

# **Wollondilly** Visitor Economy Study

Prepared for  
Wollondilly Shire Council

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**HiIPDA**  
CONSULTING

# Contents

<b>1.0</b>	<b>Introduction .....</b>	<b>5</b>
1.1	Background .....	5
1.2	Study purpose .....	6
1.3	Approach.....	6
<b>2.0</b>	<b>Stakeholder engagement.....</b>	<b>7</b>
2.1	What engagement was undertaken? .....	7
2.2	What are visitors to Wollondilly looking for? .....	7
2.3	What is the visitor economy? .....	8
2.4	What are the actual or perceived barriers impeding the visitor economy? .....	9
2.5	What other stakeholders have been doing.....	10
<b>3.0</b>	<b>Planning framework .....</b>	<b>12</b>
3.1	Ministerial Direction – Section 9.1 Directions.....	12
3.2	State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 .....	14
3.3	Wollondilly Local Environmental Plan.....	15
3.4	Development control plan .....	18
3.5	Council policies .....	19
3.6	Plans of management .....	19
3.7	Development contributions .....	20
3.8	Implications.....	20
<b>4.0</b>	<b>Case studies .....</b>	<b>21</b>
4.1	Byron LGA .....	21
4.2	Coffs Harbour LGA.....	26
4.3	Orange LGA .....	29
4.4	Hawkesbury LGA .....	32
4.5	Wingecarribee LGA .....	35
4.6	Snowy Monaro LGA.....	40
4.7	Visitor economy use permissibility comparison .....	42
<b>5.0</b>	<b>Issues and options .....</b>	<b>45</b>
5.1	Limited use permissibility .....	45
5.2	Bed and breakfasts as complying development .....	47
5.3	Appropriateness of scale of premises in certain zones.....	47
5.4	Expansive environment and rural zones with limited opportunity.....	48
5.5	Limitations of standard instrument land use definitions .....	52
5.6	Limitations in the number of bedrooms .....	52
5.7	Creating opportunities for group accommodation .....	53
5.8	Growing demand for holiday rental accommodation.....	53

5.9	Zone objectives do not recognise the visitor economy .....	54
5.10	Addressing the opportunity for temporary visitor economy uses .....	54
5.11	Development Control Plan 2016 will need updating .....	55
5.12	Supporting growth through visitor economy conducive thinking .....	56
<b>6.0</b>	<b>Summary of proposed LEP changes.....</b>	<b>57</b>

## Tables

Table 1: Wollondilly Visitor Stats 2019.....	8
Table 2: Alternative use permissibility pathways .....	48
Table 3: Proposed LEP amendments .....	57

## Figures

Figure 1: Current land use permissibility .....	16
Figure 2: Proportion of Byron LGA covered by an environment or rural land use zone .....	21
Figure 3: Proportion of Coffs Harbour LGA is covered by an environment or rural land use zone .....	26
Figure 4: Proportion of Orange LGA covered by an environment or rural land use zone .....	29
Figure 5: Proportion of Hawkesbury LGA covered by an environment or rural land use zone .....	32
Figure 6: Proportion of Wingecarribee LGA covered by an environment or rural land use zone .....	35
Figure 7: Proportion of Snowy Monaro LGA covered by an environment or rural land use zone.....	40
Figure 8: Comparison of rural zone visitor economy use permissibility.....	43
Figure 9: Comparison of environmental zone visitor economy use permissibility .....	44
Figure 10: Current land use permissibility.....	45
Figure 11: Proposed land use permissibility changes.....	46
Figure 12: Rural and environmental land use proportions.....	48

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## 1.0 INTRODUCTION

HillPDA was commissioned by Wollondilly Shire Council to undertake a bespoke research piece exploring opportunities to enhance and grow the Wollondilly visitor economy through amendments to the Wollondilly Local Environmental Plan 2011 (WLEP 2011).

### 1.1 Background

Planning Priority 9 in Wollondilly 2040 Local Strategic Planning Statement, seeks to *develop the visitor economy experience and economy by increasing access to natural areas and rural landscapes in Wollondilly*. This priority seeks to utilise Wollondilly's plentiful natural assets and rural areas to underpin the visitor experience and economy. Developing the visitor economy has the potential to provide local rural land owners with alternate revenue streams to support local jobs and grow the Wollondilly tourism product on offer. It also enhances a landholder's resilience to be able to remain operational and living on the land despite variances in revenue streams that are typical for traditional agricultural and rural activities. The visitor economy study is being undertaken as part of the Accelerated LEP Review Program. The purpose of the LEP Review Program is to update the strategic planning framework and specifically the Wollondilly Local Environmental Plan to give effect to the Western City District Plan.

The outcome of this study, along with other various projects currently underway such as the Local Housing, Rural Lands and Employment Lands strategies will inform future amendments to the Wollondilly Local Environmental Plan 2011.

There is also an immediate need to prioritise opportunities for the land use planning framework to assist in attracting investment and growing local jobs. This will support local businesses and communities in their recovery from the impacts of the drought, black summer fires, February 2020 flood event and the ongoing COVID-19 pandemic.

#### 1.1.1 LEP Review Program Stage 1A Planning Proposal Stage

Originally, a number of amendments associated with facilitating the visitor economy were included within the LEP Review Program Stage 1 Planning Proposal but were removed during the process so that they could be progressed separately to accommodate the preparation of a Strategic Bush Fire Study in accordance with the NSW Rural Fire Services' *Planning for Bush Fire Protection 2019*. Specifically, under the new guide, consideration must be given to whether the proposed change to land uses would result in an unacceptable risk of bushfire, and the strategic implications of future development for bush fire mitigation and management.

Once the Strategic Bush Fire Study has been prepared it will inform the progress of the LEP Review Program Stage 1A Planning Proposal. The Stage 1A proposal will include those matters removed from the Stage 1 Planning Proposal that seek to attract investment and growing local jobs. The Stage 1A Planning Proposal will include the following amendments:

- Increase opportunities for events
- Enabling destination weddings, functions and business conferencing in rural locations
- Ensuring that the Wollondilly LEP benefits from the most up-to-date model provisions and development terms within the Standard Instrument by expanding the permissibility of development types such as artisan food and drink Industries, markets and eco-tourist facilities
- Enabling more diverse tourist accommodation by expanding where caravan parks can be developed.

## Proposed housekeeping amendment – Stage 1A Planning Proposal:

Specifically, the relevant WLEP 2011 amendments intended to support the visitor economy include:

- Amending the Land Use Table to:
  - permit ‘Rural Function Centres’ (proposed new definition) with consent in rural and some environmental protection zones (E3 and E4). If this option is not available, then to permit “Function centres” with consent in rural and some environmental protection zones.
  - permit ‘Tourist Park’ (proposed new definition) with consent in recreation and rural zones. If this option is not available, then to permit ‘Caravan park’ with consent in recreation and rural zones
    - Tourist park would mean a place that primarily provides accommodation for tourists and visitors on which moveable dwellings are installed, manufactured homes are installed, and which may or may not include communal facilities and administration buildings.
  - permit “Artisan Food and Drink Industry” in RU1, RU2, RU4, B1, B2, B4 and B5 (currently permitted in industrial zones).
  - permit “Eco-tourist facility” in RU1, RU2, RU4 and E4 land use zones (currently not permitted in any land use zone)
    - Include the model clause for “Eco-tourist facilities” which requires the consent authority to be satisfied that the ecotourist facility is sympathetic to and maintains the environmental and cultural values of the land, and is designed and managed to have minimum impact on the environment.
  - permit “Markets” in RU1, RU2, RU4, RE1, RE2 and E3 land use zones (currently permitted in business zones and SP1).
- Amending Schedule 2 Exempt development to include a new exempt development provision to enable events to be carried out as exempt development (i.e. without the need for development consent) so long as they meet certain development standards.

The outcome of this Study is also intended to inform a Stage 2 Planning Proposal with a focus on the visitor economy. It will share the objective of the Stage 1A Planning Proposal to attract investment and grow local jobs.

While the Stage 1A Planning Proposal seeks to assist existing known constraints to the visitor economy in Wollondilly, this study aims to take a broad comprehensive review of the current and future potential opportunities to support the visitor economy through the local environmental plan.

## 1.2 Study purpose

The purpose of the study is to explore further potential local environmental plan mechanisms to enhance the Wollondilly visitor economy. While exploring opportunities in environment and rural zones is a priority, the study was not constrained to these zones.

## 1.3 Approach

The approach undertaken included:

- Reviewing available information provided by Council, including current policy positions, housekeeping amendments proposal, and broader strategies and plans

- Speaking with various internal and external stakeholders to understand how they define visitor economy, what they see as barriers preventing it succeeding and potential opportunities for intervention
- Preparing case studies and undertaking targeted phone calls to specific tourism focused councils to understand the approaches they have taken to support their visitor economy
- Reviewing the current Local Environment Plan, Development Control Plan and State Environmental Planning Policies
- Identifying mechanisms that could be considered for inclusion in the WLEP 2011 and other actions if identified
- Recommending and providing direction on the need and focus of any future review of the Wollondilly Development Control Plan in relation to the visitor economy.

## 2.0 STAKEHOLDER ENGAGEMENT

To define the parameters of the study it was important to understand what stakeholders thought people should come and see and do in Wollondilly, what the uses they associated with the visitor economy, and what the perceived or actual barriers were.

### 2.1 What engagement was undertaken?

To inform the study, varying engagement activities were undertaken including:

- Workshop with community advisory committee representatives
- Workshop with internal council stakeholders
- Attendance and participation at workshop for Destination Sydney Surrounds South
- Targeted phone calls with State Government rep and private consultant involved with the Agritourism Pilot Program (see section 2.5)
- Targeted phone calls with local businesses and broader industry associated with the visitor economy.

### 2.2 What are visitors to Wollondilly looking for?

Stakeholders were asked what they think visitors to Wollondilly are looking for when they visit. They suggested:

- |                                    |   |  |
|------------------------------------|---|--|
| ● Theme parks                      | ● Farm stall  | ● Museum                                       |
| ● Destination holiday parks        | ● Retail  | ● Cultural facilities                          |
| ● Indigenous tours                 | ● Celebrate significant life events   | ● Arts and theatre (explore studios – buy art) |
| ● Eco spas                         | ● Adventure activities  | ● Weddings                                     |
| ● Helicopter and balloon flights   | ● Walk  | ● Events                                       |
| ● Wineries                         | ● Stay (accommodation)  | ● Conferences                                  |
| ● Restaurants                      | ● Participate in outdoor activities i.e. ride horses, mountain bikes, kayak | ● Medical tourism (recover)                    |
| ● Artisan breweries / distilleries | ● Buy food  | ● Retreats                                     |
| ● Photography                      | ● Farm to plate   | ● Education conservation                       |
| ● Pick your own produce experience | ● Markets   | ● Guided tours                                 |
| ● Flower grower workshops          | ● Health and wellbeing  | ● Connect with nature                          |
|                                    |   | ● Kiosks                                       |
|                                    |   | ● Glamping / tiny houses                       |

These activities and uses supported the refinement of what Standard LEP definitions should be considered when determining the associated visitor economy uses.



## 2.3 What is the visitor economy?

As per the Destination Management Plan:

*The visitor economy accounts for the fact that visitor activity does not occur in isolation, but rather, contributes to investment in jobs across a broad range of industry sectors. This includes all industries that directly and indirectly serve visitors, ranging from including accommodation and tourism operators and attractions, to broader goods and services such as retail, food and beverage industries, etc. As tourism is not a defined industry sector on its own, but rather the amalgamation of a variety of industry sectors including accommodation, food and beverage etc., the full extent of what comprises the visitor economy and its reach across many elements of the broader economy is often not fully understood. (Stafford Strategy 2018)*

The Destination Management Plan identifies a need to grow Wollondilly's tourism produce to be competitive for the visitor economy. The current visitor stats are highlighted below.

**Table 1: Wollondilly Visitor Stats 2019**

<b>569,000</b>	<b>83%</b>	<b>16%</b>	<b>0.6%</b>
Visitors in 2019	Domestic day trippers	Domestic overnight	International

Source: National and International Visitor Survey (NVS and IVS) data published by Tourism Research Australia (TRA)

Note: due to Covid-19 there has been a higher demand from domestic tourism and a drop in international tourism.

For the purpose of this study, and in consultation with Council staff, land uses as defined by the Standard Instrument, that could be associated with the visitor economy include:

- aquaculture
- airport
- amusement centre
- boat launching ramp
- camping ground
- caravan park
- charter and tourism boating facility
- cellar door premises
- food and drink premises
- restaurant or cafe
- take away food and drink premises
- pub
- small bar
- retail premises (group term)
- garden centre
- market
- roadside stall
- neighbourhood shop
- eco-tourist facility
- entertainment facility
- function centre
- helipad
- artisan food and drink industry
- information and education facility
- recreation area
- recreation facility (indoor)
- recreation facility (major)
- recreation facility (outdoor)
- tourist and visitor accommodation (group term)
- backpackers accommodation
- bed and breakfast accommodation
- farm stay accommodation
- hotel or motel accommodation
- serviced apartment
- water recreation structure
- wharf or boating facility.

These land uses have guided the analysis of the Local Environmental Plan review.

## 2.4 What are the actual or perceived barriers impeding the visitor economy?

Stakeholder engagement assisted in providing insights on the types of barriers that may be impeding the establishment and success of the visitor economy.

### Rural and environmental areas

- Limited permissible uses that support the visitor economy are allowed in rural and environmental zones.
- Farm accommodation must be on a working farm, however does not enable opportunity for other forms of accommodation on hobby farms.
- The income generated through the farm is generally not sufficient to offset the costs to establish the substantial infrastructure requested as part of conditions of consent (i.e. asphalt car parks).
- Airbnb is unregulated and does not need to jump through the same hoops as the legitimate bed and breakfast accommodation.
- Perceived lack of council appreciation regarding the impact to the environment and aesthetics of putting in hard infrastructure (i.e. car park).
- Disparity between the priorities of the strategies and what the land owners want to be able to undertake on their properties. Generally, there is a preference to maintain the rural or environmental setting, however allow alternative or ancillary income streams and generate opportunity for more people to visit and appreciate the natural setting.
- Walking tracks through properties creates a public liability issue for owners.
- Anecdotally, farm stay must demonstrate that the gross income is less than that generated by the primary production, however the revenue capacity of many agricultural businesses is variable, and the additional accommodation requirement is intended to help support ongoing operation capacity.
- Rural oriented uses as land use definitions needs to be raised at a State level i.e. rural function centres, food produce door etc.
- State legislation impedes people from walking through an area identified as a bio-bank.
- The draft Rural Land Strategy says 'raise lot sizes'; if they were reduced, they could have smaller scale productive farming practices.
- Perceived inconsistency between what people have been previously allowed to do and what regulations are now saying that they have to do – i.e. car park on natural ground.
- Not authorised to recycle waste water to use on gardens.
- Increasing demand for rural weddings and scenic events, but the most closely aligned definition is 'function centre' which is not necessarily appropriate due to scale.
- Limited opportunities for non-productive farm use diversification.
- Perception that restaurants in rural areas may generate traffic issues.
- Perception that Council planners interpret legislation differently, creating uncertainty.
- Perception that Council planners apply different assessment approaches and conditions based on their consideration of risk.

### General perceptions

- Lack of opportunity to speak with Council officers regarding a visitor economy venture and gain an understanding of what land use would best fit their idea and how to navigate the system. The current system requires a formal development concept proposal to be lodged.
- Land use definitions do not fit with alternate tourist accommodation formats such as glamping, yurts, tiny houses and 'air camping'.
- Signage to promote tourism premises should be enabled without a development application.
- Unnecessary and onerous conditions impact the viability and desirability of progressing a visitor economy venture.

- Unnecessary and onerous requirements to put in supporting technical reports with development applications. Inconsistency in what reports are, and are not required.
- Unnecessary requirement (in some instances) for applications to be assessed by an independent planning panel.
- Lack of plain English descriptions/information. Particularly in terms of thresholds and the suitability of development (i.e. whether 70 market stalls versus 100 is likely to be supported).
- Bed and breakfast accommodation is required to be within the primary residence due to the definition referring to 'existing dwelling'.
- Clause 2.8 currently offers short term consents, however now there are more grounds to contest consents due to land and environment court decisions. Rural venue - any impact whatsoever is reason for refusal – court is setting framework.

## 2.5 What other stakeholders have been doing.

### Pilot program

The NSW Small Business Commission and Service NSW have been running a pilot program across three Council areas (Wollondilly, Queanbeyan-Palerang and Liverpool Plains) that focuses on agritourism and supporting the establishment of businesses. There are 16 rural landowners in Wollondilly that are participating in the pilot program. The pilot program has identified a number of challenges and to date none of the ventures have launched. Examples of ventures, businesses are seeking to establish include farm accommodation, farm gate sales, farm camping, and farm event opportunities. Difficulties being faced include:

- Uses not being permissible under the planning instrument.
- Uses not qualifying as a 'productive commercial' farm despite evidence from tax department and accountant.
- No support from Council planning officers to be able to discuss potential pathways and most suitable land use definitions.
- No clarity and consistency in the extent of documentation required and suitable pathways.
- Interpretation of 'ancillary use' is varied.
- Conditions of consent are extremely onerous, making it unviable for new business operation to establish.
- Current system does not allow value adding on farms.
- Lack of understanding that enabling farmers to diversify their income streams offers greater capacity for the primary farming purpose to remain productive or for farmers to retain rural landscapes.
- Land use planning constraints are not aligned with strategic intent.
- Anecdotally – Department of Planning, Industry and Environment said that operators would not need a development application for farm tours, however councils' give contrary advice.
- Example: 25ha farm – wanted to have 300 free range chickens – micro-farming opportunity – no industrial scale chicken sheds would be required. The cost and effort associated with getting approval meant business pull the pin as there would be no return on investment. Requirements included: Statement of Environmental Effects, Noise Study, Traffic Study, Impact on environment and water courses.

Ultimately, it became apparent that the planning system is unnecessarily complex and the pathways to obtain approval is too complicated. Speaking with stakeholders involved with the project, we understand that the ultimate intent would be to create an agritourism SEPP to enable small scale agritourism uses through complying development.



### **DPIE mooted interventions**

Building on from the findings of the pilot program, DPIE have been looking at the existing pathways and requirements for agritourism operations and exploring options to enable more opportunities and make it easier to do business. The focus has been on three activities:

- Farm stay accommodation
- Farm events
- Farm gate activities.

The intent would be that these definitions are introduced or altered in the Standard Instrument LEP. The uses would also be incorporated in the Exempt and Complying Development SEPP to allow variances in the approval pathways. Development standards would be drafted to support the definitions along with model clauses for councils to adopt.

The definitions are intended to be directly linked to commercial (productive) farms to enable farmers to diversify their income base to respond to the variability and uncertainty in agriculture operations.

### Observation

Notably, as the definitions will be linked to commercial farm operations it will not allow opportunity for lifestyle and decommissioned farms or other rural properties to benefit from these definition changes. This means that Council will need to advocate for an extension of the definition or review the permissibility of the existing uses within the local environment plan.

## 3.0 PLANNING FRAMEWORK

The NSW Planning Framework is complex with various mechanisms that can influence the planning pathway and the permissibility of use. This section considers the State and Council framework as it relates to the visitor economy. These frameworks are generally divided into:

- Ministerial Directions for planning proposals, as enabled by Section 9.1 of the EP&A Act
- State Environmental Planning Policies, which are environmental planning instruments that generally apply to the entire State and typically override local planning controls where there is a conflict
- Wollondilly's local planning controls, as defined in the LEP and DCP.

