

6.1 Planning Proposal to rezone land at Welby Garden Centre

Reference: 5901, PN1711130, PN1705357
Report Author: Senior Strategic Land Use Planner
Authoriser: Coordinator Strategic Land Use Planning
Link to Community
Strategic Plan: Increase local employment opportunities for people in all stages of life

PURPOSE

To consider a Planning Proposal to remove that portion of the subject land contained within Schedule 1 Additional Permitted Uses of WLEP 2010 and instead rezone the subject land from R2 Low Density Residential to B5 Business Development and remove the 700m² minimum lot size.

Applicant / Proponent	Hogan Planning
Owners	Challenge Southern Highlands
Consultants	Hogan Planning
Notification	N/A
Number Advised	N/A
Number of Submissions	N/A
Current Zoning / MLS	R2 Low Density Residential / 700m ² minimum lot size
Proposed LEP Amendment/s	<ul style="list-style-type: none">Remove current Schedule 1 listingRezone to B5 Business DevelopmentRemove minimum 700m² lot size.
Political Donations	Not disclosed
Recommendation	Planning Proposal BE Supported

RECOMMENDATION

THAT a Planning Proposal be prepared under Section 3.33 of the *Environmental Planning & Assessment Act 1979*:

- To amend Schedule 1 of Wingecarribee Local Environmental Plan 2020 to remove Item 28, and
- Rezone from R2 Low Density Residential to B5 Business Development and remove the 700m² minimum lot size of land at Lots 1,2,3,8,9 & 10 Section 6 in

DP 759070, Lot 1 in DP 1006005 & Lot 2 in DP 1019107, Nos. 10 & 12 -14 Old Hume Highway, Welby, being the Welby Garden Centre, and

- Apply a Maximum Building Height of 8 metres, and
- Apply a Maximum Floor Space Ratio of 0.9.

REPORT

BACKGROUND

A Planning Proposal was submitted to Council for assessment by Hogan Planning in November 2020 to amend WLEP 2010 for land comprising the Welby Garden Centre being Lots 1,2,3,8,9 & 10 Section 6 in DP 759070, Lot 1 in DP 1006005 & Lot 2 in DP 1019107, Nos. 10 & 12 -14 Old Hume Highway, Welby. **Figure 1** below indicates the broad location of the subject land.



Figure 1 – General Location of the Subject Land

The subject land is owned and operated by the Incorporated Association 'Challenge Southern Highlands' as a Not for Profit community based charitable organisation. The business has operated continuously since 1989 from the subject site at the corner of the Old Hume Highway and Bendooley Street in Welby.

A portion of the subject land is listed at Item 28 in Schedule 1 (Additional Permitted Uses) of Wingecarribee Local Environmental Plan 2010 as indicated in **Figure 2** below.

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The purpose of the Planning Proposal is to seek Council support to remove the Schedule 1 listing and instead rezone the whole of the subject land from R2 Low Density Residential to B5 Business Development and remove the 700m² minimum lot size.

The Planning Proposal forms **Attachment 1** to this report.

