



Planning,
Industry &
Environment

IRF 21/541

Gateway determination report – PP-2021-2208

Centennial Vineyards, 254 Centennial Road, Bowral

February 21



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Table 1 Reports and plans supporting the proposal

Relevant reports and plans
Planning Proposal (dated February 2021)
Council Report – 22 July 2020
Council Resolution – 22 July 2020

1 Planning Proposal

1.1 Overview and objectives of planning proposal

Table 2 Planning proposal details

LGA	LGA name
PPA	Wingecarribee Shire Council
NAME	Centennial Vineyards Planning Proposal (0 homes and 0 jobs)
NUMBER	PP-2021-2208
LEP TO BE AMENDED	Wingecarribee Local Environmental Plan 2010
ADDRESS	254 Centennial Road, Bowral
DESCRIPTION	Lot 1 DP 126196; Lot 1 DP 435373; Lot 5A DP16192 and part of Lot 1 DP16192
RECEIVED	16/02/2021
FILE NO.	IRF21/541
POLITICAL DONATIONS	There are no donations or gifts to disclose and a political donation disclosure is not required
LOBBYIST CODE OF CONDUCT	There have been no meetings or communications with registered lobbyists with respect to this proposal

The planning proposal contains objectives and intended outcomes that adequately explain the intent of the proposal.

The objectives of the planning proposal are to:

- rezone the subject land from E3 Environmental Management to SP3 Tourist to more accurately reflect the existing and intended future uses of the site.

The objectives of this planning proposal are clear and adequate.

1.2 Explanation of provisions

The planning proposal seeks to amend the Wingecarribee LEP 2010 [as](#) per the changes below:

Table 3 Current and Proposed controls

Control	Current	Proposed
Zoning	E3 Environmental Management	SP3 Tourist

No change is proposed to the existing minimum lot size of 40ha that applies to the land.

The planning proposal contains an explanation of provisions that adequately explains how the objectives of the proposal will be achieved.

1.3 Site description and surrounding area

The site is located at 254 Centennial Road, Bowral in the Wingecarribee local government area (Figure 1 - Lot 1 DP 126196, Lot 1 DP 435373, Lot 5A DP16192 and part of Lot 1 DP16192).

The site, known as Centennial Vineyards, is a winery located on the western extremity of Bowral township, approximately 3 kilometres west of the town centre. The site includes an existing restaurant and cellar door.

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 120ha.

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

There are large areas of remnant bushland amounting to approximately 25ha or about 20% of the site area. The bushland is scattered across the site with the largest contiguous parcels being located at the northern and western ends of the site. Council has advised the highest value areas of the broader winery site containing predicted threatened ecological community and/or high value koala habitat have been excluded from the rezoning.

The land is zoned E3 Environmental Management with a minimum lot size of 40 ha under Wingecarribee Local Environmental Plan 2010 (Wingecarribee LEP).