Other guidelines, policies and standards regarding environmental impact also influence the visitor economy, particularly in rural and environmentally sensitive areas. This section touches on the broad concepts of environmental impacts and how they relate to overall planning for the visitor economy.

### 3.1 Ministerial Direction – Section 9.1 Directions

Ministerial Directions apply to planning proposals lodged with the Department of Planning, Industry and Environment, including councils, when seeking to amend their local environmental plans. They set out requirements for planning proposals, such as giving effect to the direction objectives and other specific outcomes. They have specific spatial triggers (e.g. the entire State, certain LGAs or a mapped area) and planning proposal outcome triggers (e.g. changing permissible uses in certain zones). When these triggers are met, the relevant planning authority must be consistent with the requirement of the direction, demonstrate that inconsistencies are of minor significance or are otherwise justified, such as by a strategy.

While the Ministerial Directions generally do not affect the capacity of visitor economy uses on business and industrial zoned land, there are certain Directions associated with rural zones and lands that may provide a barrier for establishing visitor economy uses. The most relevant directions that apply to Wollondilly are summarised below.

#### 3.1.1 Direction 1.2: Rural Zones

Direction 1.2 relates to planning proposals that seek to rezone or otherwise affect any lands within a rural zone. It is likely that any planning proposal that seeks to change the permitted uses of a Wollondilly rural zone would be required to address this direction.

- Objective: Protect the agricultural production value of rural land
- Trigger: A planning proposal will affect land within an existing or proposed rural zone, including altering rural zone boundaries
- Requirements:
  - Rural zones may not be rezoned to residential, business, industrial, village or tourist zones
  - Rural zone permissible density may not be increased, except for land within an existing town or village
- Inconsistency exceptions:
  - Planning proposal is justified by a DPIE approved strategy that considers the objectives of the direction and identified the land affected by the planning proposal
  - Planning proposal is justified by a study prepared in support of the planning proposal which gives consideration to the objectives of this direction
  - Is in accordance with the relevant regional or district strategy (e.g. A Metropolis of Three Cities and the Western City District Plan)
  - Is of minor significance.

For the avoidance of doubt, this report does not explicitly consider the agricultural production value of land, aside from acknowledging that agricultural production remains a high priority policy and strategic goal. Wollondilly's draft Rural Lands Strategy would likely provide the level of expertise and consideration required by this direction. The threshold to which visitor economy uses could be supported on rural land is still to be tested. There is argument that visitor economy uses can be complimentary to rural uses where they can demonstrate that they are sensitive to rural land productivity and environmental factors. The factor that would impede this is to what extent the visitor economy uses increase the permissible density of the rural land.

### 3.1.2 Direction 1.5: Rural Lands

Direction 1.5 relates to planning proposals that seek to rezone or otherwise affect any lands within a rural or environmental protection zone. It is likely that any planning proposal that seeks to change the permitted uses of a Wollondilly rural zone would be required to address this direction.

- Objectives:
  - Protect the agricultural production value of rural land
  - Facilitate the orderly and economic use and development of rural lands for rural and related purposes
  - Assist in the proper management, development and protection of rural lands to promote the social, economic and environmental welfare of the State
  - Minimise the potential for land fragmentation and land use conflict in rural areas (e.g. residential)
  - Encourage sustainable land use practices and ensure the ongoing viability of agriculture on rural land
  - Support the delivery of the actions outlined in the New South Wales Right to Farm Policy.
- Trigger: A planning proposal will affect land within an existing or proposed rural zone, including altering rural zone boundaries or changing minimum lot sizes.
- Requirements:
  - Planning proposals must:
    - › Be consistent with any applicable LSPS, regional or district plan
    - › Consider the significant of agriculture and primary production to State/rural communities
    - › Identify environmental values (physical/cultural)
    - › Consider the natural and physical constraints of the land
    - › Promote opportunities for productive, diversified, innovative and sustainable rural economic activities
    - › Support farmers in exercising their right to farm
    - › Prioritise efforts to consider measures to minimise fragmentation and land use conflict
    - › Consider State Significant Agricultural Land identified in SEPP (Primary Production and Rural Development) 2019 for the purpose of ensuring ongoing viability (*Note: this schedule is blank at the time of writing*)
    - › Consider the social, economic and environmental interests of the community.
  - Planning proposals that change minimum land use size must:
    - › Be consistent with the priority of minimising fragmentation and land use conflict
    - › Not adversely affect existing and future operations viability (including supporting infrastructure and facilities)
    - › Where rural residential purposes are included, take services and infrastructure into account as well as overall demand and supply of rural residential land
- Inconsistency exceptions:
  - Planning proposal is justified by a DPIE approved strategy that considers the objectives of the direction and identified the land affected by the planning proposal



- The inconsistencies are of minor significance.

As such, any planning proposal that has an inconsistency with this direction, is of more than minor significance, and affects rural land in Wollondilly, must be justified by a DPIE approved strategy, such as (but not limited to) Metropolis of Three Cities, Western City District Plan or the Wollondilly LSPS.

### 3.2 State Environmental Planning Policy (Exempt and Complying Development Codes) 2008

The *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008* (Codes SEPP) outlines types of development that can be undertaken as exempt development (e.g. no formal assessment required) and complying development (e.g. assessment undertaken by a private certifier against static controls).

The Aim of the Policy is to provide a streamlined assessment process for development that complies with specified development standards. It specifies state-wide development types that are of minimal environmental impact, that can be carried out without the need for development consent, where they comply with specific codes.

Of relevance to the visitor economy is the opportunity to enable bed and breakfast accommodation as complying development.

#### Part 4A General Development Code - Subdivision 1 Bed and breakfast accommodation

##### 4A.1 Specified complying development

*Bed and breakfast accommodation is development specified for this code if it is—*

- (a) permissible with development consent under an environmental planning instrument applying to the land on which the development is carried out, and*
- (b) not constructed or installed on bush fire prone land.*

##### 4A.2 Development standards

*The standards specified for that development are that the development must—*

- (a) be in an existing dwelling house, and*
- (b) consist of not more than 4 guest bedrooms or, if there is a local environmental plan applying to the land that was made under section 3.20 of the Act, the maximum number of bedrooms specified in clause 5.4(1) of that plan, and*
- (c) have at least 1 guest bathroom, and*
- (d) have a fire extinguisher and fire blanket in the kitchen, and*
- (e) have at least 1 off-road car parking space per guest bedroom, and*
- (f) not display any advertisement on the premises (other than a notice or sign indicating the name and occupation of the resident), and*
- (g) if the dwelling house is subject to the Strata Schemes Management Act 1996 or the Community Land Management Act 1989—have the prior approval of the owners corporation, or the community, precinct or neighbourhood association.*

Considering the above, enabling bed and breakfast as permissible with consent under a broader diversity of zones with the Wollondilly Local Environmental Plan would subsequently allow the use to become complying development. The practical effect of this is significantly reduced given that Clause 4A.1(b) excludes bush fire prone land from being eligible for the comply development pathway.

Bush fire prone land is classified by any land that is included on the relevant bush fire prone land map, regardless of how much land is included or the proximity of the included land to development. The *Guide for Bush Fire Prone Land Mapping* (Rural Fire Services 2015) requires that vegetation that is mapped as bush fire prone is buffered by a further 30 to 100 m, depending on the nature of the vegetation. This means that any lot where a portion of the lot is within that buffer is also considered to be bush fire prone land.

A review of Council's online bush fire prone land mapping tool reveals that the bulk of rural lands are mapped as bush fire prone and would be ineligible for the Codes SEPP complying development pathway. It is noted that Section 10.3 of the EP&A Act requires mapping to be reviewed and approved within five years of certification, and as such, mapping may change to reflect the guidelines of the day and knowledge regarding bush fire risk.

Considering the above, there could still be merit in enabling bed and breakfast as complying development under the Wollondilly LEP to provide greater flexibility.

### 3.3 Wollondilly Local Environmental Plan

The relevant environmental planning instrument applying to Wollondilly LGA is the *Wollondilly Local Environmental Plan 2011*. The Wollondilly LEP has been modelled on the *Standard Instrument – Principal Local Environmental Plan* (Standard Instrument), which mandates the structure and core features of any LEP in the State.

The Wollondilly LEP contains the primary planning controls for development and is intended to manage and guide development outcomes, including the type, size and scale of development.

The Wollondilly LEP also includes other more fine-grain mechanisms that can be utilised to either prohibit, restrict or encourage visitor economy outcomes. Subsequently, these mechanisms can be varied to facilitate visitor economy opportunities. The LEP's relevant parts and clauses are discussed below.

#### 3.3.1 Land use permissibility

Part 2 of the Wollondilly LEP relates to land use zoning, the objectives of each zone and the permitted or prohibited land uses for each zone. These are communicated through the Land Use Table.

The Land Use Table provides direction as to the objective of zones and specified uses allowed as permitted without consent, with consent or prohibited. Zones and land uses available to councils are identified in the Standard Instrument. Further, the Standard Instrument mandates the core objectives and land uses for each zone. Councils are able to make additions to these objectives and land uses but may not remove core items.

The Land Use Table has been adapted into a matrix format in Figure 1. This allows for comparison of permitted land uses across each zone. As shown in the figure, Wollondilly's business zones are relatively open for visitor economy type uses. Conversely, the residential, recreation, rural and environmental zones are not. Where appropriate, amending permissibility of certain land uses can help facilitate visitor economy uses and assist in removing some of the barriers currently preventing or discourage tourism and visitor ventures.

Definitions for each land use are contained within the Dictionary of the Wollondilly LEP. As part of its assessment, Council is to consider if the land use described accurately reflects the definition. The consequences of not considering land use definitions appropriately can include consents being made invalid. A relevant example of this is *Cheetham v Goulburn Motorcycle Club Inc [2017] NSWCA 83*, where Council had been determined to have had miscategorised a development as recreation facility (outdoor) instead of recreation facility (major), a prohibited land use. The judgement found that, in part, the 'large-scale' and 'large numbers of people' portion of the definitions were defined by the local context. That is to say, a facility that may be considered mid-range in central Sydney may be considered major in a more rural setting. As such, it is important for Council to consider land use definitions and how they would apply in the context of Wollondilly.

**Figure 1: Current land use permissibility**

Legend: x = Prohibited c = Permitted with Consent o = Permitted without consent	Business zones			Residential zones		Special purpose	Recreation		Rural Zones			Environmental Zones		
	B1	B2	B4	R2	R3	SP1	RE1	RE2	RU1	RU2	RU4	E2	E3	E4
<b>aquaculture</b>	x	x	x	x	x	c	c	c	c	c	c	x	x	x
pond-based aquaculture	x	x	x	c	x	c	c	c	c	c	c	x	c	c
oyster aquaculture	c	c	c	c	c	c	c	c	c	c	c	c	c	c
tank-based aquaculture	c	c	c	c	c	c	c	c	c	c	c	x	c	c
<b>air transport facility (group term)</b>	x	c	c	x	x	x	x	x	c	x	c	x	x	x
airport	x	c	c	x	x	x	x	x	c	c	c	x	x	x
amusement centre	x	c	c	x	x	x	x	x	x	x	x	x	x	x
boat launching ramp	c	c	c	x	x	c	x	x	x	x	x	x	x	x
camping ground	x	c	c	x	x	x	c	c	x	x	x	x	x	x
caravan park	x	c	c	x	x	x	c	c	x	x	x	x	x	x
charter and tourism boating facility	c	c	c	x	x	c	x	x	x	x	x	x	x	x
<b>commercial premises (group term)</b>	c	c	c	x	x	x	x	x	x	x	x	x	x	x
<b>retail premises;</b>	c	c	c	x	x	x	x	x	x	x	x	x	x	x
cellar door premises	c	c	c	x	x	c	x	x	c	c	c	x	x	c
<b>food and drink premises;</b>	c	c	c	x	x	c	x	c	x	x	x	x	x	x
restaurant or cafe	c	c	c	x	x	c	x	x	x	x	x	x	x	x
take away food and drink premises	c	c	c	x	x	c	c	x	x	x	x	x	x	x
pub	c	c	c	x	x	c	x	x	x	x	x	x	x	x
small bar	c	c	c	x	x	c	x	x	x	x	x	x	x	x
garden centre (Explore environment)	c	c	c	x	x	c	x	x	x	x	x	x	x	x
market	c	c	c	x	x	c	x	x	x	x	x	x	x	x
roadside stall	x	c	c	x	x	x	x	x	c	c	c	x	x	c
<b>shop;</b>	c	c	c	x	x	x	x	x	x	x	x	x	x	x
neighbourhood shop	c	c	c	c	c	x	x	x	x	x	x	x	x	x
neighbourhood supermarket	c	c	c	x	x	x	x	x	x	x	x	x	x	x
eco-tourist facility	x	x	x	x	x	x	x	x	x	x	x	x	x	x
entertainment facility	c	c	c	x	x	x	x	x	x	x	x	x	x	x
function centre	x	c	c	x	x	x	c	c	x	x	x	x	x	x
helipad	c	c	c	x	x	x	c	x	x	x	x	x	x	c
<b>light industry;</b>	x	x	x	x	x	x	x	x	x	x	x	x	x	x
artisan food and drink industry	x	x	x	x	x	x	x	x	x	x	x	x	x	x
information and education facility	c	c	c	x	x	c	c	c	c	c	c	c	c	c
recreation area	c	c	c	c	c	c	c	c	c	c	c	x	x	c
recreation facility (indoor)	c	c	c	x	x	x	c	c	x	c	x	x	x	x
recreation facility (major)	x	x	x	x	x	x	c	c	x	x	x	x	x	x
recreation facility (outdoor)	x	x	x	x	x	x	c	c	x	c	x	x	x	c
<b>tourist and visitor accommodation (group term)</b>	c	c	c	x	x	x	x	x	x	x	x	x	x	c
backpackers accommodation	c	c	c	x	x	x	x	x	c	x	x	x	x	c
bed and breakfast accommodation	x	c	c	c	c	c	x	x	c	c	c	x	x	c
farm stay accommodation	c	c	c	x	x	x	x	x	c	c	c	x	x	c
hotel or motel accommodation	c	c	c	x	x	x	x	c	x	x	x	x	x	c
serviced apartment	c	c	c	x	x	x	x	x	x	x	x	x	x	x
water recreation structure	x	x	x	x	x	x	c	x	c	c	c	x	c	c
wharf or boating facility	x	x	x	x	x	x	x	x	x	x	c	x	x	x

Source: Wollondilly Local Environmental Plan 2011 – version 11 December 2020

### 3.3.2 Additional permitted uses

Clause 2.5 of the Wollondilly LEP allows for development on particular land that is described or referred to in Schedule 1. Depending on the structure of that Schedule, land uses may be carried out either with or without development consent, in accordance with the conditions (if any) specified in that Schedule.

The clause has effect despite anything contrary to the Land Use Table, meaning that it can permit land uses on specific mapped areas or lots, despite those land uses otherwise being prohibited.

At the time of writing the report, a review of Schedule 1 shows that only 10 land areas have been identified for additional land uses. Two of these areas broadly relate to the visitor economy:

- 1458 Burragorang Road, Oakdale, being Lot 12, DP 734907, within Zone R2 Low Density Residential – Camping ground and caravan park uses are permitted with development consent.
- Land at Bingara Gorge Estate, Wilton, being part of Lot 17, DP 270536, within Zone R2 Low Density Residential – business premises; entertainment facilities; function centres; hotel or motel accommodation; information and education facilities; office premises; pubs; recreation facilities (indoor); registered clubs; restaurants; take away food and drink premises; shops.



It is noted that, the ability for the schedule to identify the specific requirements that development is to meet, allows for finer detail than the Land Use Table. Potential controls could include floorplates, setbacks, maximum number of units, as well as other requirements.

### 3.3.3 Temporary use of land

Clause 2.8 of the Wollondilly LEP allows for temporary land uses for a maximum period of 52 days across 12 months, either consecutively or non-consecutively, even if that land use is prohibited in the Land Use Table. This could allow for a market to be held once a week for a year, or for an exhibition for approximately two months out of each year, for an indefinite number of years.

However, the following limits what type of development can be approved (emphasis added):

- (3) Development consent must not be granted unless the consent authority is satisfied that—*
- (a) the temporary use will not prejudice the subsequent carrying out of development on the land in accordance with this Plan and any other applicable environmental planning instrument, and*
  - (b) the temporary use will not adversely impact on any adjoining land or the amenity of the neighbourhood, and***
  - (c) the temporary use and location of any structures related to the use will not adversely impact on environmental attributes or features of the land, or increase the risk of natural hazards that may affect the land, and*
  - (d) at the end of the temporary use period the land will, as far as is practicable, be restored to the condition in which it was before the commencement of the use.*

The items in bold are extremely broad in that they do not quantify the level of significance of an acceptable impact. If a temporary land use has any adverse impact on any adjoining land, development consent cannot be granted. This view is supported by the judgement in *Marshall Rural Pty Limited v Hawkesbury City Council [2015] NSWLEC 197*. As described in judgements of these cases, the clause is absolute and does not permit an ‘acceptable’ level of impact.

Given the typical visual, acoustic and low traffic characteristics of the rural areas of Wollondilly, potential temporary land uses would have a very high bar to meet to be permissible.

### 3.3.4 Exempt and complying development

Part 3 of the Wollondilly LEP allows for defining land uses where development consent is not required and either the exempt or complying development pathway is to be pursued. The objective of the Part is to identify development of minimal environmental impact as exempt or complying development. The development must meet the standards as outlined in Wollondilly LEP’s Schedule 2 Exempt development or Schedule 3 Complying development. This means that the Wollondilly LEP may outline the specific conditions that a development must meet in order to be complying development. Further, complying development must be permissible in the zone where it is proposed.

Related to visitor economy, Schedule 2 Exempt development allows for roadside stalls in the RU1 Primary Production, RU2 Rural Landscape and RU4 Primary Production Small Lot zones of up to 20 sqm and set back from public roads. Schedule 3 Complying development does not identify any uses that are complying development in the Wollondilly LGA.

### 3.3.5 Principal development standards

Part 4 of the Wollondilly LEP relates to the core built form controls that new development is to comply with. It includes subjects such as building height, floorspace ratio (i.e. the bulk and scale of development, in relation to the lot) and minimum lot size.

The Wollondilly LEP Part 4 structure largely aligns with the structure of the Standard Instrument. A small number of additional clauses contain requirements for certain types of dwellings and subdivision. No clauses have been identified that would directly relate to the visitor economy or developments to support the visitor economy (e.g. maximum size of certain structures or other development considerations).

### 3.3.6 Miscellaneous provisions

Part 5 of the Wollondilly LEP relates to 'Miscellaneous provisions.' The clauses largely provide clarifying interpretation of other controls (e.g. when roof features can exceed maximum building height), requirements for consent for development with certain environmental concerns (e.g. heritage and flooding) and requirements for certain types of development.

