ATTACHMENTS TO REPORTS –

Item 13.7 – Planning Proposal to Rezone the 'Mt Ashby' Property from E3 Environmental Management to SP3 Tourist

ORDINARY COUNCIL MEETING

Wednesday 11 October 2017

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Attachments to Reports

Item

13.7 Planning Proposal to Rezone the 'Mt Ashby' Property from E3 Environmental Management to SP3 Tourist

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ATTACHMENTS TO REPORT

Item 13.7

Planning Proposal to Rezone the 'Mt Ashby' Property from E3 Environmental Management to SP3 Tourist

Attachment 1

Mt Ashby Planning Proposal

Attachment 2

Figure 2 - Location of Subject Land

Attachment 3

Figure 3 - Location of SP3 Tourist zones

ATTACHMENT 1

Office Use Only	
Date Received	
Receipt of Fees	
Property Number	

Planning Proposal Submission

Planning Proposal to rezone Mt Ashby Vineyard to SP3 Tourist under Wingecarribee Local Environmental Plan 2010

Version 1 – For Council Assessment & Determination –
Date: 1 June 2016

Submitted by: Lee Environmental Planning

Please deliver to Wingecarribee Shire Council:

- By hand to Customer Service Centre, Elizabeth Street, Moss Vale NSW 2577,
- By mail to Po Box 141 Moss Vale NSW 2577,
- By email to wscmail@wsc.nsw.gov.au

For further information contact Council's Strategic Planning Branch on 02 4868 0888

www.wsc.nsw.gc

ATTACHMENTS WHICH FORM PART OF THIS PLANNING PROPOSAL

0	Planning Proposal to rezone Mt Ashby Vineyard and Cellar Door (Lot 7 DP632169) at 140 Nowra Road, Moss Vale
	LUA15/1138 for temporary use of the site for functions, new farm building and alterations and additions to existing cellar door

LOCAL GOVERNMENT AREA: WINGECARRIBEE SHIRE COUNCIL

ADDRESS OF LAND **140 Nowra Road, Moss Vale**

SHIRE WIDE LOCATION

SITE LOCATION & DESCRIPTION

The site is legally described as Lot 7 DP632169, with an address of 140 Nowra Road, Moss Vale.

It is situated on the southern side of Nowra Road approximately 100 metres from its intersection with Yarrawa Road and just 1 kilometre from the Illawarra Highway.