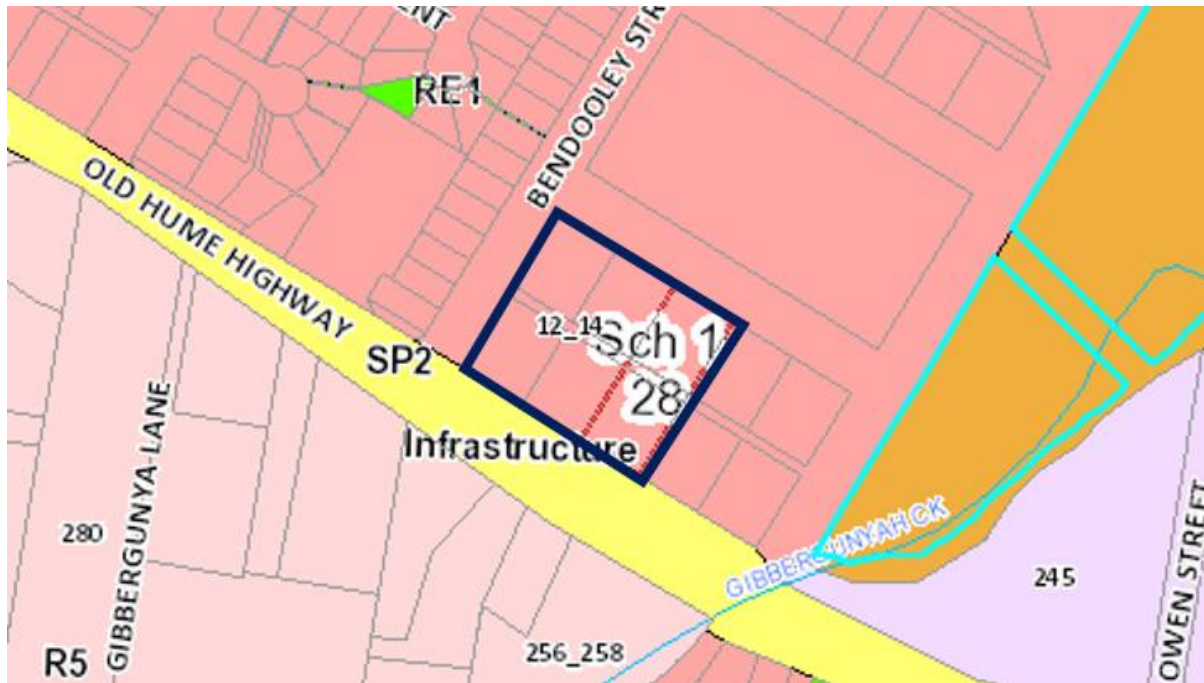


Figure 2 – Extent of Schedule 1 listing of the Subject Land



Figure 3 – Aerial of the Subject Land

REPORT

The subject land covers an area of some 17,000 m². Consistent with much of Welby, the land is zoned R2 Low Density Residential with a minimum lot size of 700m². A portion of the subject land is listed within Schedule 1 (Additional Permitted Uses) of WLEP 2010 to enable *landscaping material supplies and a plant nursery*.

The Welby Garden Centre website states that it operates as an Australian Disability Enterprise, providing employment opportunities for over 40 staff with intellectual disabilities through its retail and wholesale plant nurseries, garden maintenance and work crews, assembly of timber pallets, manufacturing spacers for transmitters, soap making and woodworking. The Centre also provides certain commercial services to local businesses and is financially assisted by sponsorship from local businesses, Council and public donations.

The Centre has now outgrown both its original site and range of permitted land uses and so the Planning Proposal seeks to rezone the subject land to B5 Business Development rather than relying on Schedule 1 which is limited both in the extent of the land included and the range of permissible land uses.

Business Zoning in the vicinity of the subject land is shown at **Figure 4** below which indicates a range of such zones from B1 Neighbourhood Centre to B5 Business Development and B7 Business Park.