Clause 5.4 contains the bulk of requirements for certain types of development, such as the maximum GFA permitted for certain uses. Of note are the requirements that:

- Clause 5.4(1): Bed and breakfast development is to have no more than 3 bedrooms
- Clause 5.4(4): Industrial retail outlets for rural industry is not to exceed 43 per cent of the GFA of the industry or 400 sqm, whichever is the lesser
- Clause 5.4(5): Farm stay accommodation is to have no more than 5 bedrooms
- Clause 5.4(8): Roadside stalls are not to exceed 75 sqm
- Clause 5.4(10): Retail sale area of an artisan food and drink industry is not to exceed 43 per cent of the GFA of the industry or 400 sqm, whichever is the lesser.

These provisions are included in the Standard Instrument, with Council nominating maximums in line with the requirements of the Standard Instrument. It does not appear that Council has nominated other development controls in this section.

### 3.3.7 Additional local provisions

Part 6 of the Wollondilly LEP relates to 'Additional local provisions.' The clauses provide a range of considerations and requirements for Council to account for as part of development. If Council is not satisfied that the matters for consideration have been addressed appropriately, development consent may not be granted. Existing clauses largely relate to the provision of infrastructure and certain environmental impacts. Clause 7.8 relates to general built form outcomes in Appin and alignment with guidelines for growth in that area.

The provisions of the part do not currently relate to specific built form outcomes. By comparison, the Liverpool LEP currently contains 40 additional local provisions that include requirements for dwelling densities, frontage widths and maximum size of certain land uses within development (e.g. the maximum size of a 'shop'). The Liverpool LEP provides examples for the types of controls that can help fine tune development outcomes in specific zones or otherwise specifically mapped areas.

## 3.4 Development control plan

The *Wollondilly Development Control Plan 2016* provides additional design guidance for development. While not a statutory document in its own right, it communicates the expectations that Council has for development. The volumes most relevant to the visitor economy are described below.

- Volume 5 – Commercial and community uses
- Volume 6 – Tourism and events

Volume 5 of the Wollondilly DCP relates to commercial and community uses, with specific controls for land uses such as amusement centres, community facilities, entertainment facilities and function centres. Controls appear to reflect centre-based development. This is reflected by the large amount of car parking to be provided on site (as opposed to rural areas that could potentially accommodate off-site parking) and function centres to be within 400 m of public transport and with a public street frontage.

Likewise, it notable that Volume 6 requires all bed and breakfast and farm stay accommodation parking and driveways to be sealed and marked. This requirement could represent significant costs for rural properties where a sealed driveway could be extensive. It also states that no more than two guests per bedroom would be permitted, which could limit the clientele that a farm stay could attract (e.g. larger families and staff retreats would likely be excluded).

Farm stay accommodation is also restricted to only where intensive agriculture (e.g. commercial livestock or plant agriculture) or extensive agriculture (e.g. commercial grazing or bee keeping) is present. Hobby farms and other non-commercial agricultural uses are specifically excluded. This requirement appears to building on the 'working farm' portion of the farm stay accommodation definition in the Wollondilly LEP.

Other requirements for hotels, motels, markets and events in Volume 6 are reasonable, seeking to mitigate environmental impacts.

### 3.5 Council policies

HillPDA has undertaken a review of Council's policies included in the link below in order to identify if any Council policies are relevant to the establishment or operation of visitor economy land uses.

<https://wollondilly.lgsoftwaresolutions.com.au/Pulse/Public.aspx?page=publicpolicies>

While Council does have a *Use of Public Open Space by Commercial Fitness Groups & Personal Trainers Policy*, it does not appear that a policy relates to the use of public open space for visitor economy uses. Likewise, Council's *Social Media Policy* does not appear to consider the promotion of the visitor economy, unless it is part of a Council event.

The *Corporate Sponsorship Policy* outlines the situations where Council can sponsor (e.g. sponsor an event) or be sponsored (e.g. have an event be sponsored). The policy allows for these types of relationships, with specific and detailed conditions.

The *Corporate Property Policy* applies to Council's property activities including acquisition, management and leasing/licensing. The policy allows for decision making that is measured as financial, environmental, social, political and economic considerations. Economic considerations specifically identify tourist development such as cultural facilities and caravan parks as a positive property outcome.

There do not appear to be specific policies relating to use of Council land for visitor economy promoting uses. While the *Corporate Sponsorship Policy* and *Corporate Property Policy* would likely enable positive outcomes, the situations where these outcomes are most relevant are not identified.

### 3.6 Plans of management

A plan of management provides information relating to the long term management of public open space through planning, resource management and maintenance. Plans of management allow for events like the Appin Markets, which are currently held once a month.

Wollondilly currently has 14 plans of management on its website. The *Generic Plan of Management Sportsgrounds* applies to 14 sportsground across the Wollondilly LGA, located in 10 town centres. Section 9 relates to hiring and use of the sportsgrounds and establishes that one-off hirers are accommodated if there are no adverse impacts upon permanent seasonal or pre-existing casual bookings. While this is a positive outcome



for long time users, it could disadvantage visitor economy users that require large spaces that sportsgrounds afford.

Other plans of management, such as the *Parks at Warragamba and Silverdale* also relate to multiple properties. Appendix 2 of the plan of management explicitly allows for the use of land for fairs and markets, subject to development consent, though scale is to be low impact and not so large as to impact adversely on open space values. As with the sportsground requirements above, this benefits normal users, but could disadvantage potential users that would have a more intensive event.

### 3.7 Development contributions

Council's *Wollondilly Contribution Plan* is the current contribution plan, in force as of 1 July 2020. It authorises Council or accredited certifiers to impose conditions on development requiring development contributions. The contribution plan applies to all land within the Wollondilly LGA, however does not levy contributions on non-residential development in rural areas.

This means that if new visitor economy land uses are permitted and developed on rural lands, they will not be subject to development contributions. While this will ease businesses by lowering establishment costs, it also means that Council will be required to use other funds or other methods (e.g. conditions of consent) to meet the demand caused by new development. These could include wear and tear on roads and other traffic management costs.

### 3.8 Implications

A review of the planning framework indicates that:

- Current Ministerial Directions prioritise preserving and enabling rural land uses over urban land uses, placing a high bar for permitting any use that may discourage rural land uses
- The Codes SEPP is unlikely to allow for bed and breakfast as complying development in Wollondilly due to bush fire issues on many rural properties and should not be relied on to promote development outcomes
- Land use characterisation requires precise and consistent interpretations of definitions. Land uses that are potentially desirable or have ambiguous definitions, such as recreation facility (outdoor), recreation facility (major), farm stay accommodation or market should be carefully considered with consistent and documented justification of application
- Temporary land uses should not be relied on to allow for prohibited uses given the very high bar relating to adverse impacts on surrounding lands
- Wollondilly currently has very few provisions relating to additional permitted uses, additional local provisions or complying development, with opportunities for Council to express its vision for permitting specific land uses in specific circumstances or lowering the barrier to delivering land uses
- Council's DCP currently has a centre-focus for visitor economy land uses and would likely need to include specific clauses to enable land uses while also respecting and protecting the character and environmental consideration of rural areas
- Council's planning controls place a high value on limiting the potential for visitor economy land uses to out compete primary production and other traditional rural land uses. While the value of these land uses is acknowledged, there may be room to re-evaluate the balance (e.g. allow for additional bedrooms for accommodation or allow for lower impact/density commercial uses)
- Council's policies and plans of management broadly acknowledge the value of the visitor economy but do not explicitly prioritise how the visitor economy would be promoted
- Council's development contribution plan lowers establishment costs for the visitor economy on rural lands, but may also increase costs for Council due to higher demand.

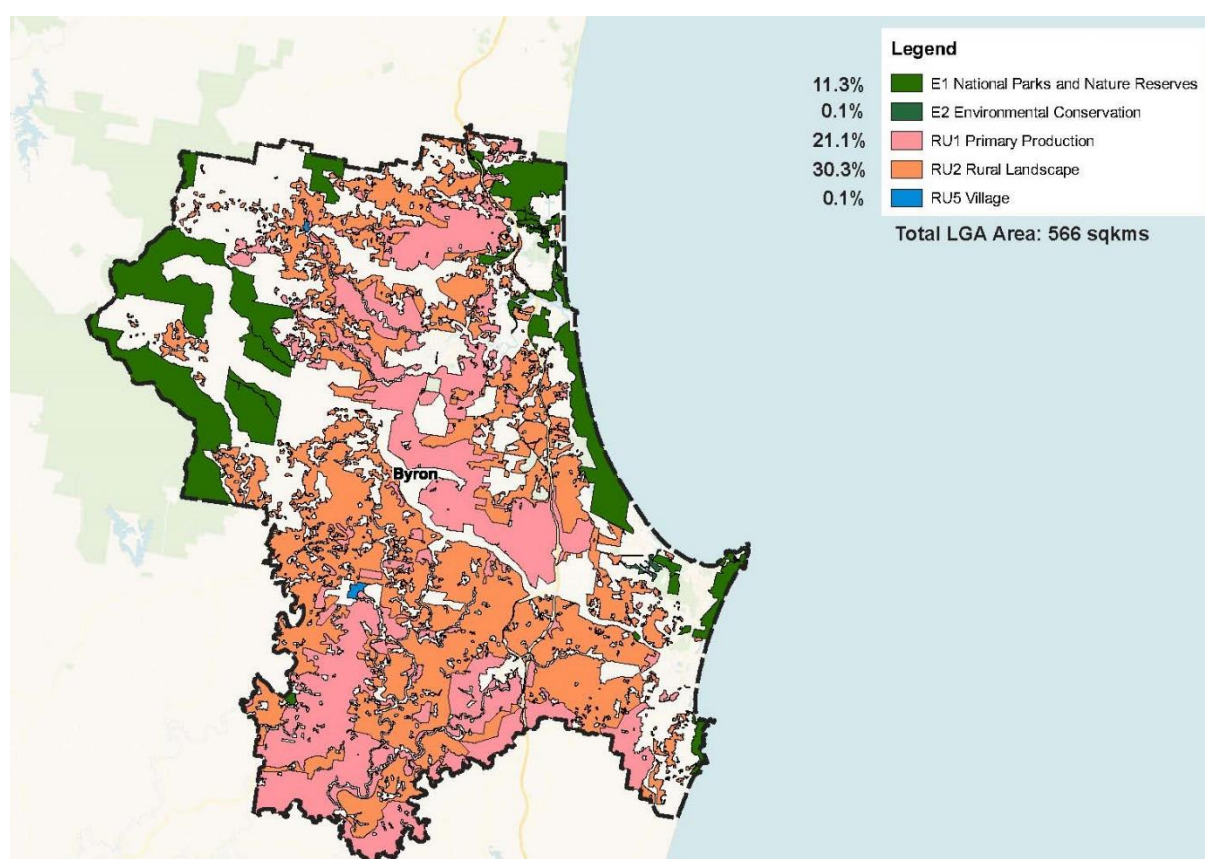
## 4.0 CASE STUDIES

The case studies are of various known tourism related council areas in NSW. They overview the current mechanisms that councils have in place and summarise conversations that were held with the respective council officers. As the commentary obtained throughout the stakeholder engagement mostly pointed to difficulties operating tourism businesses in rural and environmental zones, these zones became the focus for the case studies.

### 4.1 Byron LGA

The Byron Shire Local Government Area (Byron LGA) is a well-known tourism destination and has historically demonstrated effective use of rural and environmental lands. As seen in Figure 2, over 60 per cent of the Byron LGA area is covered by either an environmental or rural land use zone.

**Figure 2: Proportion of Byron LGA covered by an environment or rural land use zone**



Source: HillPDA 2020

#### 4.1.1 Land use permissibility differentiators by zone

Byron Council has adopted RU1 and RU2 land use zones. Visitor economy uses that are permissible in Byron and prohibited in Wollondilly include:

- Camping ground (subject to Wollondilly's current Housekeeping amendment process)
- Restaurant or café (both RU1 and RU2)
- Garden centre (RU2)
- Neighbourhood shop (RU2)
- Eco-tourist facility (RU2) (subject to Wollondilly's current Housekeeping amendment process)

- Helipad (RU1 and RU2)
- Tourist and visitor accommodation (group term – RU1 and RU2)
  - backpackers accommodation (prohibited)
  - bed and breakfast accommodation (permitted)
  - farm stay accommodation (permitted)
  - hotel or motel accommodation (prohibited)
  - serviced apartment (prohibited).

Byron Council has adopted the E3 land use zone. Visitor economy uses that are permissible in Byron LGA and prohibited in Wollondilly include:

- Boat launching ramp
- Camping ground
- Eco-tourist facility
- Bed and breakfast accommodation
- Farm stay accommodation
- Wharf and boating facilities.

#### 4.1.2 Policy

Byron Shire Council adopt a number of policies to guide varying ‘visitor economy’ associated uses. These policies set out clear objectives and criteria that need to be met. Policies include:

- Commercial and Other Activities on Public Land and Roads Policy
- Events on Public and Private Land Policy
  - Applicants must consider the timing of other events and their impacts on community infrastructure and amenity
  - Should investigate further the availability and suitability of regional sport and cultural complexes for the proposed event
  - Council develops an event guideline that provides comprehensive assistance and guidance to the event coordinator
  - There is a cap of no more than two major music events to be held in any calendar year. Major events are defined as an outdoor music event of any duration that exceeds 6,000 patrons, participants and staff per day.
- Sportsfield User Policy
- Sustainable Community Markets Policy
  - Establishes clear parameters including a regulatory code that provides guidance for markets.
- Temporary use of land policy.

#### 4.1.3 Temporary use clause

Byron Shire uses the temporary use clause to enable temporary uses where they would be otherwise prohibited (i.e. function centre is the RU2 zone). Despite case law precedents, Byron Council suggests that they assess the proposal based on merit and acceptable levels of adverse impacts. They suggest they will continue to take this assessment stance until such time a local court rules otherwise.

#### 4.1.4 Additional local provisions

Byron Shire Council utilises the additional permissible uses clause of the LEP to provide more specific guidance around uses. Anecdotally, Byron Shire Council suggested that these clauses would normally sit within the DCP, however they were incorporated into the LEP to add statutory weight.

#### 6.8 Rural and nature-based tourism development

(1) The objective of this clause is to ensure that tourism development in rural and natural areas is small scale and does not adversely impact on the agricultural production, scenic or environmental values of the land.

(2) This clause applies to land in the following zones—

- (a) Zone RU1 Primary Production,
- (b) Zone RU2 Rural Landscape.

(3) Development consent must not be granted to tourism development on land to which this clause applies unless the consent authority is satisfied that—

- (a) there is, or will be, adequate vehicular access to and from a road, other than a classified road, taking into account the scale of the development proposed, and
- (b) the development is small scale and low impact, and
- (c) the development is complementary to the rural or environmental attributes of the land and its surrounds, and
- (d) the development will not have a significant adverse impact on agricultural production, amenity or significant features of the natural environment.

(4) Development consent must not be granted to development for the purpose of tourism development on land to which this clause applies unless—

- (a) a lawfully erected dwelling house or dual occupancy (attached) is situated on the land, or
- (b) a dwelling house may be erected on the land under this Plan.

(5) Development consent must not be granted to development under subclause (4) if the development—

- (a) includes an ancillary caretaker's or manager's residence, or
- (b) is for the purpose of more than 1 bed and breakfast accommodation.

(6) In this clause—

small scale means a scale that is small enough to be generally managed and operated by the principal owner living on the property.

tourism development includes, but is not necessarily limited to, development for any of the following purposes—

- (a) bed and breakfast accommodation,
- (b) camping grounds,
- (c) farm stay accommodation,
- (d) eco-tourist facilities,
- (e) home industries that provide services, or the sale of goods, on site to visitors,
- (f) information and education facilities,
- (g) restaurants or cafes,
- (h) rural industries that provide services, or the sale of goods, on site to visitors.

#### 6.11 Temporary use of land in Zone RU2 for purpose of function centre

(1) The objectives of this clause are to ensure that—

- (a) development is compatible with the primary production potential, rural character and environmental capabilities of the land, and



- (b) development for the occasional holding of events in rural areas does not adversely impact the rural amenity, agricultural production, scenic or environmental values of the surrounding lands.
- (2) Despite any other provision of this Plan, development consent may be granted for development on land within Zone RU2 Rural Landscape for the purpose of a function centre for a maximum period of 3 years from the date of consent.
- (3) Development consent must not be granted to development for the purpose of a function centre on land within Zone RU2 Rural Landscape unless the consent authority is satisfied that—
  - (a) the development is not for the purpose of a convention centre, exhibition centre or for music festivals, and
  - (b) the development is small scale and low impact, and
  - (c) the development will not generate noise, traffic, parking or light spill that will significantly impact on surrounding residential areas, and
  - (d) the development will not impair the use of the surrounding land for agriculture or rural industries, and
  - (e) no more than 1 event will be held at the function centre on any one weekend, and
  - (f) no more than 20 events will be held at the function centre in any period of 12 months, and
  - (g) no more than 150 guests will be permitted to attend an event at the function centre at any one time.

#### **4.1.5 Schedule 1 Additional permitted uses**

The additional permitted uses option is used by Council, however there are only a small number of instances where it has been used to facilitate a visitor economy activity.

#### **4.1.6 Schedule 2 Exempt development**

The council enables Bed and breakfast accommodation as exempt development where it meets the below standards:

- (1) Must contain only 1 bedroom for guests.
- (2) Must not provide accommodation to more than 2 guests at a time.
- (3) Must offer breakfast to guests.
- (4) Must provide parking to guests on the site.

#### **4.1.7 Schedule 3 Complying development**

Byron Shire Council has not adopted any additional complying development uses.

#### **4.1.8 Clause 5.4 - bedroom number caps**

- Bed and breakfast accommodation – bedrooms capped at five
- Farm stay accommodation – bedrooms capped at 12.

#### **4.1.9 Stakeholder feedback**

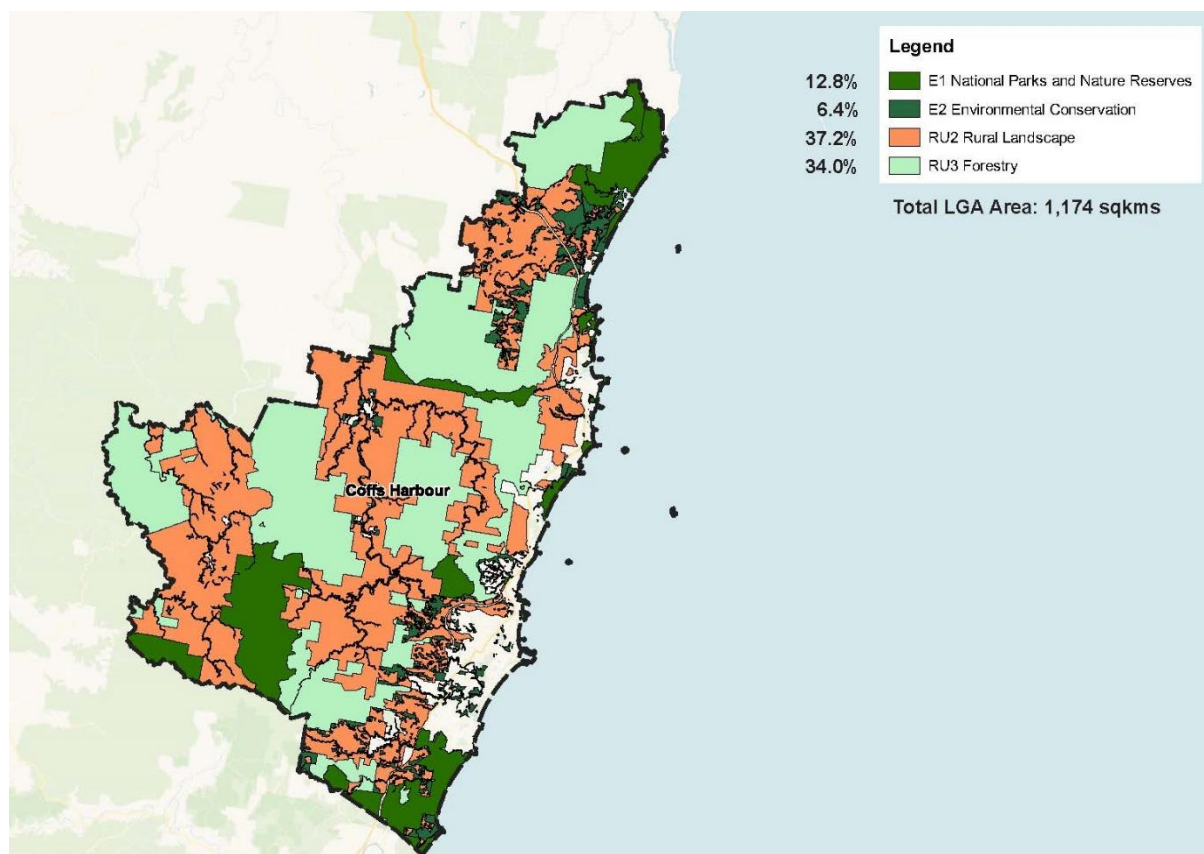
- Strong demand for wedding and function centres – chose to not make it permissible in an attempt to be able to manage the amount and distribution and review appropriateness of use after a period of time.
- Incorporated the additional local provision clauses as the DCP does not have statutory weight and they needed something stronger to regulate accommodation and events.