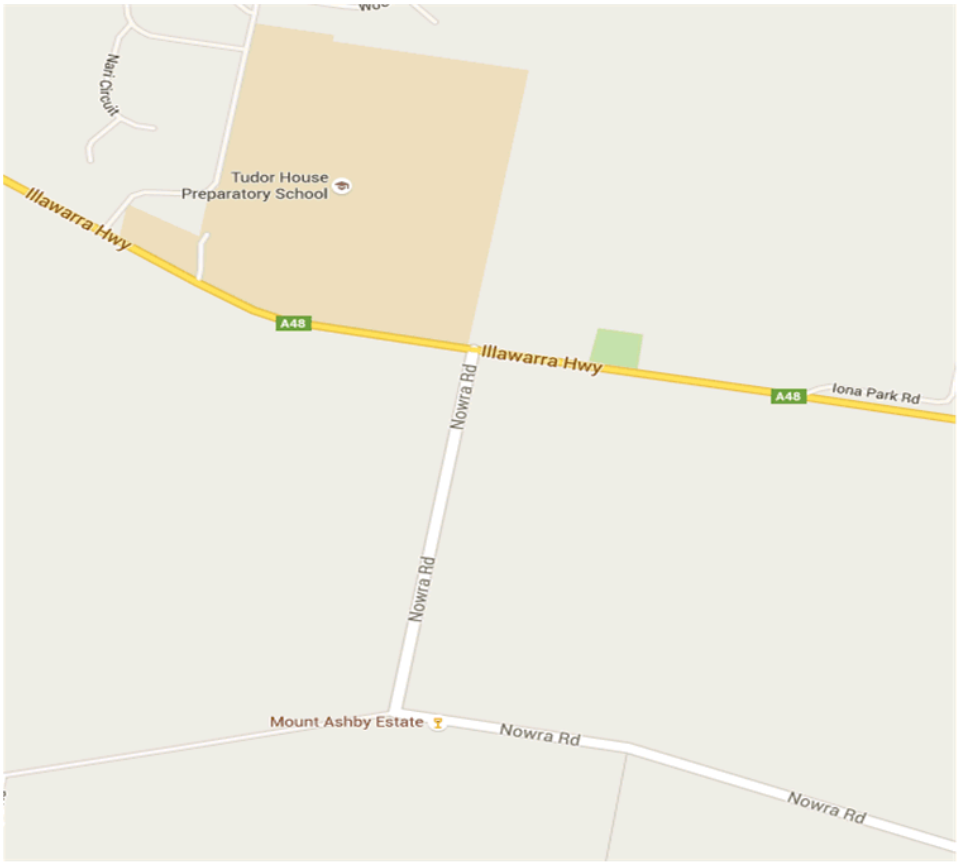


Figure 1: Locality plan (Source Googlemaps)

It is irregular in shape and has a frontage to Nowra Road of approximately 500 metres and a total site area of approximately 40 hectares (Refer to Figure 2).

Figure 2: Site boundaries (Source: Sixmaps)

The improvements upon the site are associated with the vineyards and cellar door and include Car park area, Cellar Door building, Produce Store, Barn (to be replaced), Shed.

Figure 3: View of main cluster of buildings on site

PART 1 : OBJECTIVES OR INTENDED OUTCOMES

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

- To change the zoning of the land in order to better reflect its current usage as approved
- To provide a zoning for the land that will better facilitate the intended long term usage of the land including the continuance of the vineyard and cellar door
- To give effect to Councils stated strategic planning aims of building a strong local economy and planning for tourism
- Provide a planning regime whereby the land can be developed in an appropriate manner subject to development approval, for tourist related activities including food and drink premises, functions and accommodation

PART 2 : EXPLANATION OF THE PROVISIONS

This Part will be completed by Council.

The preferred amendment to the WLEP2010 and the one being proposed in this submission is to change the current zoning of the land from its current E3 Environmental Management zoning and include the subject land into the SP3 Tourist zone of WLEP2010. This is considered to be the most efficient way to give effect to the stated objectives and intended outcomes.

This will require an amendment to the Land Zoning maps of the WLEP2010.

PART 3 : JUSTIFICATION OF OBJECTIVES, OUTCOMES & PROCESS

Section A – Need for the Planning Proposal

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

The Planning Proposal is a logical progression from Council's recent adoption of the Local Planning Strategy 2015 -2031 (adopted 23 March 2016).

Chapter Five of the Strategy, Developing a Prosperous Wingecarribee is discussed more fully in Section B (4).

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

Wingecarribee Local Planning Strategy 2015 -2031, included some specific economic goals and strategies including the following:

Goal 5.2 The Southern Highlands is a recognised tourist destination throughout Australia
Goal 5.3 Wingecarribee has agribusiness suited to our distinct climate and geography.

Section 5.6 related to planning for tourism and Section 5.7 was specific to the SP3 Tourist zone.

A set of criteria has been developed by which to judge prospective SP3 Tourist zone locations. The subject site is generally compliant with these criteria and this is why a proposed change of the site zoning is considered to be appropriate. Section 5.8 then goes on to suggest an amendment to the SP3 zone that would provide a framework around which tourist related development proposals within the SP3 zone could be assessed. This approach ensures that the appropriate levels of scrutiny are brought to bear upon tourist related development proposals.