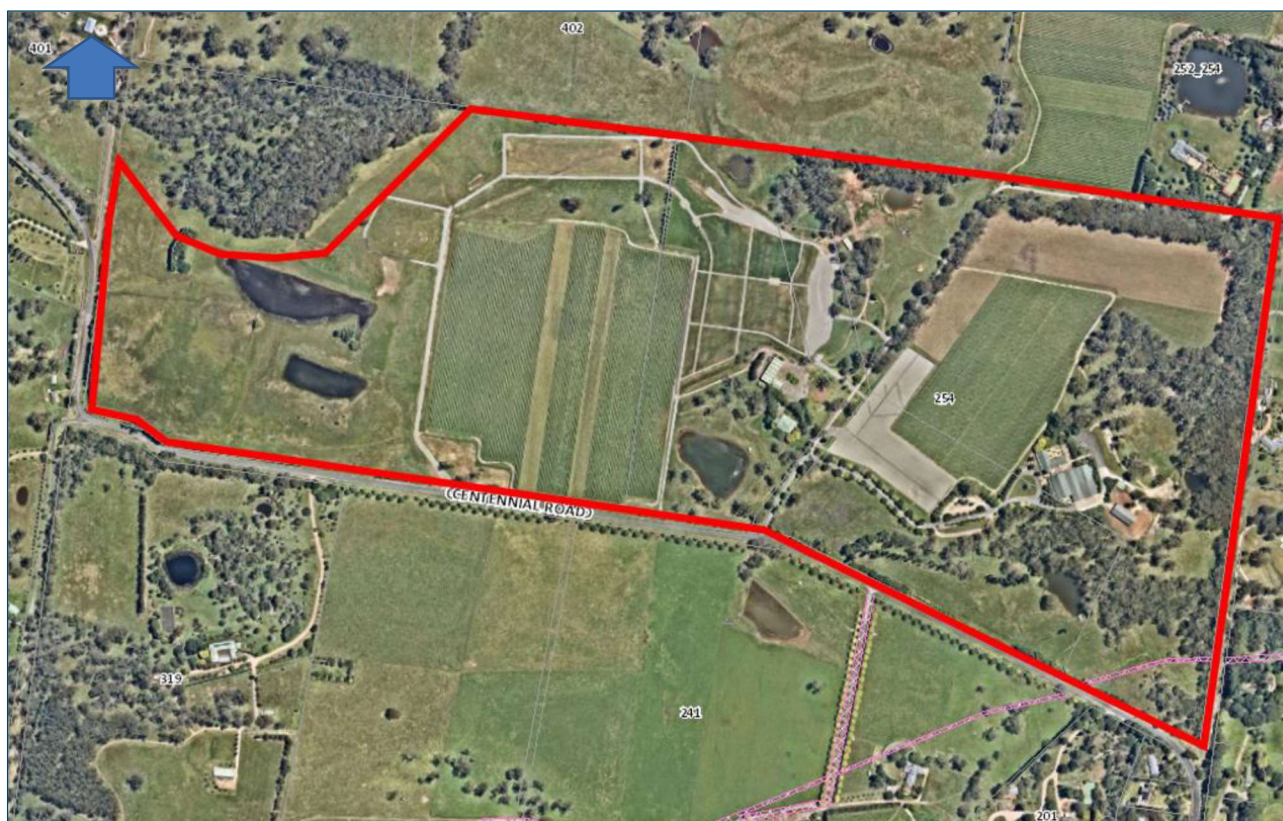


Figure 1 Subject site (Source: Planning Proposal)

1.4 Site history and approved uses

The site has a long history of tourist related activity.

Prior to the planting of the vineyard in 1998, the property contained trout dams where tourists could catch fish for consumption at a restaurant on site.

The site also previously contained a horse-riding school and riding trails and previously obtained 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. The tourist cabins are not present on site.

The site is now used as a winery known as the Centennial Vineyards and contains vineyards, a cellar door, restaurant, storage shed, farm buildings and car parking area (Figure 2).

The winery is one of the largest in the Southern Highlands.