- Clause 6.8 relating the rural accommodation is under revision now with potential to make it more restrictive or introduce a more rigorous assessment process. This is because there is a suspicion that a lot of the approved rural accommodation is being illegally used as permanent rental. This then pushes it into the category of unplanned settlement.
- Do not see many restaurant applications – likely car parking extent is a prohibiting feature making it unviable.
- Generally require traffic and noise assessments with most applications.
- Markets are operated in centres and rural villages, mostly on Council or Crown Land.
- Council adopts a number of policies to provide further guidance and regulation around certain uses.

## 4.2 Coffs Harbour LGA

The Coffs Harbour Local Government Area (Coffs Harbour LGA) is a well-known tourist destination. Tourism uses are dispersed across the coastal and hinterland areas. As seen in Figure 3, over 90 per cent of the Coffs Harbour LGA area is covered by either an environmental or rural land use zone.

**Figure 3: Proportion of Coffs Harbour LGA is covered by an environment or rural land use zone**



Source: HillPDA 2020

### 4.2.1 Land use permissibility differentiation

Coffs Harbour Council has adopted RU2 land use zones. Visitor economy uses that are permissible in Coffs Harbour and prohibited in Wollondilly include:

- Boat launching ramp
- Camping ground (subject to Wollondilly's current Housekeeping amendment process)
- Restaurant or café
- Neighbourhood shop
- Roadside stall (permitted without consent)
- Eco-tourist facility (subject to Wollondilly's current Housekeeping amendment process)
- Helipad.

Coffs Harbour Council has adopted the E3 land use zone. Visitor economy uses that are permissible in Coffs Harbour and prohibited in Wollondilly include:

- Camping ground
- Eco-tourist facility
- Bed and breakfast accommodation.

#### 4.2.2 Policy

Council has no specific policy to support Visitor Economy uses.

#### 4.2.3 Temporary use clause

Council uses the temporary use clause for uses such as markets and applies specific conditions that need to be met.

#### 4.2.4 Additional local provisions

Coffs Harbour Council utilises the additional local provision clause of the LEP to provide more specific guidance around events as follows.

#### 7.18 Events permitted on public reserves and roads without development consent

(1) The objective of this clause is to provide for the temporary use of public reserves and public roads for exhibitions, meetings, concerts or events.

(2) Despite any other provision of this Plan, development (including any associated temporary structures) for the purpose of a temporary event may be carried out on a public reserve or public road without development consent.

#### Note—

Other approvals may be required, and must be obtained, under other Acts, including the Local Government Act 1993, the Roads Act 1993 and the Crown Land Management Act 2016.

(3) *State Environmental Planning Policy (Miscellaneous Consent Provisions) 2007* does not apply to development to which this clause applies.

(4) In this clause—

**public reserve** has the same meaning as in the Local Government Act 1993.

**temporary event** means an exhibition, meeting, concert or other event that is open to the public for which land is used for a period of not more than 30 days (whether or not consecutive) in any period of 12 months.

(5) This clause does not apply to land in Zone E2 Environmental Conservation or Zone E3 Environmental Management.

#### 4.2.5 Schedule 1 Additional permitted uses

Council has utilised the additional permitted use clause on a few occasions to facilitate uses associated with the visitor economy.

- Development for the purposes of amusement centres, entertainment facilities and function centres are permitted with development consent.
- Development for the purposes of hotel or motel accommodation, serviced apartments, shops and wharf or boating facilities that support tourism, marine and wharf or boating activities is permitted with development consent.

In some circumstances, Council sets a sunset clause for the application to ensure the use is up and running within a specific timeframe.



#### 4.2.6 Schedule 2 Exempt development and Schedule 3 Complying development

Coffs Harbour Council does not use the exempt and complying development clause to facilitate visitor economy uses.

#### 4.2.7 Clause 5.4 - bedroom number caps

- Bed and breakfast accommodation – bedrooms capped at five
- Farm stay accommodation – bedrooms capped at five.

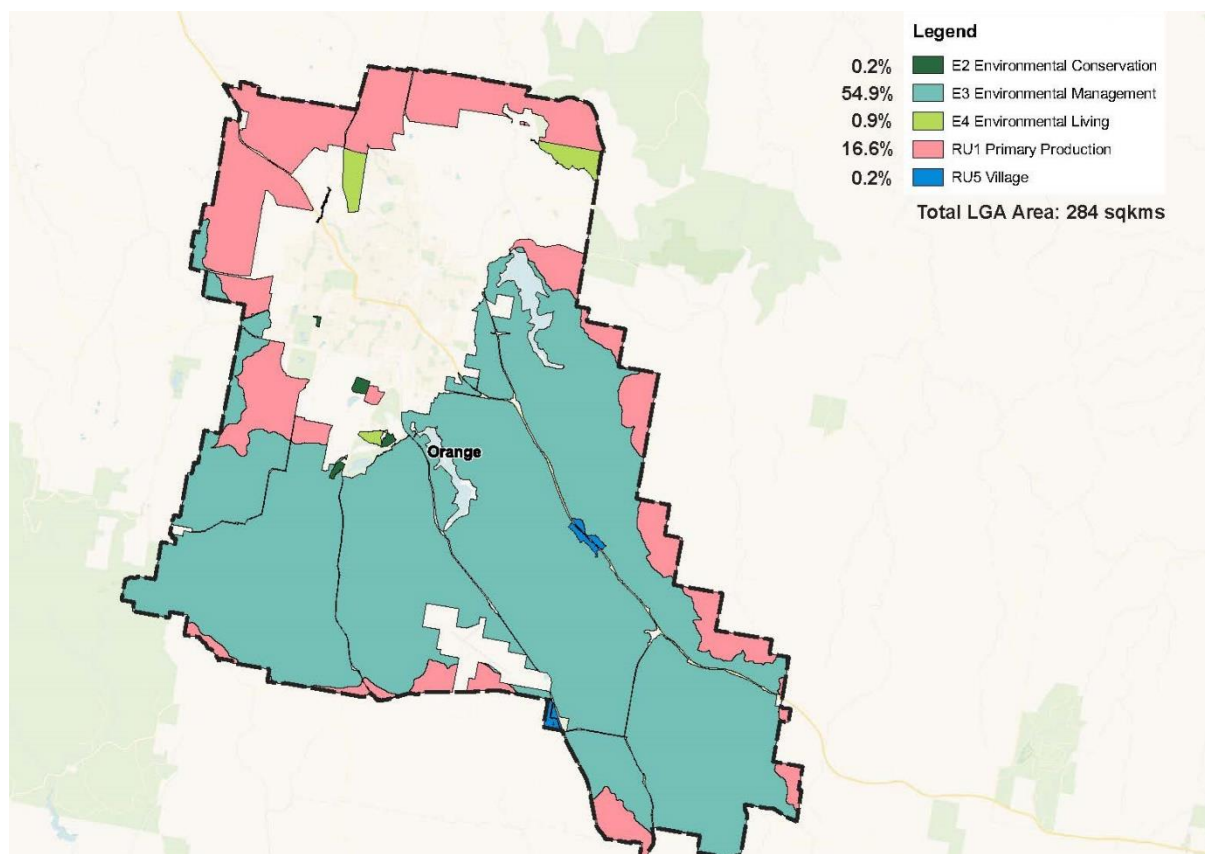
#### 4.2.8 Stakeholder feedback

- Prohibit take-away food and pubs in their RU2 lands for traffic reasons.
- Have not put numerical parameters into the DCP as would rather rely on being able to apply site specific merit assessment. Have stringent numbers on parking and access driveways, which generally deters restaurants.
- Neighbourhood shops are so small that they do not tend to cause an issue in rural areas.
- Enable roadside stalls without consent. The minute they get a complaint they rely on their compliance team to take action.
- Prohibit markets in environment and rural zones due to traffic impact.
- They utilise the SP3 Tourist zone and think it works very well when you have a specific tourist item you want to enable. They would think carefully about utilising the zone more broadly.
- Amusement centres are prohibited in rural and environment zones but are allowed in commercial zone. If they were specifically approached with a development that they wanted to allow – they would seek to use the additional permitted use clause.
- Currently trying to get 'rural function centre' as a definition. They did not want to use 'function centre' as they do not want to enable the larger convention centre uses.
- Are looking to facilitate artisan food and drink and rural function centres as part of a LEP review in the future – this is explored in their rural land strategy. The DPIE have only conditionally approved artisan food and drink subject to them undertaking an important agricultural land mapping exercise.
- They are seeking to holistically encourage the paddock to plate concept.

### 4.3 Orange LGA

The Orange Shire Local Government Area (Orange LGA) is an increasingly popular tourist destination and has historically demonstrated effective use of rural and environmental lands. As seen in Figure 4, over 70 per cent of the Orange LGA area is covered by either an environmental or rural land use zone.

**Figure 4: Proportion of Orange LGA covered by an environment or rural land use zone**



Source: HillPDA 2020

#### 4.3.1 Land use permissibility differentiation

Orange LGA has adopted RU1 land use zones. Visitor economy uses that are permissible in Orange and prohibited in Wollondilly include:

- Amusement centre
- Camping ground (subject to Wollondilly's current Housekeeping amendment process)
- Caravan park (subject to Wollondilly's current Housekeeping amendment process)
- Neighbourhood shop
- Entertainment facility
- Function centre
- Artisan food and drink industry
- Recreation facility (indoor, outdoor, and major)
- Tourist and visitor accommodation
  - backpackers accommodation (permitted)
  - bed and breakfast accommodation (permitted)
  - farm stay accommodation (prohibited)

- hotel or motel accommodation (permitted)
- serviced apartment (prohibited).

Orange Council has adopted the E3 and E4 land use zone. Visitor economy uses that are permissible in Orange and prohibited in Wollondilly include:

- Cellar door premise (E3)
- Roadside stall (E3)
- Eco-tourist facility (E3 and E4)
- Helipad (E3)
- Recreation area (E3)
- Recreation facility (outdoor) (E3)
- Bed and breakfast accommodation (E3)
- Farm stay accommodation (E3).

Council has adopted the SP3 Tourist zone that enables food and drink premises, function centres, information and education facilities, neighbourhood shops, recreation areas, recreation facilities (indoor) and tourist and visitor accommodation.

#### 4.3.2 Policy

Council has adopted one policy that is in relation to the visitor economy as outlined below:

- Events on council owned/managed land
  - An event is an organised activity occupying a Council-owned or managed property
  - Types of events may include but not be limited to: weddings, fetes, carnivals, markets, festivals, community celebrations, school events, promotions, displays, filming, and photography, sporting gala days, aquatic events, regattas, entertainment, fireworks and Carols by Candlelight.

#### 4.3.3 Temporary use clause

Orange Council uses the temporary use clause extensively to enable temporary uses where they would be otherwise prohibited (i.e. events on private land). Despite case law precedents, Orange Council suggests that they assess the proposal based on merit and acceptable levels of adverse impacts considering the temporary nature. They suggest they will continue to take this assessment stance.

#### 4.3.4 Additional local provisions

Council does not use this provision to support visitor economy uses.

#### 4.3.5 Schedule 1 Additional permitted uses

Council utilises the additional permitted use schedule sparingly with only two instances. The one instance, where relating to the visitor economy, is on land in an SP3 Tourist zone which is for the following:

*Development for the purposes of agricultural produce industries, food and drink premises, light industries, function centres and hotel or motel accommodation is permitted with development consent.*

#### 4.3.6 Schedule 2 Exempt development and Schedule 3 Complying development

Orange Shire Council does not use the exempt and complying development clause to facilitate visitor economy uses.

#### 4.3.7 Clause 5.4 - bedroom number caps

- Bed and breakfast accommodation – bedrooms capped at five.
- Farm stay accommodation – bedrooms capped at five.

#### 4.3.8 Stakeholder feedback

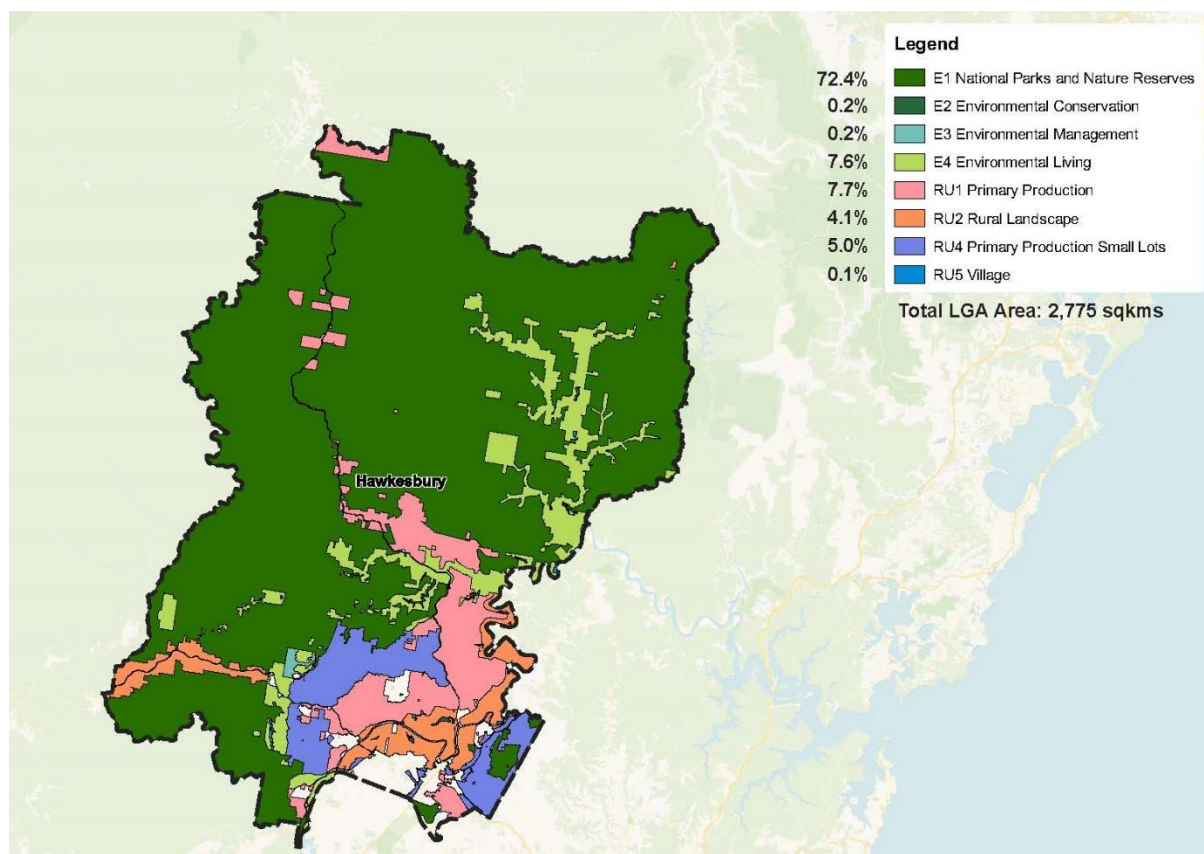
- Have invested in and actively supported non-planning related interventions which have had a lot of success. This includes the award winning Visitor Information Centre and the *Orange 360* website that links visitors and tourist with activities and suppliers in the region.
- Council also has an active business support and events team that assists businesses and parties to navigate the requirements and planning system.
- Currently have a planning proposal seeking to expand the opportunity for restaurants in more zones. These are intended to be small scale restaurants and will be capped in floor size under the miscellaneous provision.
- They leverage their events policy and application process to do most of the heavy lifting when assessing events. There are two categories – small events and large events with different requirements that need to be addressed. The large events require greater consideration of adverse impacts such as traffic and noise.
- They heavily utilise the ‘temporary use clause’ to enable events of various scales. They do not have regard to the court ruling and instead consider the extent of impacts based on their temporary nature and likelihood for longer term adverse effects.
- They utilise the ‘existing use rights’ option extensively – enabling events and uses, such as restaurants, on properties where it has historically occurred.
- Other event options on private land are included in the development extent – i.e. 4 events a year at a winery.



## 4.4 Hawkesbury LGA

The Hawkesbury Local Government Area (Hawkesbury LGA) is a well-known tourist destination and has historically demonstrated effective use of rural and environmental lands. As seen in Figure 5, over 95 per cent of the Hawkesbury LGA area is covered by either an environmental or rural land use zone.

**Figure 5: Proportion of Hawkesbury LGA covered by an environment or rural land use zone**



Source: HillPDA 2020

### 4.4.1 Land use permissibility differentiation

Hawkesbury Council has adopted the same rural zones as Wollondilly. Visitor economy uses that are permissible in Hawkesbury rural zones and prohibited in Wollondilly include:

- Camping ground and caravan park RU1 and RU4 (subject to Wollondilly's current Housekeeping amendment process)
- Charter and tourism boating facility
- Food and drink premises (group term) RU1 and RU4)
- Restaurant or café (RU1 and RU2)
- Take away food and drink premises (RU1)
- Pub (RU1)
- Small bar (RU1)
- Entertainment facility (RU1, RU2 and RU4)
- Helipad (RU1 and RU2)
- Recreation facility (outdoor) (RU1 and RU4)
- Recreation facility (indoor) (RU1 and RU4)
- Tourist and visitor accommodation (group term) (RU1 and RU4)
- Backpackers accommodation (RU4)

- Bed and breakfast accommodation (RU1, RU2 and RU4)
- Hotel and motel accommodation (RU1 and RU4)
- Serviced apartments (RU1 and RU4)

Hawkesbury Council has adopted the same environmental zones as Wollondilly. Visitor economy uses that are permissible in Hawkesbury and prohibited in Wollondilly include:

- Charter and tourism boating facility (E4)
- Food and drink premises (E4)
- Roadside stall (E3)
- Entertainment facility (E3 and E4)
- Helipad (E3)
- Recreation area (E2 and E3)
- Recreation facility (indoor) (E3 and E4)
- Recreation facility (outdoor) (E3)
- Tourist and visitor accommodation (group term) (E3)
- Backpackers accommodation (E3)
- Bed and breakfast accommodation (E3 and E4)
- Hotel and motel accommodation (E3)
- Serviced apartments (E3 and E4).