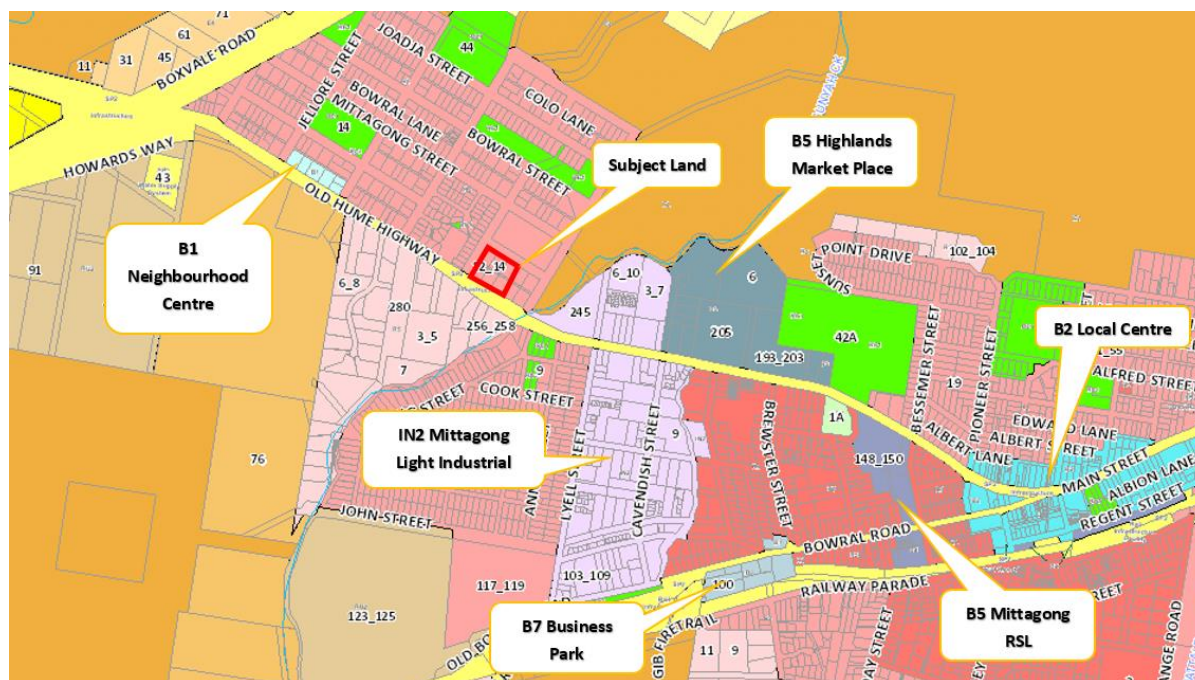


Figure 4 – Neighbouring Business Zones

The objectives of the proposed B5 Business Development zone are:

- *To enable a mix of business and warehouse uses, and specialised retail premises that require a large floor area, in locations that are close to, and that support the viability of, centres.*

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- *To ensure that new development has regard to the character and amenity of adjacent and nearby residential areas.*
- *To provide a range of retail, business, entertainment and community uses that serve the needs of people who live in, work in and visit the local area.*

Land uses permitted with consent in the B5 zone include, but are not limited to, *garden centres, landscaping material supplies, light industries, plant nurseries and warehouse distribution centres* and would support the range of activities the Centre now undertakes.

In association with the proposed rezoning, it is also proposed to apply a maximum building height of 8 metres and a maximum floor space ratio of 0.9.

The facility has demonstrated its long-term financial viability and contribution to the community through offering a range of work opportunities to people with a disability who might otherwise not be able to obtain such work.

Its rezoning to B5 Business Development is consistent with the Community Strategic Plan, the South East and Tablelands Regional Plan, as well as relevant State Environmental Planning Policies and Ministerial Directions in terms of meeting community need and providing local employment opportunities.

It is the recommendation of this report that the Planning Proposal be supported.

COMMUNICATION AND CONSULTATION

Community Engagement

Should the Planning Proposal be supported and a positive Gateway Determination be received, community engagement would occur as required by the Gateway, being a minimum of 28 days.

Internal Communication and Consultation

No internal consultation has occurred at this time.

External Communication and Consultation

Should the Planning Proposal be supported and a positive Gateway Determination be received, agency consultation would occur as required by the Gateway.

SUSTAINABILITY ASSESSMENT

• **Environment**

There are no environmental issues in relation to this report.

• **Social**

The proposed rezoning would enable the extension of employment opportunities for people with disabilities with benefits for them, their families and the broader community.

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- **Broader Economic Implications**

The proposed rezoning would enable the provision of further employment opportunities for people with disabilities with benefits for associated economic growth.

- **Culture**

There are no cultural issues in relation to this report.

- **Governance**

There are no governance issues in relation to this report.

COUNCIL BUDGET IMPLICATIONS

There are no budget implications associated with this report.

RELATED COUNCIL POLICY

There are no related Council policies associated with this report.

OPTIONS

The options available to Council are:

Option 1

Support the recommendation to this report, THAT a Planning Proposal be prepared under Section 3.33 of the *Environmental Planning & Assessment Act 1979*:

- To amend Schedule 1 of Wingecarribee Local Environmental Plan 2020 to remove Item 28, and
- Rezone from R2 Low Density Residential to B5 Business Development and remove the 700m² minimum lot size of land at Lots 1,2,3,8,9 & 10 Section 6 in DP 759070, Lot 1 in DP 1006005 & Lot 2 in DP 1019107, Nos. 10 & 12 -14 Old Hume Highway, Welby, being the Welby Garden Centre, and
- Apply a Maximum Building Height of 8 metres, and
- Apply a Maximum Floor Space Ratio of 0.9.

Option 2

To retain the current planning controls over the subject land.

Option 1 is the recommended option to this report.

CONCLUSION

The Welby Garden Centre has been operating for several years and has extended its land area and range of activities over that time. It has demonstrated economic viability and social contribution. The zoning of land is considered a more appropriate mechanism for

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land use management than Schedule 1, a position endorsed by the Department of Planning, Industry and Environment. The proposed zoning, height and FSR controls are considered consistent with businesses zoned land in the vicinity and the B5 Business Development zoning would best support the proposed range of land uses.

ATTACHMENTS

1. Planning Proposal to rezone land at Welby Garden Centre