The alternative way to achieve the objectives and intended outcomes of the Planning Proposal is through the Development Application process. This pathway was followed to secure a limited development consent under Clause 2.8 Temporary Use of Land. The consent is limited to a three year time frame. Continuing reliance upon temporary consents is not considered to be appropriate or sustainable.

The third alternative is for Council to expand the range of permissible land uses within the E3 Environmental Management zone to include function centres. However, the Strategic Plan states in Section 5.9 that '*Council does not support at this time the development of function centres or tourist and visitor accommodation in the environmental and rural zones. Any property wanting to undertake such development should request that Council consider rezoning the land to SP3 Tourist.'*

Given the above, the submitted Planning Proposal that requests the Mount Ashby site be rezoned to SP3 Tourist, is clearly the best and most appropriate means of achieving both the owners and Council's strategic objectives and intended outcomes.

Section B – Relationship to strategic planning framework

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

The Sydney - Canberra Corridor Regional Strategy contains background discussion on Rural Lands (Section 4) and Economic Development and Employment Growth (Section 5). There are no specific recommendations or controls that relate directly to planning for tourism although the Actions required of Council's have some relevance.

In relation to rural lands, the Corridor Strategy requires local plans to protect and zone land of significant agricultural value, but also to manage those lands to accommodate economic outcomes. In this case, the existing agricultural use of the land (vineyards, grazing and agistment) can be retained and then complemented with the additional options that the SP3 tourist zone brings. This is not in conflict with the Corridor Strategy.

In relation to economic growth and employment, tourism is not mentioned, but it is obvious that it can play a major role in consolidating a strong local employment base, which is a major goal of the Corridor Strategy.

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

As noted earlier, Council has given strong indications that it favours the rezoning process rather than expanding the range of permissible land uses for sites that may wish to develop for purposes including function centres and other tourist related activities.

The Wingecarribee Local Planning Strategy identifies a set of criteria on which to base consideration of proposed SP3 Tourist zonings. These are:

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

The Mount Ashby site fairs well when assessed against these criteria and the following comments are relevant.

1. The site, at approximately 40 hectares, has an area in excess of 20 hectares.

2. Mt Ashby has been operating continuously as a vineyard and cellar door, with ancillary tourist related uses for the past 12 years. Refer to LUA03/1879.
3. The site is within 2km of the residential area of Farnborough Drive to the north west.
4. The site has direct access onto Nowra Road, which is a major access road and then it is just 1 kilometre to the junction of Nowra Road and the Illawarra Highway.
5. The site is not connected to town water or sewer. These issues however can be dealt with through the development assessment phase with the scale of development dictated by the sites capacity to manage these issues. It is unclear as to why Council would insist upon connection to these services as this would tend to ensure the scale and intensity of development was greater than desired by Council.
6. The site is free of any areas of Ecologically Endangered Community (EEC) vegetation which might be impacted by the development proposal.
7. The site is free of other environmentally sensitive constraints as identified under WLEP 2010 which may be impacted by the development proposal (bushfire, water courses).
8. The site is free of bushfire or flooding threat.

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

There are no applicable State Planning Policies that would be contravened by this Planning Proposal

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

Direction	Assessment
1. Employment and Resources	
1.1 Business and Industrial Zones	NA
1.2 Rural Zones	Although the current use of the site is a rural use (vineyards/grazing), the land is not within a rural zone. Therefore this Direction is not applicable
1.3 Mining, Petroleum Production and Extractive Industries	NA
1.4 Oyster Aquaculture	NA
1.5 Rural Lands	The land is rural land for the purpose of this Direction
2. Environment and Heritage	
2.1 Environment Protection Zones	The land is currently within the E3 Environmental Management zone of WLEP2010. This Direction does not allow a PP to

