (b) protect employment land in business and industrial zones, and
- (c) support the viability of identified centres.

**Assessment – Consistent** – The Planning Proposal does not involve Business or Industrial zoned land.

#### 1.2 Rural Zones

This Direction applies when a planning proposal affects land within an existing or proposed rural zone (including the alteration of any existing rural zone boundary). The objective of this Direction is to protect the agricultural production value of rural land. This Direction applies when a Planning Proposal will affect land within an existing or proposed rural zone (including the alteration of any existing rural zone boundary).

**Assessment – Consistent** – The land is within an environmental protection zone (E3) rather than a rural zone, however the Planning Proposal is considered consistent in that it seeks to support the agricultural base of the region through expanded rural tourism activities while retaining current agricultural practices associated with the proposal, i.e. vineyards.

#### 1.3 Mining, Petroleum Production & Extractive Industries

This direction applies when a planning proposal would have the effect of:

- (a) prohibiting the mining of coal or other minerals, production of petroleum, or winning or obtaining of extractive materials, or
- (b) restricting the potential development of resources of coal, other minerals, petroleum or extractive materials which are of State or regional significance by permitting a land use that is likely to be incompatible with such development.

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.

**Assessment – Consistent** – The Planning Proposal would not restrict the activities which are the subject of this Direction.

## 1.4 Oyster Aquaculture

**Assessment – Consistent** – This Direction does not apply to Wingecarribee Shire.

## 1.5 Rural Lands

This Direction applies when a planning proposal:

- (a) will affect land within an existing or proposed rural or environment protection zone (including the alteration of any existing rural or environment protection zone boundary) or
- (b) changes the existing minimum lot size on land within a rural or environment protection 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 New South Wales Right to Farm Policy.

**Assessment – Consistent** – The subject land is zoned E3 Environmental Management. Associated adjacent land which either has existing agricultural activity (vineyards) or is sensitive environmental land has been excluded from the Planning Proposal for rezoning. The land within the Proposal is already utilised for rural tourism purposes and the rezoning will allow application to expand and extend these existing activities rather than utilising productive agricultural land.

## 2. Environment & Heritage

### 2.1 Environmental Protection Zones

The objective of this Direction is to protect and conserve environmentally sensitive areas. A planning proposal must include provisions that facilitate the protection and conservation of environmentally sensitive areas. A planning proposal that applies to land within an environmental protection zone or land otherwise identified for environmental protection purposes in a LEP must not reduce the environmental protection standards that apply to the land (including by modifying development standards that apply to the land). This requirement does not apply to a change to a development standard for minimum lot size for a dwelling in accordance with clause (5) of Direction 1.5 “Rural Lands”.

**Assessment – Consistent** – The subject land is zoned E3 Environmental Management. Associated adjacent land which contains sensitive environmental areas has been excluded from the Planning Proposal for rezoning. The Planning Proposal is consistent with Council’s adopted Rural Tourism Policy which provide criteria and standards for the consideration of rezoning of E3 zoned land to SP3 Tourist. It is noted that Council’s resolution includes the requirement *THAT any future Development Application for the rezoned portion of the subject land shall provide a Concept Master Plan, as required under the Rural Tourism Policy, and shall demonstrate to Council’s satisfaction that no clearing of native vegetation will be required.*



## 2.2 Coastal Management

**Assessment – Consistent** – This Direction does not apply to Wingecarribee Shire.

## 2.3 Heritage Conservation

The objective of this Direction is to conserve items, areas, objects and places of environmental heritage significance and indigenous heritage significance. A planning proposal must contain provisions that facilitate the conservation of: (a) items, places, buildings, works, relics, moveable objects or precincts of environmental heritage significance to an area, in relation to the historical, scientific, cultural, social, archaeological, architectural, natural or aesthetic value of the item, area, object or place, identified in a study of the environmental heritage of the area, (b) Aboriginal objects or Aboriginal places that are protected under the *National Parks and Wildlife Act 1974*, and

(c) Aboriginal areas, Aboriginal objects, Aboriginal places or landscapes identified by an Aboriginal heritage survey prepared by or on behalf of an Aboriginal Land Council, Aboriginal body or public authority and provided to the relevant planning authority, which identifies the area, object, place or landscape as being of heritage significance to Aboriginal culture and people.

**Assessment – Consistent** – The land is not a listed item of heritage within Schedule 5 of the WLEP2010, nor is it within immediate proximity to any other listed items. It is not within any Heritage Conservation Area.

## 2.4 Recreation Vehicle Areas

The objective of this Direction is to protect sensitive land or land with significant conservation values from adverse impacts of recreation vehicles.