#### **4.4.2 Policy**

Council has no specific policy to support Visitor Economy uses.

#### **4.4.3 Temporary use clause**

Hawkesbury Council uses the temporary use clause to enable temporary uses where they would be otherwise prohibited (i.e. function centre in rural zones). Despite case law precedents, Hawkesbury Council suggests that they assess the proposal based on merit and acceptable levels of adverse impacts.

#### **4.4.4 Additional local provisions**

Hawkesbury Council utilises the additional local provision clause for site specific development requirements rather than broader LGA wide requirements.

#### **4.4.5 Schedule 1 Additional permitted uses**

There is evidence that the additional permitted uses clause has been utilised to enable visitor economy uses on certain sites.

#### **4.4.6 Schedule 2 Exempt development**

Hawkesbury Council utilises the exempt development clause for a number of temporary visitor economy uses including markets, community events etc. where they are situated on public land. Specific provisions are outlined as follows:

- Community event or festival involving parades, stalls, amusement devices and public entertainment (and includes fairs and fundraising events carried out by charitable and non-profit organisations) but only if carried out for not more than 14 days in any calendar year on land in public ownership.
  - (1) No amplified noise.
  - (2) Daylight hours only.

#### ■ Markets

- (1) Must take place on the following—
  - (a) public land owned by, or under the control of, the Council,
  - (b) a public road for which the Council is the roads authority under the Roads Act 1993.
- (2) Must have access and egress for pedestrians and emergency vehicles.
- (3) Must not include the erection of a permanent structure.

#### ■ Recreation areas

- (1) Must only be used for the purposes of concerts, events, festivals, functions, exhibitions, parades and weddings.
- (2) Must take place on the following—
  - (a) public land owned by, or under the control of, the Council,
  - (b) a public road for which the Council is the roads authority under the *Roads Act 1993*.
- (3) Must have access and egress for pedestrians and emergency vehicles.
- (4) Must not include the erection of a permanent structure.
- (5) Must not permanently occupy the land or road.
- (6) Must not involve any permanent physical change to the land or road.

#### 4.4.7 Schedule 3 Complying development

Hawkesbury Council does not use the complying development part for any visitor economy uses.

#### 4.4.8 Clause 5.4 - bedroom number caps

- Bed and breakfast accommodation – bedrooms capped at four
- Farm stay accommodation – bedrooms capped at four

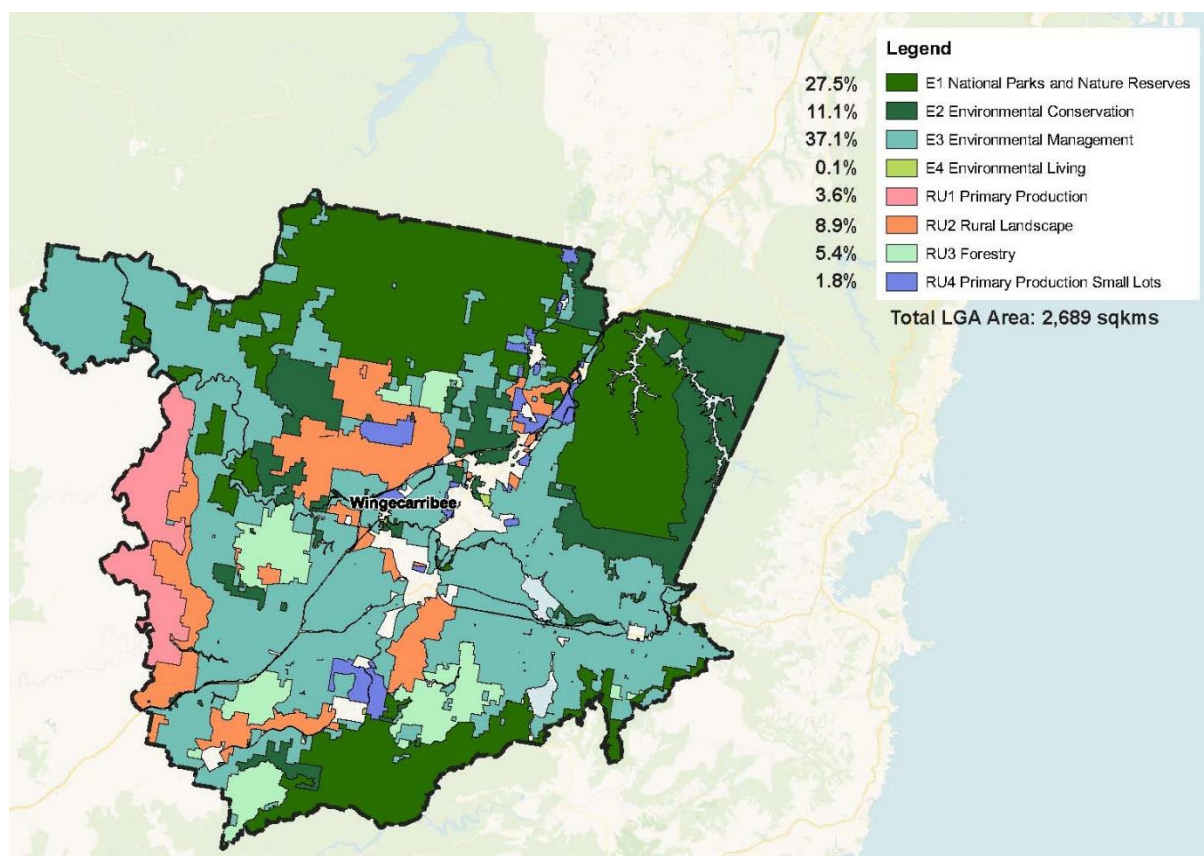
#### 4.4.9 Stakeholder feedback

- A lot of the land use zones enable visitor economy uses already limiting the need for other mechanisms.
- Function centres have not been permitted within the land use tables however Hawkesbury Council are looking to do a robust review of all land use zones with an intent to create more flexibility for weddings and events. Currently they would consider function centres as an additional permitted use.
- Intending to try and keep away from the areas of the LGA that have intensive agriculture uses so not to cause land use conflicts.
- Have not yet explored what consequence the Metropolitan Rural Area overlay will have on land use activity options.
- Farmers markets happen on a weekend or fortnightly basis and generally in centres or on council recreation land. They are conducted under the temporary use clause.
- Have sought to enable bed and breakfast uses and permitted without consent to enable greater opportunity for small business operations.
- They will be investigating the utilisation of the SP3 Tourist zone in the next LEP review.

## 4.5 Wingecarribee LGA

The Wingecarribee Shire Local Government Area (Wingecarribee LGA) is becoming increasingly popular as a weekend and hinterland wedding destination. The council has recently explored options to increase their visitor economy, and more specifically agritourism opportunity, through alterations to their local environmental plan. As seen in Figure 6, over 84 per cent of the Wingecarribee LGA area is covered by either an environmental or rural land use zone.

**Figure 6: Proportion of Wingecarribee LGA covered by an environment or rural land use zone**



Source: HillPDA 2020

To note, Wingecarribee Shire Council has just undertaken an extensive amendment to the local environmental plan and the policy framework to address certain provisions with regard to rural tourism. While the changes have not been formally adopted, the case study has been prepared with regard to the changes. The changes included:

- a) increase the maximum number of bedrooms in Farm Stay Accommodation from three (3) to eight (8)
- b) increase the maximum number of bedrooms in Bed and Breakfast Accommodation from three (3) to five (5)
- c) permit **Artisan Food and Drink Industry** with consent in the following zones:
  - 1) RU1 Primary Production,
  - 2) RU2 Rural Landscape,
  - 3) RU4 Primary Production Small Lots, and
  - 4) SP3 Tourist
- d) permit **Function Centres** with consent in the RU Rural Landscape zone

*e) insert a new 'Heads of Consideration' clause for Function Centres*

*f) exclude Function Centres from the operation of Clause 2.8 Temporary Use of Land.*

Further to this, Council also adopted a Rural Tourism Policy which is outlined below.

#### **4.5.1 Land use permissibility differentiation**

Wingecarribee LGA has adopted RU1, RU2 and RU4 land use zones. Visitor economy uses that are permissible in Wingecarribee and prohibited in Wollondilly include:

- Artisan food and drink industry – RU1, RU2, RU4 (subject to housekeeping amendment)
- Roadside stall (without consent) RU1
- Eco-tourist facility (subject to housekeeping amendment)
- Helipad – RU1 and RU2
- Recreation facility outdoor – RU4
- Function centre – RU2 (subject to housekeeping amendment).

Wingecarribee Council has adopted the same environmental zones as Wollondilly. Visitor economy uses that are permissible in Wingecarribee and prohibited in Wollondilly include:

- Cellar door premises – E3
- Roadside stall – E3
- Eco-tourist facility – E3 and E4 (subject to housekeeping amendment)
- Recreation area – E3
- Recreation facility outdoor – E3
- Bed and breakfast – E3
- Farm stay accommodation – E3.

#### **4.5.2 Policy**

Rural Tourism Policy

- Objectives (paraphrased):
  - Provides a direct line of sight between strategic plans as they relate to rural tourism development
  - Outlines a clear approval pathway for certain rural tourism related developments
  - Provides greater certainty and consistency in the assessment of rural tourism related development proposals for both the industry and the broader community
  - Sets out criteria for determining when Council will consider a Planning Proposal to rezone land to SP3 Tourist
  - Limits opportunistic tourism development in rural locations through the use of a maximum time period.
- Scope: Outlines the principles and commitments that will guide the assessment of planning proposals to rezone land to SP3 Tourist and the subsequent assessment of development applications for tourist related development.
- The policy enables council to consider site specific amendments to the Wingecarribee LEP for rural tourism through a planning proposal.
- Any planning proposal must be supported by evidence that demonstrates that the tourist facility has been operating on the subject land for at least three years – this is to limit opportunistic development in rural locations.
- Must be accompanied by a Concept Master Plan and must address a number of specific criteria.



- A portion of the subject land can be considered for the rezoning rather than the whole site.
- Prevents further subdivision of the site.

#### **4.5.3 Clause 2.8 - Temporary use clause**

The council made amendments to the temporary use clause that limits the ability of function centres to use the clause. The intent being to only allow function centres in desired zones and where they meet the new Clause 5.20.

#### **4.5.4 Part 7 - Additional local provisions**

Wingecarribee Shire Council utilises the additional local provisions clause to address short-term rental accommodation. It is likely this clause was introduced to address the increase in Airbnb and holiday rental accommodation demand in the LGA.

#### **7.11 Short-term rental accommodation**

- (1) The objective of this clause is to enable dwellings to be used as holiday accommodation, in certain circumstances, without requiring development consent for such use.
- (2) Despite any other provision of this Plan, development consent is not required for the use of a dwelling for the purpose of holiday accommodation if the use of the dwelling for that purpose does not involve the extension or alteration of any part of an existing dwelling or the erection of a new dwelling.
- (3) In this clause, holiday accommodation means an existing dwelling in which accommodation is provided on a commercial basis where the maximum period that any person is accommodated is 45 consecutive days (but does not include bed and breakfast accommodation).

#### **4.5.5 Part 5 – Miscellaneous provisions**

As part of the recent planning proposal, Wingecarribee Shire Council sought to include a new ‘Heads of Consideration’ clause for Function centres. The clause is as follows:

#### **Clause 5.20 Function centres**

- (1) The Objectives of this clause are as follows:
  - (a) To provide appropriate development opportunities for functions and conferences, such as weddings and corporate retreats, and
  - (b) To ensure that function centres are sensitively located and designed so they do not adversely impact on the agricultural production, natural resources, ecological values or visual, scenic, environmental or residential amenity values of the land.
- (2) This clause applies if development for the purposes of a function centre is permitted with development consent under this Plan.
- (3) The consent authority must not grant consent under this Plan to carry out development for the purposes of a Function Centre unless it is demonstrated to Council’s satisfaction that:
  - a) the location of the development does not impact on any environmentally sensitive land identified on the site, and
  - b) the construction of the development will not result in the removal of any native vegetation and will have regard to the management of biodiversity outcomes as set out in a Biodiversity Assessment Report prepared in accordance with the requirements of the Biodiversity Conservation Act 2016.

(4) The consent authority must not grant consent under this Plan to carry out development for the purposes of a Function Centre unless the consent authority is satisfied that:

- (a) the development will complement the rural or environmental attributes of the land and its surrounds, and
- (b) the development will not adversely affect the agricultural productivity of adjoining land, and
- (c) the development will not adversely affect neighbour amenity, and
- (d) the development is, or will be, serviced by adequate access roads taking into account the scale of the development, and
- (e) the development has, or will have, access to adequate wastewater systems to service the land without having any adverse impact on the water quality of the area, and
- (f) the location of the development does not impact on any environmentally sensitive land identified on the site, and
- (g) the construction of the development will not result in the removal of any native vegetation and will have regard to the management of biodiversity outcomes, and
- (h) the potential impacts of bushfire and/or flood have been addressed, and
- (i) the development will not create a land use conflict due to noise, traffic, privacy, visual and other amenity impacts, and
- (j) a management strategy will be prepared to minimise any impact on the natural environment or neighbour amenity which includes but is not limited to:
  - (i) measures to remove any threat of serious or irreversible environmental damage, and
  - (ii) mechanisms for monitoring and reviewing the effect of the development on the neighbour amenity including noise and traffic impacts, and
  - (iii) any other matter deemed relevant by the consent authority.

#### 4.5.6 Schedule 1 Additional permitted uses

There is evidence that the Schedule 1 Additional permitted uses is utilised on various occasions to permit visitor economy uses across the local government area. The following list identifies the types of uses and zones they have been permitted in.

- recreation facilities (indoor) – E3
- tourist and visitor accommodation – E3, R3, R5, RU1
- animal boarding or training establishments – RU1
- hotel or motel accommodation – E4, B1, E3
- restaurant and café – E3
- shop (for sale of wine and produce) – E3
- caravan park (with holiday cabins) - E3
- information and education facility – E3
- markets - E3
- neighbourhood shop – E3
- recreation area – E3
- function centre – E3.

#### 4.5.7 Schedule 2 Exempt development

Wingecarribee Council lists public events as exempt development where on a public reserve or road as follows:

##### Public events

Use of public land (including a public reserve or public road) for public events, including stalls, meetings, exhibitions, entertainment or similar community, cultural or commercial purposes—

- (a) proposed event must be consistent with any applicable plan of management under the Local Government Act 1993 for the land,
- (b) development must be carried out in accordance with a licence or hire agreement granted by the Council,
- (c) must not be located on bush fire prone land.

#### 4.5.8 Schedule 3 Complying development

Wingecarribee Council has not adopted any additional complying development uses.

#### 4.5.9 Clause 5.4 - bedroom number caps

Wingecarribee Council has recently undertaken a planning proposal process to increase the maximum number of bedrooms under Clause 5.8 as follows:

- Bed and breakfast accommodation – bedrooms capped at three (3) – increased to five (5)
- Farm stay accommodation – bedrooms capped at three (3) – increased to eight (8).

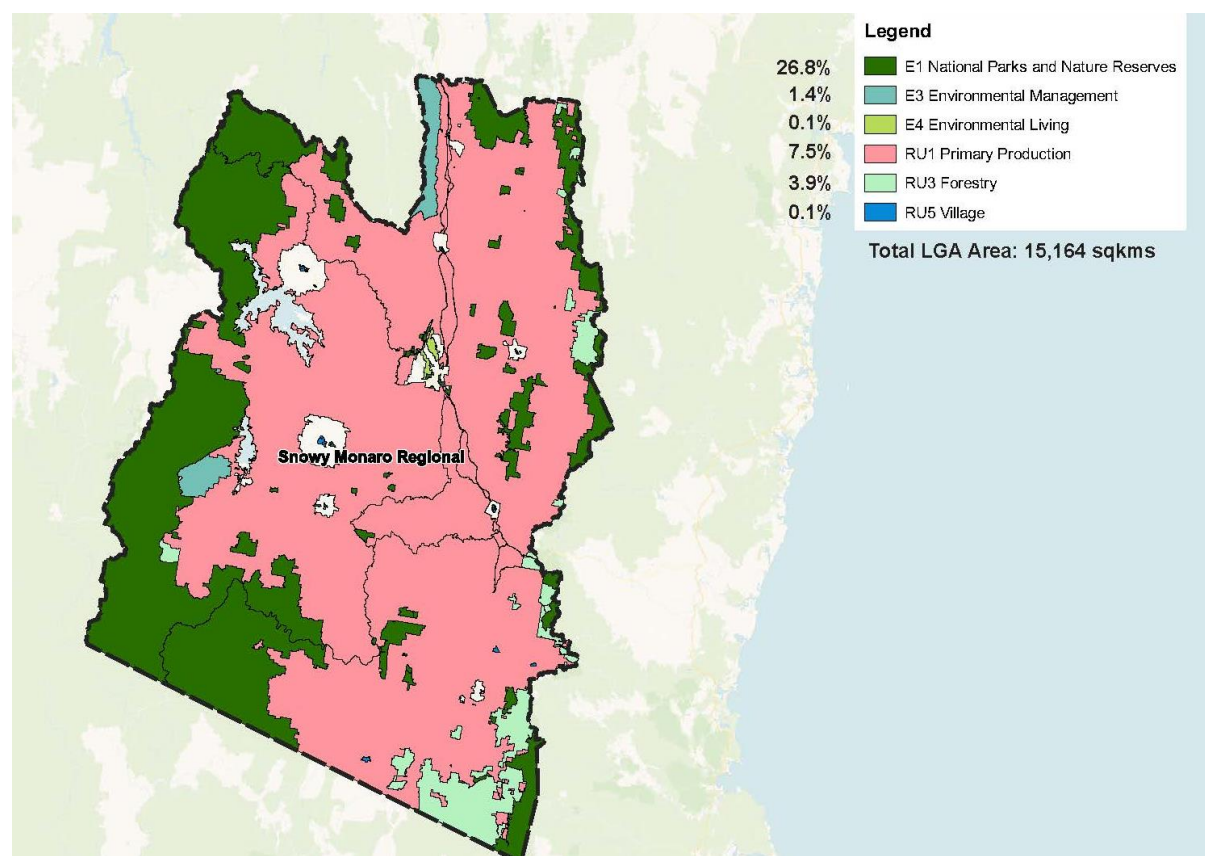
#### 4.5.10 Stakeholder feedback

- Do not need to consider the metropolitan rural area implications.
- Getting a lot of pressure to permit function centres in the rural areas. A lot of the area was zoned E3 Environmental Management.
- Development of the rural wedding tourist market is restricted in the E3 Environmental Management zone due to function centres, restaurants and cafes being prohibited in the zone. Council is not supportive of broad scale amendments to WLEP 2010 to permit function centres or those forms of tourist and visitor accommodation which are prohibited in the E3 zone.
- The temporary use clause was how most function centres were getting through, however it was not considered a sustainable approach.
- Amendments to the Local Environmental Plan – allow function centres in the RU2 zone as an alternative to the E3 zone – and would consider rezoning part of the site to RU2 to enable function centres.
- The ‘Heads of Consideration’ clause is intended to require any DAs for function centre to address both environment and other assessment criteria. It has been incorporated as it has more strength than a development control plan.
- Had a lot of push back from neighbours regarding enabling function centres due to noise and traffic concerns.
- They have not considered amending the DCP at this point.
- Generally, would not think to enable motel and hotel style accommodation as it causes more traffic and noise implications.
- Think the artisan food and drink premise definition offers the most scope for additional functions in rural and environmental areas, however it is limited by ‘industry’ being mandated prohibited in the standard instrument for the environment zones.
- Feel that the regions and councils need to engage more with each other to have a more united voice on rural and regional issues.