	reduce environmental protection standards that apply to the land. There are no particular environmental protection standards within the WLEP2010 that apply to the E3 zone. The WLEP2010 has natural resources sensitivity mapping for biodiversity and water. The site is not affected by either of these issues. The proposed change of zone would not alter the requirement for any development proposal to properly consider the environmental issues of water quality and bushfire hazard. The PP is not inconsistent with the Direction.
2.2 Coastal Protection	NA
2.3 Heritage Conservation	NA
2.4 Recreation Vehicle Areas	NA
3. Housing, Infrastructure and Urban Development	
3.1 Residential Zones	NA
3.2 Caravan Parks and Manufactured Home Estates	NA
3.3 Home Occupations	NA
3.4 Integrating Land Use and Transport	NA
3.5 Development Near Licensed Aerodromes	NA
3.6 Shooting Ranges	NA
4. Hazard and Risk	
4.1 Acid Sulfate Soils	NA
4.2 Mine Subsidence and Unstable Land	NA
4.3 Flood Prone Land	NA
4.4 Planning for Bushfire Protection	The objective of this Direction is to discourage incompatible land uses from bushfire hazard areas. The site has a minimal affectation of bushfire risk having reference to the Council's Bushfire Prone Land maps. There is no bushfire vegetation upon the land and only a small length of the south and east boundaries are within the buffer area. The area of the site that is currently occupied and utilised as cellar door, café and has been approved for occasional functions is approximately 300 metres from these boundaries and therefore in excess of 300 metres form any hazard vegetation. Access to the site is from the north directly onto Nowra Road, away from the hazard area. None of the land to the north is mapped as bushfire

	prone. The PP does not contemplate any further building upon the site, just a different range of land use. If the PP was supported Development Applications would be necessary to demonstrate that any future development would be compliant with the requirements of Planning for Bushfire Protection guidelines. The PP is not inconsistent with the Direction.
5. Regional Planning	
5.1 Implementation of Regional Strategies NB: This Direction has been revised to include previous Directions 5.6 and 5.7.	The Sydney – Canberra Corridor Regional Strategy is in place and therefore relevant. The PP is not inconsistent with the broad intent of the Regional Strategy
5.2 Sydney Drinking Water Catchments	The proposed change of zone would still require any future development of the land to properly consider the requirements of the State Environmental Planning Policy (Sydney Drinking Water Catchment) 2011. Any development proposal would need to demonstrate a neutral or beneficial effect on water quality as a result of the development. The PP is not inconsistent with the Direction
5.3 Farmland of State and Regional Significance on the NSW Far North Coast	NA
5.4 Commercial and Retail Development along the Pacific Highway, North Coast	NA
5.8 Second Sydney Airport: Badgerys Creek	NA
5.9 North West Rail Link Corridor Strategy	NA
6. Local Plan Making	
6.1 Approval and Referral Requirements	A PP that simply seeks to change the land use zoning of a site from one category to another is not inconsistent with the Direction
6.2 Reserving Land for Public Purposes	NA
6.3 Site Specific Provisions	The PP does not propose to have any site specific provisions. Future development proposals can be assessed under the provisions of Section 79C of the EPA Act and of Council's proposed Clause to be inserted into WLEP2010 that is designed to provide assessment criteria for developments within the SP3 zone.

Section C – Environmental, Social & Economic Impacts

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

The site does not contain any critical habitat or threatened species populations or ecological communities.

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

There are no other likely environmental effects as a result of the Planning Proposal. The current uses being undertaken on the site have been assessed and found to be suitable for the site with no adverse impacts. Refer to LUA03/1879 and LUA15/1138. The latter Development Application was supported by an Acoustic Impact Assessment and a comprehensive waste water management plan, both of which are available on Council's files. These two issues (effluent disposal and noise) are the two most likely issues that would arise from a SP3 zoning of the site and they have been assessed as acceptable.

If the Planning Proposal is supported and the site is rezoned to SP3 Tourist, any further development proposals in the future will require the lodgement of a Development Application, to be assessed on its merits. Any potential environmental effects arising from a specific development proposal can be managed through that process. This would include updated or upgraded reports on the criticial issues such as effluent disposal or noise. Council has indicated its intent to introduce criteria into the WLEP2010 that will provide the framework for such assessment (see Section B4 of this PP). which will further ensure that only appropriate development proceeds.