**Assessment – Consistent** – The Planning proposal does not involve this type of land use.

## 2.5 Application of E2 & E3 Zones and Environmental Overlays in Far North Coast LEPs.

**Assessment – Consistent** – This Direction does not apply to Wingecarribee Shire.

## 2.6 Remediation of Contaminated Land

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.

**Assessment – Consistent** – It is not considered that there will be any contamination issues related to this Planning Proposal. It is noted that the provisions of this Direction may require the lodgement of a Preliminary Site Investigation report to demonstrate that the site is not contaminated. This will be done if required by the Gateway Determination.

# 3. Housing, Infrastructure and Urban Development

## 3.1 Residential Zones

The objectives of this Direction are:

- (a) to encourage a variety and choice of housing types to provide for existing and future housing needs,
- (b) to make efficient use of existing infrastructure and services and ensure that new housing has appropriate access to infrastructure and services, and
- (c) to minimise the impact of residential development on the environment and resource lands.

This direction applies when a planning proposal affects land within:

- (a) an existing or proposed residential zone (including the alteration of any existing residential zone boundary),
- (b) any other zone in which significant residential development is permitted or proposed to be permitted.

**Assessment – Consistent** – The subject land is not within a residential zone.

### 3.2 Caravan Parks & Manufactured Home Estates

The objectives of this Direction are:

- (a) to provide for a variety of housing types, and
- (b) to provide opportunities for caravan parks and manufactured home estates.

**Assessment – Consistent** – Caravan Parks and Manufactured Home Estates are permitted with consent in the SP3 Tourist zone. The assessment of any such development proposal would be undertaken at the DA stage.

### 3.3 Home Occupations

The objective of this Direction is to encourage the carrying out of low impact small businesses in dwelling houses. Planning Proposals must permit home occupations to be carried out in dwelling houses without the need for development consent.

**Assessment – Consistent** – This directive is not relevant to the Planning Proposal.

### 3.4 Integrating Land Use & Transport

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.

This Direction applies when a planning proposal creates, alters or removes a zone or a provision relating to urban land, including land zoned for residential, business, industrial, village or tourist purposes.

**Assessment – Consistent** – The Planning Proposal does not seek to vary the current provisions in WLEP2010 with regard to home occupations which are permissible without consent in the proposed SP3 Tourist zone.

### 3.5 Development Near Regulated Airports and Defence Airfields

The objectives of this Direction are:

- (a) to ensure the effective and safe operation of regulated airports and defence airfields;
- (b) to 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) to ensure development, if situated on noise sensitive land, incorporates appropriate mitigation measures so that the development is not adversely affected by aircraft noise.

**Assessment – Consistent** – The subject land is not located where these provisions would apply.

### 3.6 Shooting Ranges

The objectives are:

- (a) to maintain appropriate levels of public safety and amenity when rezoning land adjacent to an existing shooting range,
- (b) to reduce land use conflict arising between existing shooting ranges and rezoning of adjacent land,
- (c) to identify issues that must be addressed when giving consideration to rezoning land adjacent to an existing shooting range.

**Assessment – Consistent** – The subject land is not located where these provisions would apply.

### 3.7 Reduction in non-hosted short term rental accommodation period

**Assessment – Consistent** – This Direction does not apply to Wingecarribee Shire.

## 4. Hazard & Risk

### 4.1 Acid Sulphate Soils

The objective of this direction is to avoid significant adverse environmental impacts from the use of land that has a probability of containing acid sulphate soils.

**Assessment – Consistent** – There currently no mapped acid sulphate soils within Wingecarribee Shire.

### 4.2 Mine Subsidence and Unstable Land

The objective of this Direction is to prevent damage to life, property and the environment on land identified as unstable or potentially subject to mine subsidence.

**NB1:** When a planning proposal would permit development on land that is within a Mine Subsidence District a relevant planning authority must: (a) consult the Mine Subsidence Board to ascertain: (i) if the Mine Subsidence Board has any objection to the draft Local Environmental Plan, and the reason for such an objection, and (ii) the scale, density and type of development that is appropriate for the potential level of subsidence, and (b) incorporate provisions into the draft Local Environmental Plan that are consistent with the recommended scale, density and type of development recommended under (4)(a)(ii), and (c) include a copy of any information received from the Mine Subsidence Board with the statement to the Director-General of the Department of Planning (or an officer of the Department nominated by the Director-General) prior to undertaking community consultation in satisfaction of section 57 of the Act.

**NB2:** A planning proposal must not permit development on land that has been identified as unstable in a study, strategy or other assessment undertaken: (i) by or on behalf of the relevant planning authority, or (ii) by or on behalf of a public authority and provided to the relevant planning authority.