## 4.6 Snowy Monaro LGA

The Snowy Monaro Local Government Area (Snowy Monaro LGA) is a specialised tourism destination and has historically demonstrated effective use of rural and environmental lands. As seen in Figure 7, over 75 per cent of the Snowy Monaro LGA area is covered by either an environmental or rural land use zone.

Figure 7: Proportion of Snowy Monaro LGA covered by an environment or rural land use zone



Source: HillPDA 2020

### 4.6.1 Land use permissibility differentiation

Council is currently in the process of consolidating and reviewing the local environmental plans post the merging of Bombala Council, Cooma-Monaro Shire and Snowy River Shire. This review is being informed by the strategic planning work undertaken to inform the Local Strategic Planning Statement. The vision statement suggests that:

*Tourism, agriculture and forestry will continue to provide the foundation for the region's prosperity supported by the protection of our unique scenic landscape and biodiversity.*

The land use comparison has not been undertaken as Snowy Monaro is in the process of transition. Conversations with Council suggested that they are seeking to:

- Introduce the RU2 Rural Landscape zone – The intent with the RU2 Rural Landscape zone is to limit intensive livestock uses and rural industries, which are more likely to cause amenity concerns, but permit other less intensive agricultural uses. The RU2 zone is to encourage low impact, small scale tourism uses, including agri-tourism. Visitor economy uses permissibility:
  - Permissible: Artisan food and drink industry, camping grounds, caravan parks, cellar door premises, charter and tourism boating facilities, community facilities, eco-tourist facility, farm

buildings, information and education facilities, recreation facilities (outdoor), tourist and visitor accommodation, water recreation structure

- Prohibited: Airports, backpackers' accommodation, commercial premises, hotel or motel accommodation, serviced apartments (Any other development not specified)
- Introduce the RU4 Primary Production Small Lots – The intent is to ignite a unique, small scale food and agritourism industry as an additional experience to entice tourists. A variety of agricultural land uses have been permitted with and without consent. Other compatible uses like tourist and visitor accommodation, function centres and recreation facilities are also recommended to be permissible with consent. Visitor economy uses permissibility:
  - Permissible: Artisan food and drink, cellar door premises, community facility, eco-tourist facility, farm building, function centre, information and education facility, markets, recreation facilities (outdoor), tourist and visitor accommodation and Any other development not specified
  - Prohibited: Amusement centres, backpacker accommodation, charter and tourism boating facilities, commercial premises, helipad, serviced apartments, water recreation structures.
- Introduce E3 Environmental Management and add the objective *to provide for high quality tourist development that is small scale, low impact and sympathetic to the unique landscape setting and scenic qualities of the area, including the approaches to Kosciuszko National Park*. Visitor economy uses permissibility:
  - Permissible: Bed and breakfast accommodation, camping ground, cellar door premises, eco-tourist facility, farm stay accommodation.
  - Prohibited: Any other development not specified.

While Snowy Monaro are not advanced to a stage where they have adopted the above uses, it is clear that they are seeking to utilise the 'artisan food and drink, eco-tourist facility, camping grounds and caravan parks' to facilitate greater tourism opportunity.

#### 4.6.2 Stakeholder feedback

- While tourist and visitor accommodation is permissible, the prohibited uses prevent larger tourism options such as hotel and motels to be delivered. Speaking with Council, the broad intent is to support alternate accommodation types such as yurts, glamping and eco-lodges.
- Encourage uses such as markets and larger tourist and visitor accommodation to be concentrated in the centres.
- The Council are seeking to more broadly utilise the SP3 Tourist zone to apply to higher intensity and more specific tourist areas.
- Seeking to control the size of function centres through specific development control plan guidance.
- The current application of eco-tourist facility across their former council areas is varied. They are looking to utilise the eco-tourist facility in line with the guidance note that was released.
- They see the artisan food and drink definition as providing the greatest opportunity for the 'paddock or pond to plate concept', however currently 'industry' is mandatory prohibited in the E3 Environment Management zone.
- Would seek to enable 'art galleries' under the information and education establishments.
- Believe that the standard instrument is not malleable enough to consider year round tourism activities for regional areas.



## 4.7 Visitor economy use permissibility comparison

The following figures compare and comment on potential changes in use permissibility across the case studies. The intent of these tables is to focus on the environment and rural zones as they are most restricted in terms of visitor economy uses. The colouring within the first column identifies council preferences of where uses may be appropriate. Where there is sufficient evidence from the case studies, these preferences have been put forward as a proposed permissible use alterations in section 4.0.

Figure 8: Comparison of rural zone visitor economy use permissibility

Legend: x = Prohibited c = Permitted with Consent o = Permitted without consent <b>agriculture (group term)</b> <b>aquaculture</b> pond-based aquaculture oyster aquaculture tank-based aquaculture <b>air transport facility (group term)</b> airport amusement centre boat launching ramp camping ground caravan park charter and tourism boating facility cellar door premises <b>food and drink premises;</b>  restaurant or cafe take away food and drink premises pub small bar garden centre market plant nursery roadside stall <b>shop;</b> neighbourhood shop neighbourhood supermarket eco-tourist facility entertainment facility function centre helipad <b>light industry;</b> artisan food and drink industry information and education facility recreation area recreation facility (indoor) recreation facility (major) recreation facility (outdoor) <b>tourist and visitor accommodation</b> backpackers accommodation bed and breakfast accommodation farm stay accommodation hotel or motel accommodation serviced apartment water recreation structure wharf or boating facility	Rural Zones														Considerations	Legend: Council preferences Rural and environment Commercial only All Commercial and rural Rural only
	Wollondilly			Byron		Hawkesbury			Orange	Wingecarribee			Snowy	Coffs		
	RU1	RU2	RU4	RU1	RU2	RU1	RU2	RU4	RU1	RU1	RU2	RU4	RU1	RU2		
	c	c	x	c	c	x	c	x	x	c	c	x	x	c	No change required	Prohibited
	c	c	c	c	c	c	c	c	x	c	c	c	c	c	No change required	With consent
	c	c	c	c	c	c	c	x	x	x	c	x	c	c	No change required	Without consent
	c	c	c	c	c	c	c	c	x	x	c	x	c	c	No change required	Subject to Stage 1A Planning Proposal
	c	x	c	x	x	x	x	x	x	x	x	x	c	x	No change required	
	c	c	c	x	x	x	x	x	x	x	x	x	c	x	No change required	
	x	x	x	x	x	x	x	x	c	x	x	x	x	x	Not appropriate for rural zones	
	x	x	x	x	x	x	x	x	x	x	x	x	c	c	Consider permitting with consent in RU1 and RU2	
	x	x	x	c	c	c	x	c	c	x	x	x	c	c	Consider permitting with consent in rural zones	
	x	x	x	x	x	c	c	c	x	x	x	x	c	x	Stage 1A planning proposal	
	c	c	c	x	x	x	x	x	x	c	c	c	c	c	Enable across rural zones	
	x	x	x	x	x	c	x	c	x	x	x	x	x	x	No change required	
															Anecdotal parking restrictions limit the viability. Consider permitting with consent in rural zones.	
	x	x	x	c	c	c	c	x	x	x	x	x	x	c	Limited evidence to support change	
	x	x	x	x	x	c	x	x	x	x	x	x	x	x	Limited evidence to support change	
	x	x	x	x	x	c	x	x	x	x	x	x	x	x	Limited evidence to support change	
	x	x	x	x	c	x	x	x	x	x	x	x	c	x	Limited evidence to support change	
	x	x	x	x	x	x	x	x	x	x	x	x	x	x	Most councils encourage markets in the centres and villages rather than in rural areas.	
	c	c	c	c	c	c	c	c	x	c	c	c	c	c	No change required	
	c	c	c	c	c	c	c	c	x	o	c	c	c	o	Could consider enabling without consent	
	x	x	x	x	x	x	x	x	x	x	x	x	x	x	Limited evidence to support change	
	x	x	x	x	c	x	x	x	c	x	x	x	x	c	Consider permitting with consent in RU2 zone	
	x	x	x	x	x	x	x	x	x	x	x	x	x	x	Limited evidence to support change	
	x	x	x	x	x	c	c	c	x	c	c	c	c	c	Subject to Stage 1A planning proposal	
	x	x	x	x	x	c	c	c	c	x	x	x	x	x	No change proposed	
	x	x	x	x	x	x	x	x	c	x	x	x	x	x	Subject to Stage 1A planning proposal	
	x	x	x	c	c	c	c	x	x	c	c	x	c	c	Permit with consent RU1 and RU2	
	x	x	x	x	x	x	x	x	c	x	x	x	x	x		
	x	x	x	x	x	x	x	x	c	x	x	x	x	x	Subject to Stage 1A planning proposal	
	c	c	c	x	c	x	x	x	c	c	c	x	c	c	No change required	
	c	c	c	c	c	c	c	c	c	c	c	c	c	c	No change required	
	x	c	x	x	c	c	x	c	c	c	x	x	x	x	Permit with consent RU1 and RU4	
	x	x	x	x	x	x	x	x	c	x	x	x	x	x	Option to permit within RU1	
	x	c	x	x	c	c	x	c	c	x	c	c	c	c	Permit with consent all rural zones	
	x	x	x	c	c	c	x	c	x	x	x	x	x	x	Permit with consent - with clear scale clause	
	c	x	x	x	x	c	x	c	c	x	x	x	x	x	Limited evidence to support change	
	c	c	c	c	c	x	c	x	c	c	c	c	c	c	No change required	
	c	c	c	c	c	c	c	c	x	c	c	x	c	c	No change required	
	x	x	x	x	x	c	x	c	c	x	x	x	x	x	Permit with consent - with clear policy	
	x	x	x	x	x	c	x	c	x	x	x	x	x	x	Limited evidence to support change	
	c	c	c	x	x	c	c	c	x	x	x	x	c	c	No change required	
	x	x	c	x	x	x	x	x	x	x	x	x	c	x	Permit with consent in RU1	

Source: HillPDA 2020

Figure 9: Comparison of environmental zone visitor economy use permissibility

Legend: x = Prohibited c = Permitted with Consent o = Permitted without consent	Environmental Zones																Considerations
	Wollondilly			Hawkesbury			Orange			Wingecarribee			Snowy River		Coffs Harbour		
	E2	E3	E4	E2	E3	E4	E2	E3	E4	E2	E3	E4	E2	E3	E2	E3	
<b>aquaculture</b>	x	x	x	x	x	x	x	x	x	x	x	x	x	c	x	x	No change proposed No change required No evidence to change Limited evidence to change
pond-based aquaculture	x	c	c	x	c	c	x	x	x	x	c	c	x	c	x	c	
oyster aquaculture	c	c	c	c	c	c	c	x	x	c	c	c	c	c	c	c	
tank-based aquaculture	x	c	c	x	c	c	x	x	x	x	c	c	x	c	x	c	
<b>air transport facility (group term)</b>	x	x	x	x	x	x	x	c	x	x	x	x	x	x	x	x	No evidence to change No evidence to change Limited evidence to change Permit with consent in E3 and E4 zones
airport	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	
amusement centre	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	
boat launching ramp	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	
camping ground	x	x	x	x	c	c	x	x	x	x	x	x	x	c	c	c	Limited evidence to change No evidence to change No evidence to change No evidence to change
caravan park	x	x	x	x	c	c	x	x	x	x	x	x	x	x	x	x	
charter and tourism boating facility	x	x	x	x	x	c	x	x	x	x	x	x	x	x	x	x	
<b>commercial premises (group term)</b>	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	
<b>retail premises;</b>	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	No evidence to change Sufficient evidence to consider enabling in E3. Could test enabling in E2. Would caution enabling the group term in environmental zone Limited evidence for change, however could consider enabling in E4 with size cap
cellar door premises	x	x	c	x	x	x	x	c	x	x	c	c	x	c	x	x	
<b>food and drink premises;</b>	x	x	x	x	x	c	x	x	x	x	x	x	x	x	x	x	
restaurant or cafe	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	
take away food and drink premises	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	No evidence to change No evidence to change No evidence to change No evidence to change
pub	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	
small bar	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	
garden centre (Explore environment)	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	
market	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	No evidence to change Evidence of enabling roadside stall in E3 and E4 limited evidence to support E2, however could unlock some opportunity No evidence to change No evidence to change
roadside stall	x	x	c	x	c	c	x	c	x	x	c	c	x	c	x	x	
<b>shop;</b>	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	
neighbourhood shop	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	
neighbourhood supermarket	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	No evidence to change Subject to Stage 1A planning proposal, could support in E4 as permitted with consent No change proposed Subject to Stage 1A planning proposal
eco-tourist facility	x	x	x	x	x	c	x	c	c	x	c	c	x	c	c	c	
entertainment facility	x	x	x	x	c	c	x	x	x	x	x	x	x	x	x	x	
function centre	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	
helipad	x	x	c	x	c	c	x	c	x	x	c	x	x	x	x	x	No change proposed No evidence to change Industries mandated prohibited therefore not permissible
<b>light industry;</b>	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	
artisan food and drink industry	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	
information and education facility	c	c	c	x	x	x	c	c	c	x	c	x	x	c	c	c	
recreation area	x	x	c	c	c	c	c	c	c	x	c	c	x	c	x	x	Enable with consent in E3 Enable with consent in E4 No evidence to support change Evidence to support use as permitted with consent in E3 zone
recreation facility (indoor)	x	x	x	x	c	c	x	x	x	x	x	x	x	x	x	x	
recreation facility (major)	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	
recreation facility (outdoor)	x	x	c	x	c	c	x	c	c	x	c	c	x	c	x	x	
<b>tourist and visitor accommodation (group term )</b>	x	x	c	x	c	c	x	x	x	x	x	x	x	x	x	x	Could support permitting the group term with consent to create greater opportunity for alternate accommodation options. Limited evidence to support in E2 zone. No change proposed Enable with consent in E2, E3 and E4 Enable with consent in E2 and E3
backpackers accommodation	x	x	c	x	c	c	x	x	x	x	x	x	x	x	x	x	
bed and breakfast accommodation	x	x	c	x	x	x	x	c	c	x	c	c	x	c	c	c	
farm stay accommodation	x	x	c	x	c	c	x	c	x	x	c	c	x	c	x	x	
hotel or motel accommodation	x	x	c	x	c	c	x	x	x	x	x	x	x	x	x	x	Some evidence in E3 zone, but caution permitting without size cap Some evidence in E3 zone, but caution permitting No change proposed No change proposed
serviced apartment	x	x	x	x	c	c	x	x	x	x	x	x	x	x	x	x	
water recreation structure	x	c	c	x	x	c	x	x	x	x	x	x	x	x	x	x	
wharf or boating facility	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	

**Legend:**  
Rural and environment  
Commercial only  
All  
Commercial and rural  
Rural only

**Council preferences**

Prohibited  
With consent  
Without consent  
Subject to Stage 1A Planning Proposal

<b>Legend:</b>	
<b>Council preferences</b>	
Rural and environment	Prohibited
Commercial only	With consent
All	Without consent
Commercial and rural	Subject to Stage 1A Planning Proposal
Rural only	

Source: HillPDA 2020

## 5.0 ISSUES AND OPTIONS

Based on the findings from the stakeholder conversations and case studies analysis, there is clear remit to further explore the barriers within the current planning framework and opportunities for intervention. The following sections overview these limitations and provide potential intervention options.

### 5.1 Limited use permissibility

Currently, the WLEP 2011 provides a limited framework that supports visitor economy opportunities. High level observations indicate that:

- The rural and environmental zones in Wollondilly are more restrictive in terms of use permissibility than other council areas explored
- There are limited options for visitor economy uses, as defined in section 2.2 in the zones
- The standard instrument definitions do not necessarily fit a peri-urban/rural/regional setting
- Options for food sales, markets, functions not enabled
- The centres offer the most opportunity for visitor economy related uses and need limited intervention
- The Wollondilly LEP does not currently apply an SP3 Tourist Zone to land in Wollondilly
- Avenues to undertake operations as complying development is limited.

The following figure identifies the current land use matrix applied for visitor economy uses within the LGA.

Figure 10: Current land use permissibility

Legend: x = Prohibited c = Permitted with Consent o = Permitted without consent	Business zones			Residential zones		Special purpose	Recreation		Rural Zones			Environmental Zones		
	B1	B2	B4	R2	R3	SP1	RE1	RE2	RU1	RU2	RU4	E2	E3	E4
<b>aquaculture</b>	x	x	x	x	x	c	c	c	c	c	c	x	x	x
pond-based aquaculture	x	x	x	c	x	c	c	c	c	c	c	x	c	c
oyster aquaculture	c	c	c	c	c	c	c	c	c	c	c	c	c	c
tank-based aquaculture	c	c	c	c	c	c	c	c	c	c	c	x	c	c
<b>air transport facility (group term)</b>	x	c	c	x	x	x	x	x	c	x	c	x	x	x
airport	x	c	c	x	x	x	x	x	c	c	c	x	x	x
amusement centre	x	c	c	x	x	x	x	x	x	x	x	x	x	x
boat launching ramp	c	c	c	x	x	c	x	x	x	x	x	x	x	x
camping ground	x	c	c	x	x	x	c	c	x	x	x	x	x	x
caravan park	x	c	c	x	x	x	c	c	x	x	x	x	x	x
charter and tourism boating facility	c	c	c	x	x	c	x	x	x	x	x	x	x	x
<b>commercial premises (group term)</b>	c	c	c	x	x	x	x	x	x	x	x	x	x	x
<b>retail premises;</b>	c	c	c	x	x	x	x	x	x	x	x	x	x	x
cellar door premises	c	c	c	x	x	c	x	x	c	c	c	x	x	c
<b>food and drink premises;</b>	c	c	c	x	x	c	x	c	x	x	x	x	x	x
restaurant or cafe	c	c	c	x	x	c	x	x	x	x	x	x	x	x
take away food and drink premises	c	c	c	x	x	c	c	x	x	x	x	x	x	x
pub	c	c	c	x	x	c	x	x	x	x	x	x	x	x
small bar	c	c	c	x	x	c	x	x	x	x	x	x	x	x
garden centre (Explore environment)	c	c	c	x	x	c	x	x	x	x	x	x	x	x
market	c	c	c	x	x	c	x	x	x	x	x	x	x	x
roadside stall	x	c	c	x	x	x	x	x	c	c	c	x	x	c
<b>shop;</b>	c	c	c	x	x	x	x	x	x	x	x	x	x	x
neighbourhood shop	c	c	c	c	c	x	x	x	x	x	x	x	x	x
neighbourhood supermarket	c	c	c	x	x	x	x	x	x	x	x	x	x	x
eco-tourist facility	x	x	x	x	x	x	x	x	x	x	x	x	x	x
entertainment facility	c	c	c	x	x	x	x	x	x	x	x	x	x	x
function centre	x	c	c	x	x	x	c	c	x	x	x	x	x	x
helipad	c	c	c	x	x	x	c	x	x	x	x	x	x	c
<b>light industry;</b>	x	x	x	x	x	x	x	x	x	x	x	x	x	x
artisan food and drink industry	x	x	x	x	x	x	x	x	x	x	x	x	x	x
information and education facility	c	c	c	x	x	c	c	c	c	c	c	c	c	c
recreation area	c	c	c	c	c	c	c	c	c	c	c	x	x	c
recreation facility (indoor)	c	c	c	x	x	x	c	c	x	c	x	x	x	x
recreation facility (major)	x	x	x	x	x	x	c	c	x	x	x	x	x	x
recreation facility (outdoor)	x	x	c	x	x	x	c	c	x	c	x	x	x	c
<b>tourist and visitor accommodation (group term )</b>	c	c	c	x	x	x	x	x	x	x	x	x	x	c
backpackers accommodation	c	c	c	x	x	x	x	x	c	x	x	x	x	c
bed and breakfast accommodation	x	c	c	c	c	x	x	x	c	c	c	x	x	c
farm stay accommodation	c	c	c	x	x	x	x	x	c	c	c	x	x	c
hotel or motel accommodation	c	c	c	x	x	x	x	c	x	x	x	x	x	c
serviced apartment	c	c	c	x	x	x	x	x	x	x	x	x	x	x
water recreation structure	x	x	x	x	x	x	c	x	c	c	c	x	c	c
wharf or boating facility	x	x	x	x	x	x	x	x	x	x	c	x	x	x

Source: Wollondilly Local Environmental Plan 2011 – version 11 December 2020

An avenue to be further explored is altering the permissibility of land uses across the various zones to enable greater flexibility. Figure 11 explores this as an option for council. The recommendations are made with consideration of the uses that other case study councils enabled and the suitability for Wollondilly LGA. These recommendations are made with an intent to maximise visitor economy uses across the LGA. They have not been considered in the context of other implications such as transport, bushfire, valuable environments, environmental issues, and rural land productivity.