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

There would be minimal social impacts associated with the Planning Proposal.

It is considered that the Planning Proposal will have positive economic impacts through the promotion of tourist related development. Tourism is clearly a major employer, both currently and with the potential to increase into the future. A strong tourism base is essential for a strong local economy within the Shire, something that is recognised in the Wingecarribee Local Planning Strategy 2016 -2031.

Section D – State and Commonwealth Interests

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

The site is accessed off Nowra Road, which is a public road of suitable standard. There are no other demands that would be placed upon public infrastructure as a result of the Planning Proposal.

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

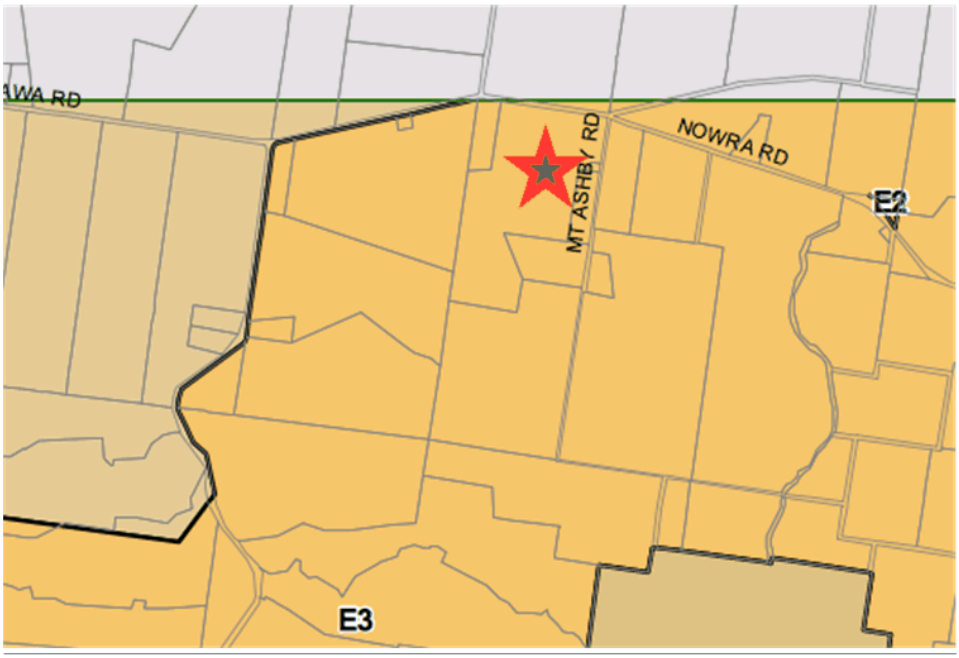
No other government authorities have yet been consulted. This role falls to Council in the first instance as part of the Gateway determination.

PART 4 – MAPPING

This part will be completed by Council

The Planning Proposal will be given effect by a mapping change to the WLEP2010 zoning maps.

Sheet LZN_008 will need to be amended by identifying the subject land as SP3 Tourist rather than its current E3 Environmental Management zone.



PART 5 – COMMUNITY CONSULTATION

This Part will be completed by Council in accordance with Council's Community Engagement Policy.

It is acknowledged that the Council will need to undertake Community engagement to provide the opportunity for adjoining property owners and the broader community to comment upon the Planning Proposal. The applicant is prepared to participate fully in any consultation program deemed necessary by Council.

PART 6 – TIMELINE

This Part will be completed by Council.

The proponent of the Planning Proposal acknowledges that the time line for a Planning Proposal can be difficult to predict and that some of the processing time is outside of Council's direct control.