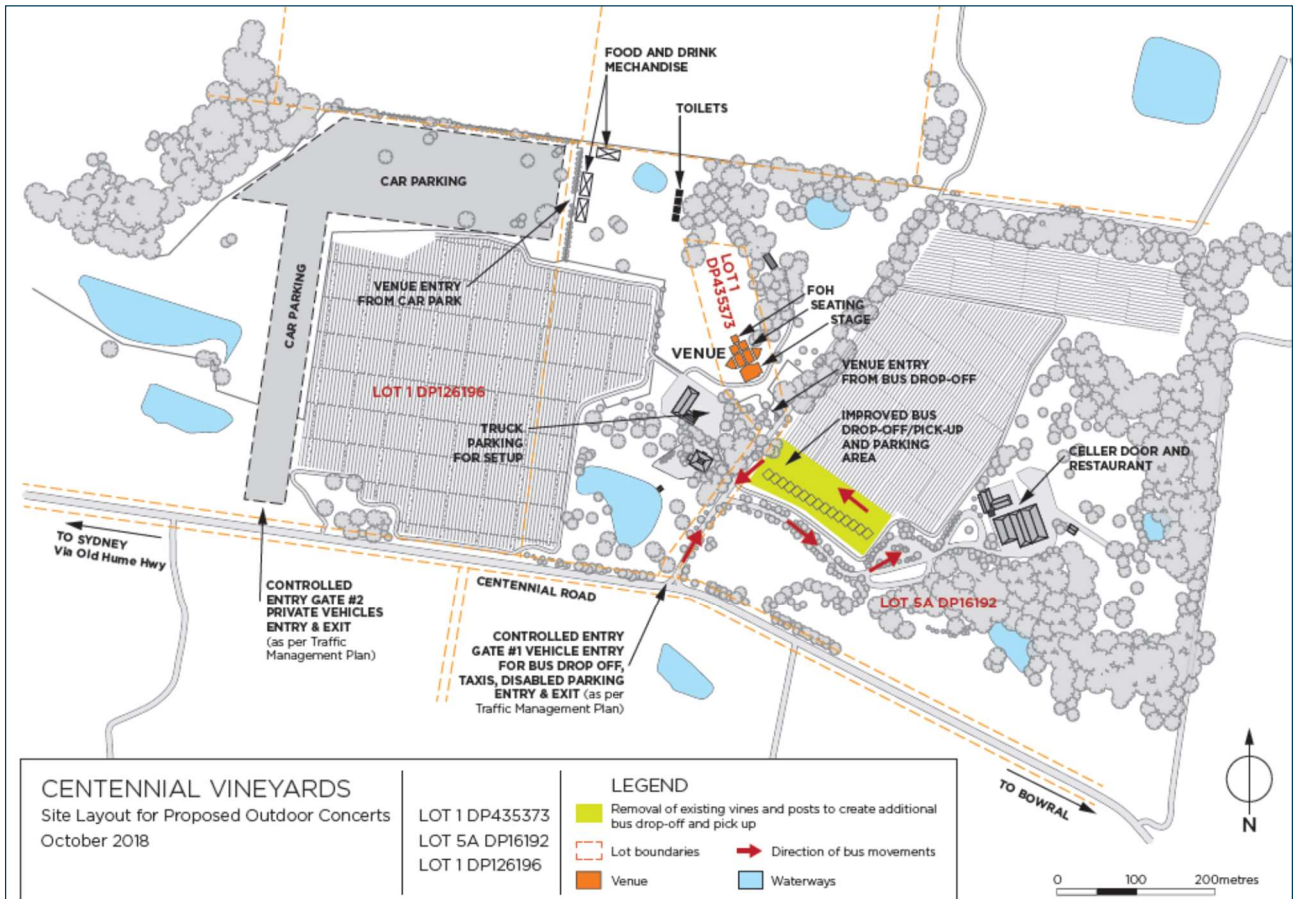


Figure 2 Site layout (Source: Planning Proposal)

1.5 Mapping

Amendment to the relevant Land Zoning Map (LZN_007F) will be required to be created as a result of the proposal.

The planning proposal does not include draft maps. As such, a condition is recommended requiring Council to prepare and exhibit draft maps with the planning proposal.

2 Need for the planning proposal

The proposal is needed to fulfil objectives of Council's adopted Rural Tourism Policy which seeks 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;
- outline a clear approval pathway for certain rural tourism related developments in the Wingecarribee Shire;
- provide greater certainty and consistency in the assessment of rural tourism related development proposals for both the industry and the broader community; and
- set out criteria for determining when Council will consider a Planning Proposal to rezone land to SP3 Tourist.

In adopting its Rural Tourism Policy, Council created a pathway framework to inform and planning proposal which seeks a rezoning of land to SP3 Tourist. The proposal generally complies with this framework resulting in Council supporting the proposal for a Gateway determination.

The proposal is needed in recognition that tourism is a key economic driver in the Wingecarribee Shire and is consistent with key objectives of the South West and Tablelands Regional Plan, Council's Local Strategic Planning Statement, the Rural Tourism Policy (as above) and Council's Community Strategic Plan (refer to Section 3 of this report).

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

The Rural Tourism 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.

The only alternative to rezoning to achieve the intended outcomes of the planning proposal via the use of Schedule 1 Additional Permitted Uses. Council does not consider this pathway appropriate given the existing tourist uses on the site are well established.