Figure 11: Proposed land use permissibility changes

Legend: x = Prohibited c = Permitted with Consent o = Permitted without consent	Business zones			Residential zones			Special purpose	Recreation		Rural Zones			Environmental Zones			Considerations	Legend:
	B1	B2	B4	R2	R3	R5	SP1	RE1	RE2	RU1	RU2	RU4	E2	E3	E4		
<b>aquaculture</b>	x	x	x	x	x	x	c	c	c	c	c	c	x	x	x		Prohibited
pond-based aquaculture	x	x	x	c	x	c	c	c	c	c	c	c	x	c	c		With consent
oyster aquaculture	c	c	c	c	c	c	c	c	c	c	c	c	c	c	c		Subject to Stg 1 Planning Proposal
tank-based aquaculture	c	c	c	c	c	c	c	c	c	c	c	c	x	c	c		Proposed alterations
<b>air transport facility (group term)</b>	x	c	c	x	x	x	x	x	x	c	x	c	x	x	x		
airport	x	c	c	x	x	x	x	x	x	c	c	c	x	x	x		
amusement centre	x	c	c	x	x	x	x	x	x	x	x	x	x	x	x		
boat launching ramp	c	c	c	x	x	x	c	c	c	c	c	c	x	x	x	Enable in recreation and rural zones	
camping ground	x	x	c	c	x	x	x	c	c	c	c	c	x	c	c	Enable in rural zones and E3 and E4 Environmental zones	
caravan park	x	c	c	x	x	x	x	c	c	x	x	x	x	x	x	Subject to Stage 1A - aiming for new Tourist Park definition	
charter and tourism boating facility	c	c	c	x	x	x	c	c	c	c	c	c	x	x	x	Enable in recreation and rural zones	
<b>commercial premises (group term)</b>	c	c	c	x	x	x	x	x	x	x	x	x	x	x	x		
<b>retail premises;</b>	c	c	c	x	x	x	x	x	x	x	x	x	x	x	x		
cellar door premises	c	c	c	x	x	x	c	x	x	c	c	c	c	c	c	Enable in E2 and E3	
<b>food and drink premises;</b>	c	c	c	x	x	x	c	x	c	x	x	x	x	x	x		
restaurant or cafe	c	c	c	x	x	x	c	x	x	c	c	c	x	x	c	Enable in rural and E4 zones - consider introducing a floorspace size limitation in rural and environmental zones	
take away food and drink premises	c	c	c	x	x	x	c	c	x	x	x	x	x	x	x		
pub	c	c	c	x	x	x	c	x	x	x	x	x	x	x	x		
small bar	c	c	c	x	x	x	c	x	x	x	x	x	x	x	x		
garden centre	c	c	c	x	x	x	c	x	x	x	x	x	x	x	x		
market	c	c	c	x	x	c	x	x	x	x	x	x	x	x	x	Subject to Stage 1A Planning Proposal	
roadside stall	x	c	c	x	x	c	x	x	x	c	c	c	c	c	c	Enable in E2, E3 and R5 with consent. Add R5 to Schedule 2 Exempt development	
<b>shop;</b>	c	c	c	x	x	x	x	x	x	x	x	x	x	x	x		
neighbourhood shop	c	c	c	c	c	x	x	x	x	x	c	x	x	x	x	Permit with consent in RU2	
neighbourhood supermarket	c	c	c	x	x	x	x	x	x	x	x	x	x	x	x		
eco-tourist facility	x	x	x	x	x	x	x	x	x	x	x	x	x	c	x	Subject to Stage 1A Planning Proposal Consider enabling as permitted with consent in E3 zone	
entertainment facility	c	c	c	x	x	x	x	x	x	x	x	x	x	x	x		
function centre	x	c	c	x	x	x	x	c	c	x	x	x	x	x	x	Subject to Stage 1A Planning Proposal - aiming for new 'Rural Function Centre' definition	
helipad	c	c	c	x	x	x	x	c	x	c	c	x	x	x	c	Permit with consent RU1 and RU2	
<b>light industry;</b>	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x		
artisan food and drink industry	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	Subject to Stage 1 APlanning Proposal	
information and education facility	c	c	c	x	x	x	c	c	c	c	c	c	c	c	c		
recreation area	c	c	c	c	c	c	c	c	c	c	c	c	x	x	c		
recreation facility (indoor)	c	c	c	x	x	x	x	c	c	c	c	c	x	x	x	Permit with consent in RU1 and RU4 with size limitations	
recreation facility (major)	x	x	x	x	x	x	x	c	c	c	x	x	x	x	x	Permit with consent - RU1	
recreation facility (outdoor)	x	x	c	x	x	x	x	c	c	c	c	c	x	x	c	Permit with consent - rural zones	
<b>tourist and visitor accommodation (group term )</b>	c	c	c	x	x	x	x	x	x	c	c	c	x	x	c	Group term - permit with consent to enable greater flexibility around types of accommodation options	
backpackers accommodation	c	c	c	x	x	x	x	x	x	c	x	x	x	x	c		
bed and breakfast accommodation	c	c	c	c	c	c	x	x	x	c	c	c	c	c	c	Permit with consent - rural, business and environmental zones	
farm stay accommodation	c	c	c	x	x	x	x	x	x	c	c	c	c	c	c	Permit with consent E2 and E3	
hotel or motel accommodation	c	c	c	x	x	x	x	x	c	c	c	c	x	x	c	Permit with consent in RU1, RU2 and RU4 - with clear policy on scale	
serviced apartment	c	c	c	x	x	x	x	x	x	x	x	x	x	x	x		
water recreation structure	x	x	x	x	x	x	x	c	c	c	c	c	x	c	c	Permit with consent RE2	
wharf or boating facility	x	x	x	x	x	x	x	c	c	c	x	c	x	x	x	Permit with consent RU2 and recreation zones	

Source: HillPDA 2020



## 5.2 Bed and breakfasts as complying development

The analysis in section 3.2, identified that there may be rational to further investigate the opportunity for bed and breakfast accommodation to be enabled as complying development under the Wollondilly LEP. This considers the limitations of the Exempt and Comply Development SEPP due to the bushfire prone land overlays. Enabling bed and breakfast as complying development under the LEP would create greater flexibility of application.

It would be recommended that it is only enabled as complying development where it meets the development standards similar to those set out in *Subdivision 9 Development standards for particular land - 3A.37 - Development standards for bush fire prone land* of the *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008*. These, and any other development standards would need to be adopted within Schedule 3 of the Wollondilly LEP.

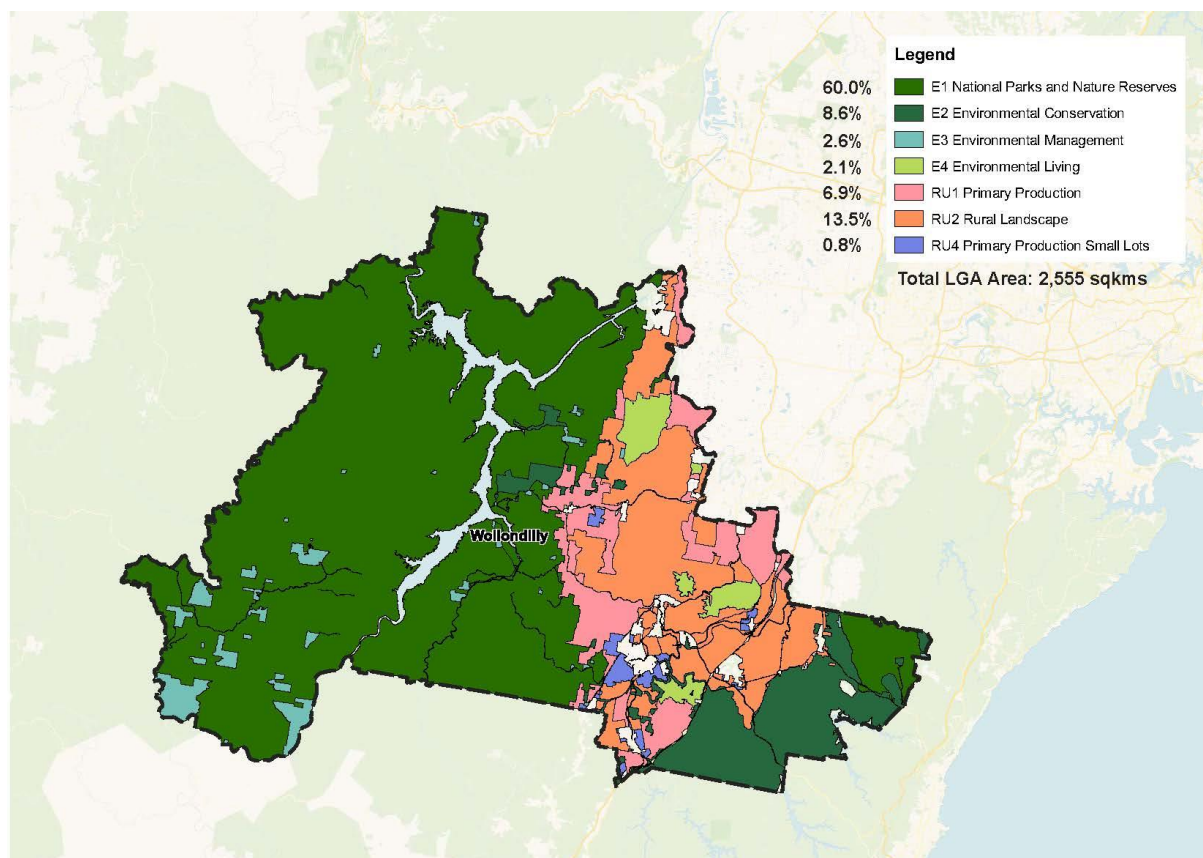
## 5.3 Appropriateness of scale of premises in certain zones

Regardless of the permissibility of uses in Figure 11, there will be some uses where Council and the community feel that floorspace or size caps should be introduced to preserve the local setting. Part 5.4 Controls relating to miscellaneous permissible uses of the LEP provides an opportunity for Council to introduce specific size controls for certain uses.

- **Café and restaurant on land in rural and environmental zones** - If development for the purposes of a café or restaurant is permitted under this Plan, the gross floor area must not exceed xxx square metres.
- **Recreation facility indoor in rural and environmental zones** - If development for the purposes of a recreation facility (indoor) is permitted under this Plan, the gross floor area must not exceed xxx square metres.
- **Function centre on land in rural and environmental zones** - If development for the purposes of a function centre is permitted under this Plan, the gross floor area must not exceed xxx square metres.

Similar provisions could be applied to other uses if seeking to restrict size.

## 5.4 Expansive environment and rural zones with limited opportunity



**Figure 12: Rural and environmental land use proportions**

Source: HillPDA 2020

Environmental and rural zones currently comprise around 94 per cent of the zoned land within the LGA. As identified above, the uses that are allowed in these zones are restrictive in order to conserve environmental and rural values. While the ultimate intent of these zones is respected, they offer limited opportunity for persons living on rural properties to obtain a primary or additional income stream while maintaining the rural or environmental value of the land.

The UTS Report "Sydney Food Futures" concluded that creating a resilient food future for Sydney means that strategic metropolitan planning needs to value and better protect agriculture from urban sprawl and that farmers and agri-businesses need viable commercial conditions. Simply, the most appropriate way to maintain rural land is to diversify the income streams available to farmers.

While altering land use permissibility to enable greater flexibility is one option, there are alternative options that move away from enabling wholesale use permissibility. These avenues are explored in the below table.

**Table 2: Alternative use permissibility pathways**

Option	Consideration
Adopt a similar policy to Wingecarribee Shire whereby planning proposals to rezone sites to SP3 Tourist are considered and accepted if able to address certain conditions.	<ul style="list-style-type: none"> <li>Prevents wholesale permissible use changes that would potentially have broader environmental impacts in the E3 zone.</li> <li>Would need to consider the implications for the MRA and the Ministerial Directions.</li> <li>Requires considerable evidence to support the change of use including consideration of biodiversity and impacts on agricultural function.</li> <li>Enables part of sites to be applicable for the rezoning.</li> </ul>

Option	Consideration
	<ul style="list-style-type: none"> <li>Planning proposals can be time consuming and are a high risk and costly approach for applicants, potentially acting as a deterrent.</li> <li>Applicants must demonstrate operating on site for at least 3 years, which would require the use of a temporary use clause. This clause limits the operation to 52 days a year which would not be viable for a use such as a restaurant or café.</li> </ul>
<p>Similar to the Byron Shire Case Study – utilise the Part 6* - Additional local provisions option in the LEP to enable temporary uses where otherwise prohibited.</p>	<p>Clause 6.11 Temporary use for function centre</p> <ul style="list-style-type: none"> <li>Clause 6.11 of the Byron Shire Local Environment Plan enables development consent to be granted on land within Zone RU2 Rural Landscape for the purpose of a function centre for a maximum of 3 years from the date of consent, despite any other provision of the plan. It outlines development standards that need to be addressed.</li> <li>The clause provides an option to introduce an additional use without making it permissible within the zone.</li> <li>While the clauses in the case of Byron were limited to rural lands, it could be further expanded to be relevant to the environment zones.</li> <li>The clause clearly specifies that any future uses should complement the environmental or rural function of the land.</li> <li>It also specifies the temporary use of the land and sunset date.</li> <li>If adopted Council would need to consider the applicable zones, whether a sunset date on development is desired, along with aspects such as the number and frequency of events that can be conducted.</li> </ul>
<p>Similar to the Byron Shire Case Study – utilise the Part 6* - Additional local provisions option in the LEP to manage the scale of development in rural and environmental zones</p> <p>*Part 7 Wollondilly LEP</p>	<p>Clause 6.8 Rural and nature based tourism development</p> <ul style="list-style-type: none"> <li>Clause 6.8 of the Byron LEP has been drafted to ensure that tourism development in rural and natural areas is small scale and does not adversely impact on agricultural production, scenic or environmental values of the land. Unlike the other recommendations, the uses applicable to the clause are permissible with consent.</li> <li>The clause provides clear development standards which need to be considered and are incorporated into the LEP to provide greater statutory weight than the DCP.</li> </ul> <p>This option could be utilised by council if seeking to permit a broader array of visitor economy uses but are looking to limit the scale.</p>

To enable greater flexibility in rural and environmental zones for visitor economy uses, there is opportunity to consider adopting Additional local provision clauses under Part 7 of the Wollondilly LEP. The clause would need to be subject to meeting the development standards as specified.

We see merit in adopting the pathway as adopted under the Byron LEP as it provides some flexibility in the types of uses that can be considered, yet states a clear objective to be complementary to the rural and natural areas.

## Function centre

(1) The objectives of this clause are to ensure that—

- (a) development is compatible with the primary production potential, rural character and environmental capabilities of the land, and
- (b) development for holding of events in rural or environmental areas does not adversely impact the rural amenity, agricultural production, scenic or environmental values of the surrounding lands.
- (c) the construction of the development will not result in the removal of any native vegetation and will have regard to the management of biodiversity outcomes as set out in a Biodiversity Assessment Report prepared in accordance with the requirements of the Biodiversity Conservation Act 2016.

(2) Development consent must not be granted to development for the purpose of a function centre on land within rural and environmental zones unless the consent authority is satisfied that—

- (a) the development is not for the purpose of a convention centre, exhibition centre or for music festivals, and
- (b) the development will complement the rural or environmental attributes of the land and its surrounds, and
- (c) the development will not impair the use of the surrounding land for agriculture or rural industries, and
- (d) the development is small scale and low impact, and
- (e) the development will not generate noise, traffic, parking or light spill that will significantly impact on surrounding residential or environment areas, and
- (f) the development is, or will be, serviced by adequate access roads taking into account the scale of the development, and
- (g) the development has, or will have, access to adequate wastewater systems to service the land without having any adverse impact on the water quality of the area, and
- (h) the construction of the development will limit the removal of native vegetation and will have regard to the management of biodiversity outcomes, and
- (i) a management strategy will be prepared to minimise any impact on the natural environment or neighbour amenity which includes but is not limited to:
  - (i) measures to remove any threat of serious or irreversible environmental damage, and
  - (ii) mechanisms for monitoring and reviewing the effect of the development on the neighbour amenity including noise and traffic impacts, and
  - (iii) any other matter deemed relevant by the consent authority such as:
    - no more than XX events will be held at the function centre on any one weekend, and
    - no more than XX events will be held at the function centre in any period of 12 months, and
    - no more than XX guests will be permitted to attend an event at the function centre at any one time.

### Rural and nature-based tourism development

(1) The objective of this clause is to ensure that tourism development in rural and natural areas is of a size and scale that does not adversely impact on the agricultural production, scenic or environmental values of the land.

(2) This clause applies to land in the following zones—

- (a) Zone RU1 Primary Production
- (b) Zone RU2 Rural Landscape
- (c) Zone RU4 Primary Production Small Lots
- (d) Zone E2 Environmental Conservation
- (e) Zone E3 Environmental Management
- (f) Zone E4 Environmental Living

(3) Development consent must not be granted to tourism development on land to which this clause applies unless the consent authority is satisfied that—

- (a) there is, or will be, adequate vehicular access to and from a road, taking into account the scale of the development proposed, and
- (b) the development is of a small scale or is demonstrated to have a low adverse impact to the land, surrounding lands and neighbourhood, and
- (c) the development is complementary to the rural or environmental attributes of the land and its surrounds, and
- (d) the development will not have a significant adverse impact on agricultural production, amenity or significant features of the natural environment.
- (e) the construction of the development will not result in the removal of any native vegetation and will have regard to the management of biodiversity outcomes as set out in a Biodiversity Assessment Report prepared in accordance with the requirements of the Biodiversity Conservation Act 2016.

