



Gateway determination report – PP-2024-765 34 Isabel Drive, Murrumbateman – Additional Permitted Use

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Acknowledgment of Country

The Department of Planning, Housing and Infrastructure acknowledges the Traditional Owners and Custodians of the land on which we live and work and pays respect to Elders past, present and future.

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1 Planning proposal

1.1 Overview

Table 1 Planning proposal details

LGA	LGA name
PPA	Yass Valley Council
NAME	34 Isabel Drive Murrumbateman – Additional Permitted Use
NUMBER	PP-2024-765
LEP TO BE AMENDED	Yass Valley Local Environmental Plan 2013
ADDRESS	34 Isabel Drive Murrumbateman
DESCRIPTION	Lot 27 DP 1301590
RECEIVED	4/07/2024
FILE NO.	EF24/9115
POLITICAL DONATIONS	There are no donations or gifts to disclose and a political donation disclosure is not required
LOBBYIST CODE OF CONDUCT	There have been no meetings or communications with registered lobbyists with respect to this proposal

1.2 Objectives of planning proposal

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

The objective of the planning proposal is to make ‘tourist and visitor accommodation’ a permitted use on the subject land to support an existing winery, cellar door, restaurant and function centre.

The objectives of this planning proposal are clear and adequate.

1.3 Explanation of provisions

The planning proposal seeks to amend Schedule 1 of the Yass Valley LEP 2013 to allow ‘tourist and visitor accommodation’ on the subject land, subject to development consent. The land will be added to the Additional Permitted Uses map associated with Schedule 1.

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

1.4 Site description and surrounding area

The subject land is located approximately 2km south east of the Murrumbateman town centre. The site contains a winery, cellar door, restaurant/function centre, and several outbuildings. The land is zoned R2 Low Density Residential with a minimum lot size of 6,500m² and adjoins land zoned R5 Large Lot Residential to the south.



Figure 1 Site context (Yass Valley Planning Proposal PP-2024-765)

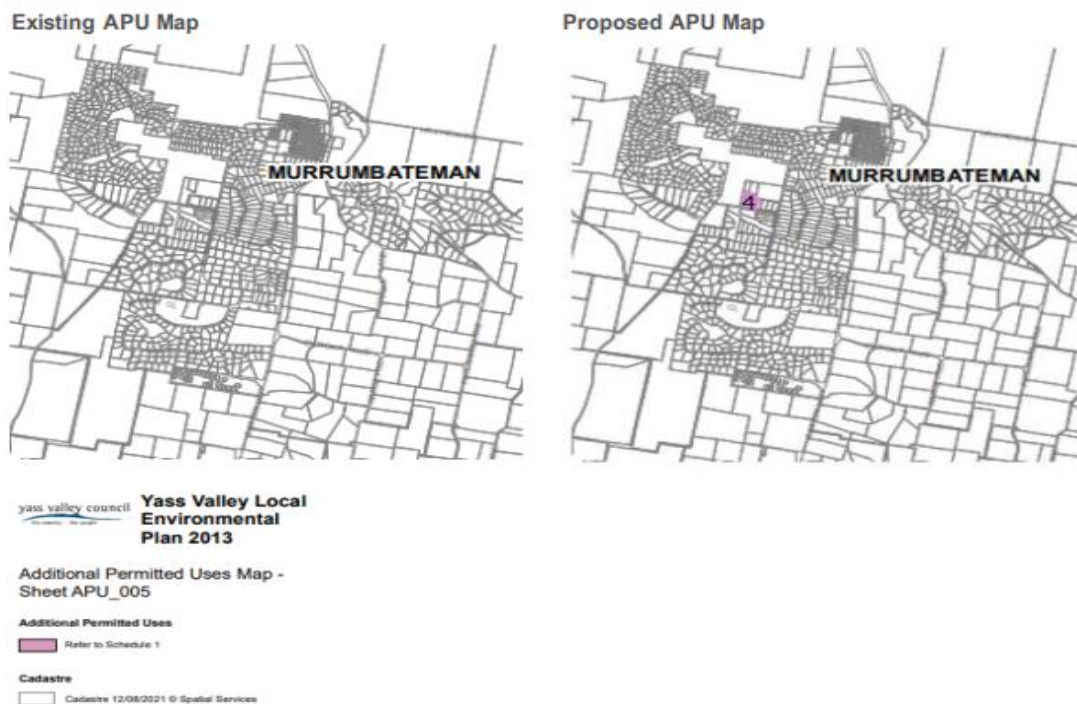


Figure 2 Subject land (Yass Valley Planning Proposal PP-2024-765)

1.5 Mapping

The planning proposal includes mapping showing the proposed changes to the Additional Permitted Uses map, which is suitable for community consultation.

There are no other mapping changes arising from the proposal.



2 Need for the planning proposal

Tourism, and the wine industry, in particular, is a major contributor to the economy in the region. The planning proposal notes that there is a lack of boutique tourist accommodation options in the area.