This Planning Proposal has been put forward at this point, so as to enable sufficient time for it to be considered and determined while the site is operating under the terms of a time limited development consent. This consent (LUA15/1138) was granted for a three (3) year period and will run until 22 April 2019 unless otherwise extended. It is imperative that the Planning Proposal be dealt with expeditiously to provide the required level of certainty that a commercial operation requires, particularly one such as a wedding function centre, that operates on long lead in times for bookings.

ATTACHMENT 2

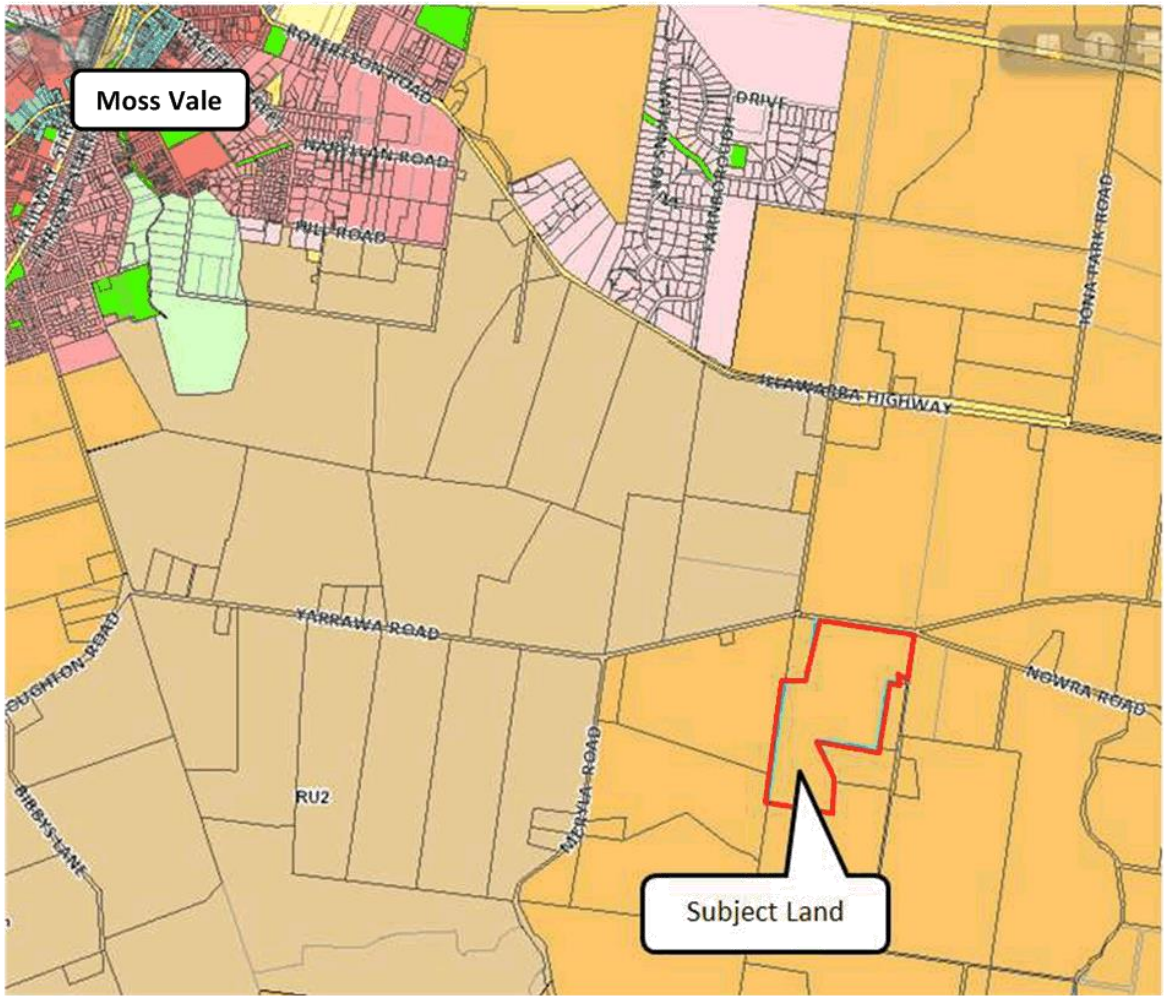


Figure 1: Location Plan

ATTACHMENT 3

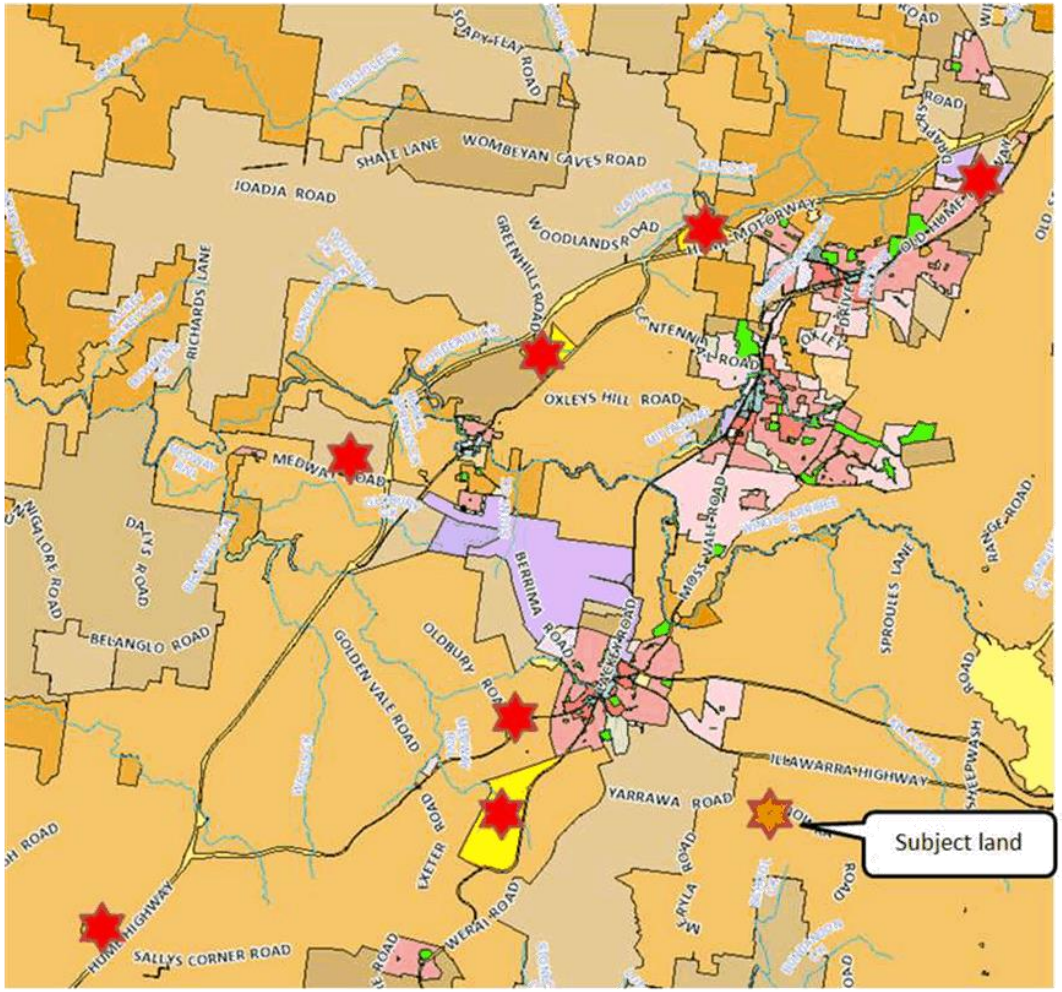


Figure 2: Location of SP3 Tourist Zones