**Assessment – Consistent** – The land is not within a mine subsidence area.

### 4.3 Flood Prone Land

The objectives of this Direction are:

- (a) to ensure that development of flood prone land is consistent with the NSW Government's Flood Prone Land Policy and the principles of the Floodplain Development Manual 2005, and
- (b) to ensure that the provisions of an LEP on flood prone land is commensurate with flood hazard



and includes consideration of the potential flood impacts both on and off the subject land.

A planning proposal must not rezone land within any flood planning area from Special Use, Special Purpose, Recreation, Rural or Environmental Protection Zones to a Residential, Business, Industrial, Special Use or Special Purpose Zone.

A planning proposal must not contain provisions that apply to the flood planning areas which:

- (a) permit development in floodway areas,
- (b) permit development that will result in significant flood impacts to other properties,
- (c) permit a significant increase in the development of that land,
- (d) are likely to result in a substantially increased requirement for government spending on flood mitigation measures, infrastructure or services, or (e) permit development to be carried out without development consent except for the purposes of agriculture (not including dams, drainage canals, levees, buildings or structures in floodways or high hazard areas), roads or exempt development.

**Assessment – Consistent** – The subject land is not mapped a flood liable. Further assessment of flood potential would occur at the DA stage.

#### 4.4 Planning for Bushfire Protection

The objectives of this Direction are:

- (a) to protect life, property and the environment from bush fire hazards, by discouraging the establishment of incompatible land uses in bush fire prone areas, and
- (b) to encourage sound management of bush fire prone areas.

**Assessment – Consistent** – Mapped bushfire affectation on, and in the vicinity of the subject land correlates with the distribution of mapped threatened ecological community. Should a Gateway Determination be received it would be referred to NSW Rural Fire Service in accordance with the requirements generally required by the Gateway. Should the Planning proposal proceed to public exhibition, the RFS response would be exhibited with the Planning Proposal and this 9.1 Direction amended accordingly.

## 6. Regional Planning

### 5.1 Implementation of Regional Strategies

**Assessment – Consistent** – The above Direction has been revoked.

### 5.2 Sydney Drinking Water Catchment

The objective of this Direction is to give effect to protect water quality in the Sydney Drinking Water Catchment.

**Assessment – Consistent** – Most of Wingecarribee Shire is within the area covered by the Policy. Should a Gateway Determination be received, referral to WaterNSW would occur as required under this Policy and Ministerial Direction 5.2 (Sydney Drinking Water Catchments). Should the Planning Proposal proceed to public exhibition, the WaterNSW response would be included and this Assessment updated accordingly.

### 5.3 Farmland of State and Regional Significance on the NSW Far North Coast

### 5.4 Commercial and Retail Development along the Pacific Highway, North Coast

### 5.5 Development in the Cessnock LGA

### 5.6 Sydney to Canberra Corridor

## 5.7 Central Coast

## 5.8 Second Sydney Airport – Badgerys Creek

## 5.9 North West Rail Link Corridor Strategy

**Assessment – Consistent** – The above Directions have either been revoked or do not apply in Wingecarribee Shire.

## 5.10 Implementation of Regional Plans

The objective of this Direction is to give legal effect to vision, land use strategy, goals, directions and actions contained in SE & Tablelands Regional Plan.

**Assessment – Consistent** – The Planning Proposal is consistent with the South East and Tablelands Regional Plan that has superseded the Sydney Canberra Corridor Regional Strategy 2006-31.

In broad terms, the Regional Plan, as did its predecessor, seeks to cater for continued growth within the region, without impacting adversely upon the character of the region. This Planning Proposal achieves this by providing an opportunity for existing and potential tourism development upon the land that is ideally situated in accordance with Council's adopted assessment criteria. Any future development can maintain consistency with the predominant rural character of the locality and within the capacity of the land to accommodate tourism development.

Set out in Chapter 1 of the Regional Plan is Goal 1, being a connected and prosperous economy. Tourism is specifically identified as a priority growth area within the Region. To give effect to the broader goal, Direction 9 of this Chapter is to grow tourism in the region. It follows that to do so, opportunities for tourist development are needed. The South East and Tablelands Regional Plan (page 66) also acknowledges the need for a balance between tourism and protecting the environmental, agricultural and heritage values of the Shire, as follows:

- *Protect high environmental value lands including regionally significant biodiversity corridors*
- *Protect the Sydney Drinking Water Catchment*
- *Protect important agricultural lands as a resource for food security*
- *Protect the shire's valued heritage assets*

The exclusion of areas within the Centennial Vineyard site which contain Threatened Ecological Community addresses these priorities.