(4) Development consent must not be granted to development for the purpose of tourism development on land to which this clause applies unless—

- (a) a lawfully erected dwelling house or dual occupancy (attached) is situated on the land, or
- (b) a dwelling house may be erected on the land under this Plan.

(5) In this clause—

small scale means a scale that is small enough to be generally managed and operated by the principal owner living on the property.

tourism development includes, but is not necessarily limited to, development for any of the following purposes—

- (a) camping grounds,
- (b) caravan parks,
- (c) eco-tourist facilities,
- (d) home industries that provide services, or the sale of goods, on site to visitors,
- (e) information and education facilities,
- (f) recreation facility (indoor, major, outdoor),
- (g) restaurants or cafes,
- (h) rural industries that provide services, or the sale of goods, on site to visitors
- (i) tourism and visitor accommodation.

*Note: provision (4) may need further thought in terms of how they would apply across all uses. Potential to remove or further specify for particularly uses.*



## 5.5 Limitations of standard instrument land use definitions

As uncovered by the Small Business Commission report into agritourism and anecdotally reinforced through stakeholder engagement with councils, the land use planning definitions and approaches specified in the Standard Instrument Local Environment Plan (SI LEP) are not necessarily reflective or appropriate to rural and regional contexts. This is requiring councils to utilise other clauses such as additional local provisions, additional permitted uses and the temporary use clause to enable appropriately scaled visitor economy uses.

While we recognise that the Department of Planning, Industry and Environment is currently investigating additional ways to facilitate agritourism options within the SI LEP, further advocacy is required to create options for visitor economy businesses not associated with productive farming. For context, the proposed changes to the SI LEP and Codes SEPP include:

- Introducing two new land use terms for farm gate activities and farm events
- Amending the definition for ‘farm stay accommodation’
- Introducing new provisions and amending existing provisions for development applications for agritourism development
- Developing exempt and complying approval pathways for agritourism developments.

The limitation to the above changes is that all definitions must demonstrate that “the existing principal use of the land must be the production of agricultural/primary production goods for commercial purposes”. The linkage of goods for commercial purpose means that there remain limited opportunities for persons within a rural or environmental zone to operate an appropriately scaled visitor economy business. This includes persons that may reside on a farm that is no longer a commercial operation i.e retired farmers seeking to obtain a less labour-intensive source of income.

Council is currently seeking support from DPIE to enable the definition of “rural function centre” to enable appropriately scaled rural functions in appropriate rural and environment zones. Another opportunity would be to enable ‘artisan food and drink premise’ in environmental zones, however the ‘industry’ group term is currently mandated prohibited.

### Recommendation:

- Advocate to the highest level of State Government, in partnership with other regional councils and industry, the need to revisit the land use definitions in the Standard Instrument to enable greater opportunity of rural and environmental land. A collaborative approach will draw greater attention and convey the need more effectively.
- Support any initiatives to develop a ‘Regional Standard Instrument LEP’ template which acknowledges the differences between metropolitan and rural or peri-urban communities.

## 5.6 Limitations in the number of bedrooms

The Standard LEP enables councils to define the number of bedrooms within bed and breakfast and farm stay accommodation under Clause 5.4 Controls relating to miscellaneous permissible uses.

Most case studies adopted a minimum bedroom number of 5 bedrooms for both uses. Byron Shire adopted a minimum of five bedrooms for bed and breakfast and 12 bedrooms for farm stay accommodation. Ultimately the definition for bed and breakfast constrains uses to be within an existing dwelling, whereas the farm stay accommodation has broader flexibility.

There would be an option to increase the number of bedrooms for both use types. A range between eight to twelve bedrooms, may be more appropriate for farm stay accommodation.

## Recommendation:

- Increase the maximum number of bedrooms in Bed and breakfast accommodation from three (3) to five (5) bedrooms
- Increase the maximum number of bedrooms in Farm stay accommodation from five (5) bedrooms to eight (8) to twelve (12) bedrooms.

## 5.7 Creating opportunities for group accommodation

There is anecdotally a growing interests to be able to provide large group (i.e. school group) accommodation on rural properties. While increasing the number of bedrooms allowed as part of a farm stay would support large groups, it would not necessarily be to the extent required for larger school groups. The standard instrument does not have a specific definition for temporary group accommodation type uses. Instead, a number of definitions could be interpreted as being appropriate for this form of development; these are explored below.

Use definition	Rational/risk
<p><b>Eco-tourist facility</b></p> <p>eco-tourist facility means a building or place that—</p> <ul style="list-style-type: none"> <li>(a) provides temporary or short-term accommodation to visitors on a commercial basis, and</li> <li>(b) is located in or adjacent to an area with special ecological or cultural features, and</li> <li>(c) is sensitively designed and located so as to minimise bulk, scale and overall physical footprint and any ecological or visual impact.</li> </ul> <p>It may include facilities that are used to provide information or education to visitors and to exhibit or display items.</p> <p><i>Note—</i></p> <p><i>See clause 5.13 for requirements in relation to the granting of development consent for eco-tourist</i></p>	<ul style="list-style-type: none"> <li>• The definition provides opportunity for short-term accommodation to visitors on a commercial basis.</li> <li>• The definition is not capped in size and scale as long as it meets the objectives of Clause 5.13.</li> <li>• The use is proposed to be made permissible in a broad diversity of zones.</li> <li>• Clause 5.13 requires that adequate connection can be made between the development and the <u>ecological, environmental and cultural values of the site or area</u>.</li> <li>• Three standards may be particularly difficult or unviable to address for group accommodation: <ul style="list-style-type: none"> <li>— (h) Any infrastructure services to the site will be provided without significant modification to the environment</li> <li>— (i) Any power and water to the site will, where possible, be provided through the use of passive heating and cooling, renewable energy sources and water efficient design</li> <li>— (kiii) efficient and minimal energy and water use and waste output.</li> </ul> </li> </ul>
<p><b>Backpackers' accommodation</b></p> <p>backpackers' accommodation means a building or place that—</p> <ul style="list-style-type: none"> <li>(a) provides temporary or short-term accommodation on a commercial basis, and</li> <li>(b) has shared facilities, such as a communal bathroom, kitchen or laundry, and</li> <li>(c) provides accommodation on a bed or dormitory-style basis (rather than by room).</li> </ul>	<p>This definition would closely align with the needs of large groups, with evidence that a number of major organisations (e.g. YHA) provide for school groups.</p> <p>Backpackers' accommodation is limited to the business, RU1 rural and E4 environmental zones in the current recommendations. There may be additional opportunity to expand the permissibility but other considerations, such as bushfire safety would need to be considered.</p> <p>Rather than increase permissibility in the zones, if this definition is used, it would be better to apply it on a case by case basis as an additional permitted use.</p>

## 5.8 Growing demand for holiday rental accommodation

Commencing in 2021, the NSW Government is implementing a new regulatory framework for short-term rental accommodation. It is not necessary to duplicate the provisions in the LEP, however it would be suggested to reference the Short Term Rental Accommodation SEPP in the Development Control Plan.

## 5.9 Zone objectives do not recognise the visitor economy

To further reiterate the desire of council to encourage and enable visitor economy uses, the objectives of the Local Environmental Plan can be amended to further support the intent. While this opportunity has not been widely adopted by the case study councils, a review of other local council areas across NSW that have a high tourism focus was undertaken with the below objectives provided as suggestions.

For environment and rural zones:

- To enable the provision of tourist accommodation, facilities and other small-scale rural tourism uses associated with primary production and environmental conservation consistent with the rural or environmental character of the locality
- To provide for a range of tourist and visitor accommodation-based land uses, including agri-tourism, eco-tourism and any other like tourism that is linked to an environmental, agricultural or rural industry use of the land
- To ensure that development is compatible with the rural character of the land and maintains the feasibility of agricultural uses.
- To provide tourist development that is compatible with the environmental, scenic and landscape qualities of the area.

For B2 Local Centre zones:

- To encourage vibrant centres by allowing tourist and visitor accommodation and facilities.

## 5.10 Addressing the opportunity for temporary visitor economy uses

As discussed in section 3.3.3, due to the court ruling, the temporary use clause offers limited opportunity for visitor economy uses to operate, due to the definitive nature of the 'will not adversely impact' wording in the clause. This means that uses that cause only a limited impact would technically not be permissible. While the stakeholder engagement with other councils determine that the clause was not being interpreted so literally, current practice at Wollondilly Council is to align with the court ruling. To navigate around the court ruling there could be opportunity to incorporate an additional local provision that enables temporary visitor economy uses, similar to the clause adopted by Byron Council for function centre. An example clause could be:

### Temporary visitor economy uses

- (1) The objective of this clause is to enable temporary visitor economy uses subject to it not adversely impacting on the agricultural production, scenic or environmental values of the land.
- (2) Despite any other provision of this Plan, development consent may be granted to tourism development subject to the consent authority being satisfied that:
  - (a) structures are only temporary, and
  - (b) that activity is restricted, through a condition, to operate on a set number of occasions in any 12 month period subject to its size and scale, and
  - (c) each occasion of use is not to extend beyond XX days, with temporary structures to be established and removed from site within that period, and
  - (d) the site will be returned to its original state and operation capacity at the conclusion of each period of use.
- (3) Development consent must not be granted to tourism development on land to which this clause applies unless the consent authority is satisfied that—
  - (a) there is, or will be, adequate vehicular access to and from a road, taking into account the scale of the development proposed, and

- (b) the development is complementary to the rural or environmental attributes of the land and its surrounds, and
- (c) the development will not have a significant adverse impact on agricultural production, amenity or significant features of the natural environment, and
- (d) the construction of the development will not involve the removal or pruning of a tree or other vegetation that would otherwise require a permit or development consent and will have regard to the management of biodiversity outcomes

(5) In this clause—

temporary means no permanent structure is to be erect and the site can be immediately returned to its original state and operation.

Visitor economy uses includes, but is not necessarily limited to, development for any of the following purposes—

- (a) camping grounds,
- (b) filming,
- (c) food and drink premises,
- (d) information and education facilities,
- (e) markets
- (f) recreation facility (indoor, major, outdoor),
- (g) rural industries that provide services, or the sale of goods, on site to visitors.

## 5.11 Development Control Plan 2016 will need updating

The Wollondilly Development Control Plan 2016 (WDCP 2016) incorporates a volume specifically relating to tourism and events. Currently the permissibility of visitor economy type uses is relatively limited in the LGA and therefore the standards in the development control plan do not need to be as robust. Council's intention to enhance the visitor economy through the LEP should be supported by additional guidance in the DCP. Guidance should take a pragmatic approach and be subject to extensive consultation with the industry to ensure they are fit for purpose.

As identified in section 3.4, there are a number of controls in both Volume 5 and Volume 6 that could be revisited to broaden the scope and flexibility of visitor economy uses. These include:

- Controls in Volume 5 appear to reflect centre-based development. Considering the additional scope being afforded to some commercial and community uses there would be merit in revisiting controls around parking, street frontages and public transport access to expand the scope to rural and environmental areas.
- There are controls within Volume 6 that require parking and driveways to be sealed and marked. This requirement could represent significant costs for rural properties where a sealed driveway could be extensive and a poor environmental outcome. It is recommended that this requirement be revisited to look instead to an environmental solution that would enable all weather access without adding significant hard surfaces.
- Current controls around the number of guests in a bedroom should be revisited to add greater flexibility for larger families and 'bunk type' arrangements for staff retreats and school camps.
- Farm stay accommodation is also restricted to only where intensive agriculture (e.g. commercial livestock or plant agriculture) or extensive agriculture (e.g. commercial grazing or bee keeping) is present. Hobby farms and other non-commercial agricultural uses are specifically excluded. This requirement appears to building on the 'working farm' portion of the farm stay accommodation

definition in the Wollondilly LEP, however it would be recommended to remove the additional prescription to enable greater interpretation flexibility.

## 5.12 Supporting growth through visitor economy conducive thinking

While the remit of the study was to consider the statutory actions that could be applied, the stakeholder engagement and the findings for the Small Business Commission report identified additional areas that could be improved to better support the visitor economy. These include:

- Guidance or support to understand the planning approval pathways
- Guidance or support on what land use definition would be most appropriate
- Specificity and consistency regarding the technical report requirements
- Realistic conditions of consent that consider scale and location characteristics.

Council should aim to convey an ‘open for business’ and ‘we are here to help’ mentality in relation to the visitor economy. Considering the complexity of the planning framework and the limitations in terms of land use definitions, some businesses and land owners will require further support to navigate the system. While there is already a pre-lodgement process in place, this is generally at a stage where businesses and landowners already have a clear proposal in mind and some technical information available. While the duty planner system is good, the visitor economy issue is complex and likely needs more specialist understanding to provide required advice.

Stakeholder feedback suggested that businesses and landowners would benefit from an opportunity to speak with a visitor economy informed council planner, prior to their concept being fully developed, to gain feedback on the most appropriate use and how to best navigate the system.

Considering this, the following recommendations have been made:

- Allocate a dedicated Council officer to consider and assess all visitor economy related applications.
- Provide an opportunity for potential applicants to be able to speak with the above officer before having a firm visitor economy proposal in place.
- Establish a checklist/guideline to support visitor economy applicants to navigate the system including possible appropriate definitions and a limited list of technical reports that may be needed.
- Establish model conditions of consent template for the agritourism uses that can be applied as the base with more site specific conditions added where relevant. These conditions should have consideration of the rural and environment landscape and development viability.
- Review Council’s website for ease of navigation to access information, particularly holding events. The current approach is focused on getting involved in Council events rather than encouraging event organisers to host their own events. Consider exploring the event application approach for small and large scale events adopted by Orange Council.



## 6.0 SUMMARY OF PROPOSED LEP CHANGES

Any changes in land use proposed to the Wollondilly LEP would need to be informed by a Strategic Bush Fire Study prepared under the NSW Rural Fire Service's *Planning for Bush Fire Protection (PBP) 2019* to consider whether it is appropriate in the bush fire hazard context. The following table summarises the proposed LEP amendments.

**Table 3: Proposed LEP amendments**

Item	Description of amendment	Proposed land use zones	Proposed LEP change
Additional item	Boat launching ramp	RE1, RE2, RU1, RU2, and RU4	Amend the LEP Land Use Table to permit 'boat launching ramp' with consent
Additional item	Camping ground	RU1, RU2, E3 and E4	Amend the LEP Land Use Table to permit 'camping ground' with consent
Additional item	Charter and tourism boating facility	RE1, RE2, RU1, RU2, and RU4	Amend the LEP Land Use Table to permit 'Charter and tourism boating facility' with consent
Additional item	Cellar door premises	E2 and E3	Amend the LEP Land Use Table to permit 'Cellar door premises' with consent
Additional item	Restaurant and café	E4, RU1, RU2, and RU4	Amend the LEP Land Use Table to permit 'restaurant and café' with consent Include a local miscellaneous provision to include size limitations for these new zones
Additional item	Roadside stall	E2, E3, R5	Amend the LEP Land Use Table to permit 'roadside stall' with consent
Additional item		R5	Amend Schedule 2 to permit 'roadside stall' as exempt development, consider a specific clause to link it to home industries on the site
Additional item	Neighbourhood shop	RU2	Amend the LEP Land Use Table to permit 'Neighbourhood shop' with consent
Additional item	Helipad	RU1 and RU2	Amend the LEP Land Use Table to permit 'Helipad' with consent
Additional item	Recreation facility (indoor)	RU1 and RU4	Amend the LEP Land Use Table to permit 'Recreation facility (indoor)' with consent. Include a local miscellaneous provision to include size limitation for these new zones
Additional item	Recreation facility (major)	RU1	Amend the LEP Land Use Table to permit 'recreation facility (major)' with consent
Additional item	Recreation facility (outdoor)	E3, RU1, RU2 and RU4	Amend the LEP Land Use Table to permit 'Recreation facility (outdoor)' with consent
Additional item	Tourist and visitor accommodation (group term)	RU1, RU2, RU4 and E3	Group term - Amend the LEP Land Use Table to permit 'Tourist and visitor accommodation' with consent
Additional item	Bed and breakfast accommodation	B1, E2 and E3	Amend the LEP Land Use Table to permit 'Bed and breakfast accommodation' with consent
Additional item	Farm stay accommodation	E2 and E3	Amend the LEP Land Use Table to permit 'Farm stay accommodation' with consent
Additional item	Hotel or motel accommodation	RU1, RU2 and RU4	Amend the LEP Land Use Table to permit 'Hotel or motel accommodation' with consent

Item	Description of amendment	Proposed land use zones	Proposed LEP change
Additional item	Water recreation structure	E2	Amend the LEP Land Use Table to permit 'Water recreation structure with consent
Additional item	Wharf or boating facility	RE1, RE2 and RU1	Amend the LEP Land Use Table to permit 'wharf or boating facility' with consent
Additional item	Temporary use for function centre	RU1, RU2, RU4, E3, E4	Local provision; potential to introduce as an additional use without making it permissible within the zone; or Local miscellaneous provision; to cap the size of the function centre
Additional item	Temporary visitor economy uses	All zones	Local provision; potential to introduce as an additional 'visitor economy' use without making it permissible within the zone. For the purpose of this clause, visitor economy uses are defined as: <ul style="list-style-type: none"> <li>(a) camping grounds,</li> <li>(b) filming,</li> <li>(c) food and drink premises,</li> <li>(d) information and education facilities,</li> <li>(e) markets</li> <li>(f) recreation facility (indoor, major, outdoor),</li> <li>(g) rural industries that provide services, or the sale of goods, on site to visitors</li> </ul>
Additional item	Rural and nature based tourism development	RU1, RU2, RU4, E2, E3, E4	Local provision; potential to include a local provision to limit the scale and potential impacts from visitor economy uses
Additional item	Bed and breakfast accommodation	Applies wherever this development is permissible	Increase maximum no. of bedrooms from four (4) to five (5) bedrooms
Additional item	Farm stay accommodation	Applies wherever this development is permissible	Increase maximum no. of bedrooms from five (5) to twelve (12) bedrooms
Additional item	Zone objectives	B2, E1, E2, E3, E4, RU1, RU2 and RU4	Review the land use zones to introduce a zone objective to recognise the visitor economy

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7. In relation to any valuation which is undertaken for a Managed Investment Scheme (as defined by the Managed Investments Act 1998) or for any lender that is subject to the provisions of the Managed Investments Act, the following clause applies:  
  
This valuation is prepared on the assumption that the lender or addressee as referred to in this valuation report (and no other) may rely on the valuation for mortgage finance purposes and the lender has complied with its own lending guidelines as well as prudent finance industry lending practices, and has considered all prudent aspects of credit risk for any potential borrower, including the borrower's ability to service and repay any mortgage loan. Further, the valuation is prepared on the assumption that the lender is providing mortgage financing at a conservative and prudent loan to value ratio.
8. HillPDA makes no representations or warranties of any kind, about the accuracy, reliability, completeness, suitability or fitness in relation to maps generated by HillPDA or contained within this report.

*Liability limited by a scheme approved under the Professional Standards Legislation*



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