The Department concurs a planning proposal of this nature is considered the best means of achieving the objectives and intended outcomes.

3 Strategic assessment

3.1 Regional Plan

The following table provides an assessment of the planning proposal against key relevant aspects of the South East and Tablelands Regional Plan.

Table 4 Regional Plan assessment

Regional Plan Objectives	Justification
Direction 4	Facilitating tourism opportunities in the Shire would help leverage growth opportunities from Western Sydney.
Direction 5	Rezoning the site SP3 tourist would support the winery to value-add to existing agricultural operations.

Regional Plan Objectives	Justification
Direction 9	The proposal would help grow tourism in the region.
Directions 14-15	The highest value areas of the site containing predicted threatened ecological community and/or high value koala habitat have been excluded from the rezoning.

3.2 Local

The proposal states that it is consistent with the following local plans and endorsed strategies. It is also consistent with the strategic direction and objectives, as stated in the table below:

Table 4 Local strategic planning assessment

Local Strategies	Justification
Wingecarribee Local Strategic Planning Statement	<p>The planning proposal is consistent with key planning priorities identified in the LSPS relating to:</p> <ul style="list-style-type: none"> • minimising the impact of land use planning and change on threatened species (Planning Priority 1.4); • supporting the productive use of our agricultural land and promote our diverse and thriving local agriculture industry and its right to farm (Planning Priority 2.1); and • facilitating rural tourism that supports the agricultural production values of our rural lands, and ensure the economic benefits are balanced with the impact on our rural lands, environment and community (Planning Priority 2.3).
Rural Tourism Policy	<p>Council's Rural Tourism Policy was adopted in 2019 with key objectives to:</p> <ul style="list-style-type: none"> • 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; • outline a clear approval pathway for certain rural tourism related developments in the Wingecarribee Shire; • provide greater certainty and consistency in the assessment of rural tourism related development proposals for both the industry and the broader community; • set out criteria for determining when Council will consider a planning proposal to rezone land to SP3 Tourist; and • limit opportunistic tourism development in rural locations. <p>One of the specific objectives of Council's Rural Tourism Policy is to provide strategic assessment framework criteria for the rezoning of land to SP3 Tourist.</p> <p>The proposal generally complies with this framework resulting in Council supporting the proposal for a Gateway determination.</p>

3.3 Section 9.1 Ministerial Directions

The planning proposal's consistency with relevant section 9.1 Directions is discussed below:

Table 5 Section 9.1 Ministerial Direction assessment

Directions	Consistent/ Not Applicable	Reasons for Consistency or Inconsistency
Direction 2.6 - Remediation of Contaminated Land	No	<p>The site is used for purposes referred to in Table 1 of the <i>Contaminated land planning guidelines</i>.</p> <p>Council does not anticipate any contamination issues with the site.</p> <p>However, in accordance with the terms of Direction 2.6, rezoning may not occur unless land contamination has been considered having regard to the findings of a preliminary investigation of the land carried out in accordance with the <i>Contaminated land planning guidelines</i>.</p> <p>Council has acknowledged this requirement and a Gateway condition is recommended requiring this investigation to be submitted to the Department, prior to public exhibition. Consistency with this Direction will remain unresolved until this occurs.</p>
Direction 4.4 – Planning for Bushfire Protection	No	<p>The land is partly mapped as bushfire prone land. As consultation has not occurred with the NSW Rural Fire Service (NSW RFS), the proposal is currently inconsistent with this Direction.</p> <p>A condition is recommended requiring Council to consult with the NSW RFS prior to public exhibition.</p>
Direction 5.2 – Sydney Drinking Water Catchment	No	<p>As consultation with Water NSW has not occurred prior to Gateway, the proposal is inconsistent with this Direction. However, a planning proposal may be inconsistent with this Direction if the inconsistency is of minor significance.</p> <p>The planning proposal seeks to rezone an existing operational winery SP3 Tourist. Any future development application to Council on the site would need to fully address potential impacts on the water catchment.</p> <p>Given the above, the Secretary's delegate may be satisfied that any inconsistency with this Direction is of minor significance.</p> <p>It is recommended that Council consult with Water NSW prior to exhibition of the planning proposal.</p>

3.4 State environmental planning policies (SEPPs)

The planning proposal is not inconsistent with relevant SEPPs.