## 5.11 Development of Land Council Land

The objective of this direction is to provide for the consideration of development delivery plans prepared under State Environmental Planning Policy (Aboriginal Land) 2019 when planning proposals are prepared by a planning proposal authority.

**Assessment – Consistent** – Currently this Direction does not apply to Wingecarribee Shire.

## 6. Local Plan Making

### 6.1 Approval & Referral Requirements

The objective of this Direction is to ensure that LEP provisions encourage the efficient and appropriate assessment of development.

**Assessment – Consistent** – The Planning Proposal does not seek to amend any existing LEP provisions for the efficient and appropriate assessment of development.

## 6.2 Reserving Land for Public Purposes

The objectives of this Direction are:

- (a) to facilitate the provision of public services and facilities by reserving land for public purposes, and
- (b) to facilitate the removal of reservations of land for public purposes where the land is no longer required for acquisition.

**Assessment – Consistent** – The Planning Proposal does not propose the reserving of any land for public purpose.

## 6.3 Site Specific Provisions

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

**Assessment – Consistent** – The Planning Proposal does not require any additional site specific controls to which this Direction would apply.

## 7. Metropolitan Planning

### 7.1 -7.10

**Assessment – Consistent** – These Directions do not apply to Wingecarribee Shire.

## Section C – Environmental, Social & Economic Impacts

### 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. The Planning Proposal excludes areas of mapped threatened ecological community in accordance with Council's resolution of 22 July 2020. Further, Council's resolution also requires that any future Development Application for the rezoned portion of the subject land shall provide a Concept Master Plan, as required under the Rural Tourism Policy, and shall demonstrate to Council's satisfaction that no clearing of native vegetation will be required.

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

There are no other likely environmental effects as a result of the Planning Proposal. The current uses being undertaken on the site all have development approval. Similarly any future development proposals would require the lodgement of a Development Application, to be assessed on its merits, together with a Concept Master Plan as required by resolution of 22 July 2020.

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

Council's adopted Rural Tourism Policy seeks, among other things, to balance rural community and business interests. The Planning Proposal was assessed in accordance with the Policy and it was determined by Council that it met the requirements of the Policy with regard to potential social and economic impacts.

Council recognises that rural tourism and agri business support the local economy through jobs and 'multiplier' benefits to other businesses throughout the Shire.

A strong tourism base is recognised in both the SE & Tablelands Regional Plan and the Wingecarribee Local Strategic Planning Statement.

## Section D – State and Commonwealth Interests

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

In this case, the Planning Proposal will rezone land, but future development could only proceed through the Development Application stage if adequate servicing and infrastructure can be provided for the site and the development of it.

The site is accessed off Centennial Road which is a public road of suitable standard. Centennial Road links directly back to the main town of Bowral to the east and to the Old Hume Highway to the west.

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

Referrals to relevant agencies will occur prior to public exhibition should a supportive Gateway Determination be received. Responses will be reviewed and the Planning Proposal updated to reflect those responses. The responses themselves will be included in the exhibition material.

## Part 4: Mapping

Should the Planning Proposal be successful, Land Zoning Map LZN\_007F would require amendment.

## Part 5: Consultation

**Agency Referrals** - As stated in part 11 above, referrals to relevant agencies will occur prior to public exhibition should a supportive Gateway Determination be received. Responses will be reviewed and the Planning Proposal updated to reflect those responses. The responses themselves will be included in the exhibition material. Agency referrals will include at least referral to Water NSW. Referrals usually also include NSW Rural Fire Service.

**Community Consultation** - Community consultation would occur as directed in the Gateway Determination and in accordance with the *Department's Guide to Preparing LEPs*. It is noted that Council provides at least 28 days of public exhibition that includes, as relevant, notification by



letter/email to adjoining property owners and weekly advertising on Council's website for the duration of the exhibition period.

While COVID-19 restrictions remain in force, the principal place of public exhibition will be Council's website, [www.wsc.nsw.gov.au](http://www.wsc.nsw.gov.au) with copies of all documentation also available at the Customer Service Counter at the Civic Centre, 68 Elizabeth Street, Moss Vale, NSW 2577 unless current health conditions prevent this.

## Part 6: Timeline

MILESTONE	INDICATIVE /ACTUAL DATE
Gateway Determination	March 2021
Agency Consultation	April 2021
Public Exhibition	May 2021
Post exhibition Report to Council	June 2021
Drafting of LEP Instrument	July 2021
Making of LEP Amendment	July 2021

## Delegation

A Delegation request form accompanies this Planning Proposal.

**END OF PLANNING PROPOSAL**