The operator of the Shaw Winery has long held plans to add tourist accommodation, in the form of self-contained cabins, to support the existing winery, restaurant and function centre. Prior to the introduction of the Yass Valley LEP in 2013, tourist and visitor accommodation was permissible on the land. The owner was unaware of the implications of the 2013 LEP changes and approached council in 2016 to discuss the future cabins. At that point Council advised that the use was not permitted.

The owner has been building up the business for several years and is now ready to add tourist accommodation to the venture.

The alternative approach would be to add 'tourist and visitor accommodation' to the R2 Low Density Residential Land Use Table. This is not considered an appropriate use more broadly in the R2 zone, so allowing the use as an Additional Permitted Use under Schedule 1 is the most appropriate way to permit this use on the site.

3 Strategic assessment

3.1 Regional Plan

The planning proposal is considered consistent with relevant goals and directions in the South East and Tablelands Regional Plan 2036. Specifically, the proposal supports:

- Direction 5 – Action Promote commercial, tourism and recreational activities that support the agricultural sector.
- Direction 9 – Grow tourism in the region

The planning proposal is also considered consistent with the exhibited draft South East and Tablelands Regional Plan 2041.

3.2 Local

Council has advised that the proposal is consistent with relevant local strategic planning including the Yass Valley Local Strategic Planning Statement and Community Strategic Plan.

Each of the above documents highlights the need to support tourism.

3.3 Section 9.1 Ministerial Directions

The planning proposal is consistent – or justifiably inconsistent - with relevant Section 9.1 Directions including:

1.4 Site Specific Provisions

This direction aims to discourage overly restrictive site specific planning controls. Where a proposal will permit a particular use, the direction notes that it must not impose additional development standards or refer to specific drawings/details. In this case the proposal will permit 'tourist and visitor accommodation' on the subject land but does not include other restrictions or conditions.

The proposal is therefore consistent with this direction.

6.1 Residential Zones

The objectives of this direction are to support housing, make efficient use of infrastructure, and minimise the environmental impacts of residential development.

This proposal will allow the land to be used for tourist accommodation, so it is technically inconsistent with this direction. A proposal may be inconsistent with this direction if the inconsistency is minor. In this case, the land has long been used as a winery and restaurant and the addition of tourist accommodation is consistent with the historical and planned use of the site. Any inconsistency is therefore considered to be of minor significance.

The land is not identified as flood prone or bushfire prone and so Directions 4.1 Flooding and 4.3 Planning for Bushfire Protection do not apply to the planning proposal.

3.4 State environmental planning policies (SEPPs)

The planning proposal is minor in nature and is considered to be consistent with relevant SEPPs.

4 Site-specific assessment

4.1 Environmental

The subject land is not identified as having significant biodiversity values. The site where the cabins are proposed is generally cleared and the proposed use is not expected to result in negative environmental impacts. The land is not identified as flood prone or bushfire prone.

4.2 Social and economic

The proposal will support an existing winery and tourist operation, providing jobs and contributing to the local economy. There are not expected to be negative social or economic impacts arising from the development.

4.3 Infrastructure

The site is not serviced by reticulated water and sewer. A land capability assessment (which was prepared to support the use of the site as a winery), and studies undertaken when the surrounding R2 land was zoned for residential development, found that the site is suitable for on-site waste water management. Council has advised that further details on this issue would be considered at the development application stage.

5 Consultation

5.1 Community

Council proposes a community consultation period of 28 days.

The exhibition period proposed is considered appropriate.

5.2 Agencies

Council does not nominate particular agencies but notes that agency consultation will be determined through the Gateway determination process.

It is recommended the following agencies be consulted on the planning proposal and given 30 working days to comment:

- Transport for NSW
- NSW SES

6 Timeframe

Council has not identified a specific timeframe to complete the LEP.

The LEP Plan Making Guidelines (August 2023) establishes maximum benchmark timeframes for planning proposal by category. This planning proposal is categorised as a standard

The Department recommends an LEP completion date of 9 months or by 16 April 2025 in line with its commitment to reducing processing times and with regard to the benchmark timeframes.

7 Local plan-making authority

Council has advised that it would like to exercise its functions as a local plan-making authority.

As the site/planning proposal is a local matter of minor significance; and is consistent with relevant strategic planning for the area, the Department recommends that Council be authorised to be the local plan-making authority for this proposal.

8 Assessment summary

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

- It will support the ongoing use and expansion of an existing commercial/tourist operation
- It is consistent with relevant strategic planning for the area

9 Recommendation

It is recommended the delegate of the Secretary:

- Agree that any inconsistency with section 9.1 Directions 6.1 *Residential Zones* is minor.

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

The following conditions are recommended to be included on the Gateway determination:

1. Prior to community consultation, consultation is required with the following public authorities:
 - Transport for NSW
 - NSW SES
2. The planning proposal should be made available for community consultation for a minimum of 20 working days.

Given the nature of the planning proposal, it is recommended that the Gateway authorise council to be the local plan-making authority and that an LEP completion date of 16 April 2025 be identified.



16/7/2024

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