SEPP 55 – Remediation of Land

Potential contamination issues to ensure consistency with SEPP 55 are addressed in Section 3.3 of this report.

SEPP Sydney Drinking Water Catchment

As noted above, consultation is recommended with Water NSW prior to public exhibition to ensure the proposal does not adversely impact on the Sydney Drinking Water Catchment consistent with the aims of SEPP (Sydney Drinking Water Catchment) 2011.

4 Site-specific assessment

4.1 Environmental

The site comprises an existing approved and operational winery. Further, the highest environmental value areas of the site containing predicted threatened ecological community and/or high value koala habitat have been excluded from the rezoning.

Council's resolution on the matter 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.

4.2 Social and economic

The proposal has been assessed in accordance with Council's Rural Tourism Policy which seeks to balance business and rural community interests.

Rezoning the site to SP3 Tourist to support and enhance the operation of the site as a winery and to promote rural tourism in the Shire is likely to result in positive social and economic impacts.

4.3 Infrastructure

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

Any future DA on the site would need to demonstrate adequate provision of servicing and infrastructure.

5 Consultation

5.1 Community

Council proposes a community consultation period of 28 days.

The exhibition period proposed is considered appropriate, and forms to the conditions of the Gateway determination.

5.2 Agencies

Council proposes to consult with agencies as required under the Gateway determination.

It is recommended the following agencies be consulted on the planning proposal:

- Water NSW;
- NSW Rural Fire Service; and
- DPIE (Environment, Energy and Science).

6 Timeframe

Council proposes an 4 month time frame to complete the LEP.

The Department recommends a time frame of 12 months to complete the LEP to allow the contamination investigation to be prepared and to provide a buffer in case unforeseen issues arise.

A condition to the above effect is recommended in the Gateway determination.

7 Local plan-making authority

Council has advised that it would like to exercise its functions as a Local Plan-Making authority.

Given the minor and local significance of the proposal, the Department recommends that Council be authorised to be the local plan-making authority.

8 Assessment Summary

The planning proposal is supported to proceed with conditions for the following reasons:

- it would support rural tourism and agricultural add-on opportunities in the Wingecarribee Shire; and
- it is consistent with local and regional strategic planning objectives, including Council's adopted Rural Tourism Policy.

9 Recommendation

It is recommended the delegate of the Secretary:

- Agree that the planning proposal is consistent with all relevant section 9.1 Directions (except those outlined below); and
- Note that the consistency with section 9.1 Direction 2.6 – Remediation of Contaminated Land, Direction 4.4 – Planning for Bushfire Protection and Direction 5.2 Sydney Drinking Water Catchment remains unresolved and will require justification.

It is recommended the delegate of the Minister determine that the planning proposal should proceed subject to the following conditions:

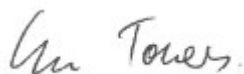
1. The planning proposal is to be updated prior to public exhibition to include a Draft Zoning Map.
2. A Preliminary Site Investigation must be prepared in accordance with *Managing Land Contamination: Planning Guidelines (1998)* and exhibited with the planning proposal.
The Preliminary Site Investigation must be submitted to the Department for review prior to proceeding to public exhibition.
3. Consultation is required with the following public authorities:
 - Water NSW (prior to public exhibition);
 - NSW Rural Fire Service (prior to public exhibition); and
 - DPIE (Environment, Energy and Science).

4. The planning proposal should be made available for community consultation for a minimum of 28 days.
5. The timeframe for completing the LEP is to be 12 months from the date of the Gateway determination.
6. Given the nature of the proposal, Council should be authorised to be the local plan-making authority.



Andrew Hartcher

Acting Manager, Southern Region



8/3/21

Graham Towers

Acting Director, Southern Region

Attachment A – Planning Proposal

Attachment B – Gateway determination

Attachment C – Letter to Council