

Planning Proposal

Accommodation -Shaw Winery and Cellar Door - Additional Permitted Use

Amendment to Yass Valley Local Environmental Plan 2013

Prepared for Murrumbateman Land Projects Pty Ltd

Submitted to Yass Valley Council

April 2024

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Contents

1 INTRODUCTION	3
1.1 Site context	3
1.2 Site description	4
1.3 Planning Controls	6
2. PROPOSAL	9
2.1 Background	9
2.2 Tourist accommodation	9
2.3 Planning controls	12
2.4 Need for the development	14
3. STRATEGIC PLANNING CONTEXT	15
2.1 South East and Tablelands Regional Plan	15
2.2 Local Strategic Planning Statement	16
2.3 Community Strategic Plan 2042	16
5. THE PLANNING PROPOSAL	18
Part 1 - Objectives and intended outcomes	18
Part 2 - Explanation of provisions	18
Part 3 - Justification	19
Part 4 - Maps	23
Part 5 - Consultation	24
6. CONCLUSION	25
Appendix A – Traffic Assessment	
Appendix B – Correspondence	

1 Introduction

This Planning Proposal has been prepared by Eight Mile Planning on behalf of Murrumbateman Land Projects Pty Ltd to support a change to the *Yass Valley Local Environmental Plan 2013* (YVLEP). The report has been prepared in accordance with the requirements of Section 3.33 of the *Environmental Planning and Assessment Act 1979* (EP&A Act) and having regard to the *Local Environmental Plan Making Guidelines* (LEP Guidelines) prepared by the Department of Planning, Industry and Environment (DPE).

The Planning Proposal supports an amendment to *Schedule 1 Additional permitted uses* of the YVLEP to enable the development of small-scale tourist and visitor accommodation associated with the Shaw Winery, Cellar Door and Restaurant which also includes events at, 34 Isabel Drive Murrumbateman. The proposed amendment would also capture the existing cellar door, restaurant and function centre uses approved on the site.

The use (accommodation) was permitted under the previous environmental planning instrument (EPI) and made prohibited following the rezoning of the land under the Standard Instrument Local Environmental Plan Order with the publication of the YVLEP in 2013.

1.1 Site context

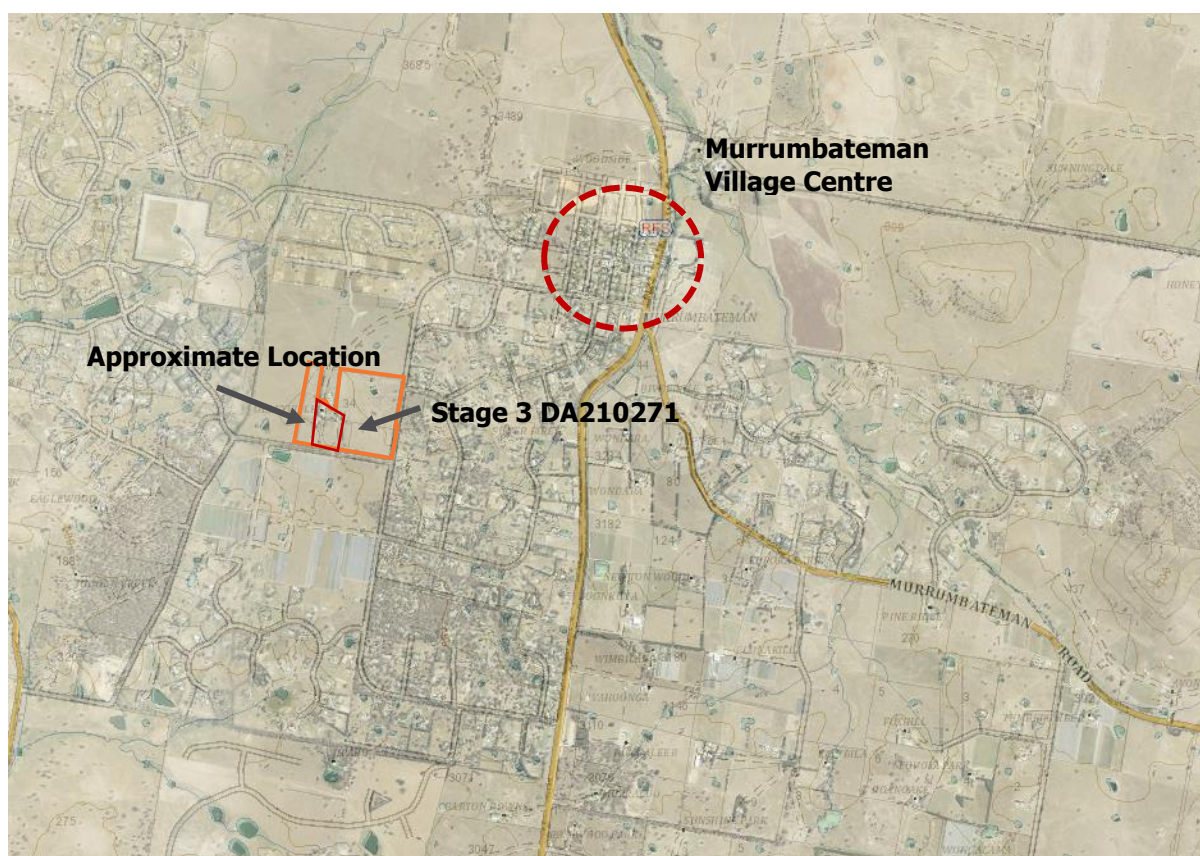
The property is located in Murrumbateman, and the site of the Shaw Vineyard Estate. The estate includes a cellar door, restaurant, gallery, and several dwellings and outbuildings.

Murrumbateman is a prominent wine producing area and is surrounded by multiple vineyards and boutique wineries. The town has a low population density, and the predominant character of dwellings is large lot residential, with surrounding larger rural land holdings. The core of the Murrumbateman village is located on the Barton Highway. It comprises a small street grid-oriented north-south and east-west. The surrounding large lot residential land has curved streets with no regular pattern. Dwellings in Murrumbateman are predominantly large detached single storey buildings of brick masonry construction. Lots are large and provide the opportunity for separation of dwellings through the combination of space and landscaping.

The site is located approximately 2.2km southwest of the Murrumbateman town centre.

The land is identified as residual Lot 25 (with an area of 6.2ha) in the development of Stage 3 of The Fields rural residential development. The lot has been retained with sufficient curtilage to accommodate the existing tourist related uses which provide a level of amenity within the context of the low density rural residential neighbourhood.

Figure 1 Site context



Source: Six Maps 2023

The site is identified in **Figures 1 and 2**. The land immediately north of the site was the subject of Stages 1 and 2 of The Fields subdivision approved in 2020 under DA200049. The Fields Stage 3 was approved in March 2022 under DA210271 and a DA is currently under consideration for the development of Stage 4 being DA230374 to the south of the site.

1.2 Site description

The property is legally described as Lot 27 DP1301590, 34 Isabel Drive, Murrumbateman.

Site topography is slightly undulating with a high point on the northern boundary of proposed Lot 25 and falling east and north.

The land is zoned R2 Low Density Residential with a corresponding MLS of 6,500m² although Lot 27 has an area of 6.2ha. The residual lot has been created to accommodate the existing tourism uses being the cellar door and restaurant, winery carparking and ancillary infrastructure. There are several smaller buildings, some of which have been removed through a separate DA for demolition process.

Site Services

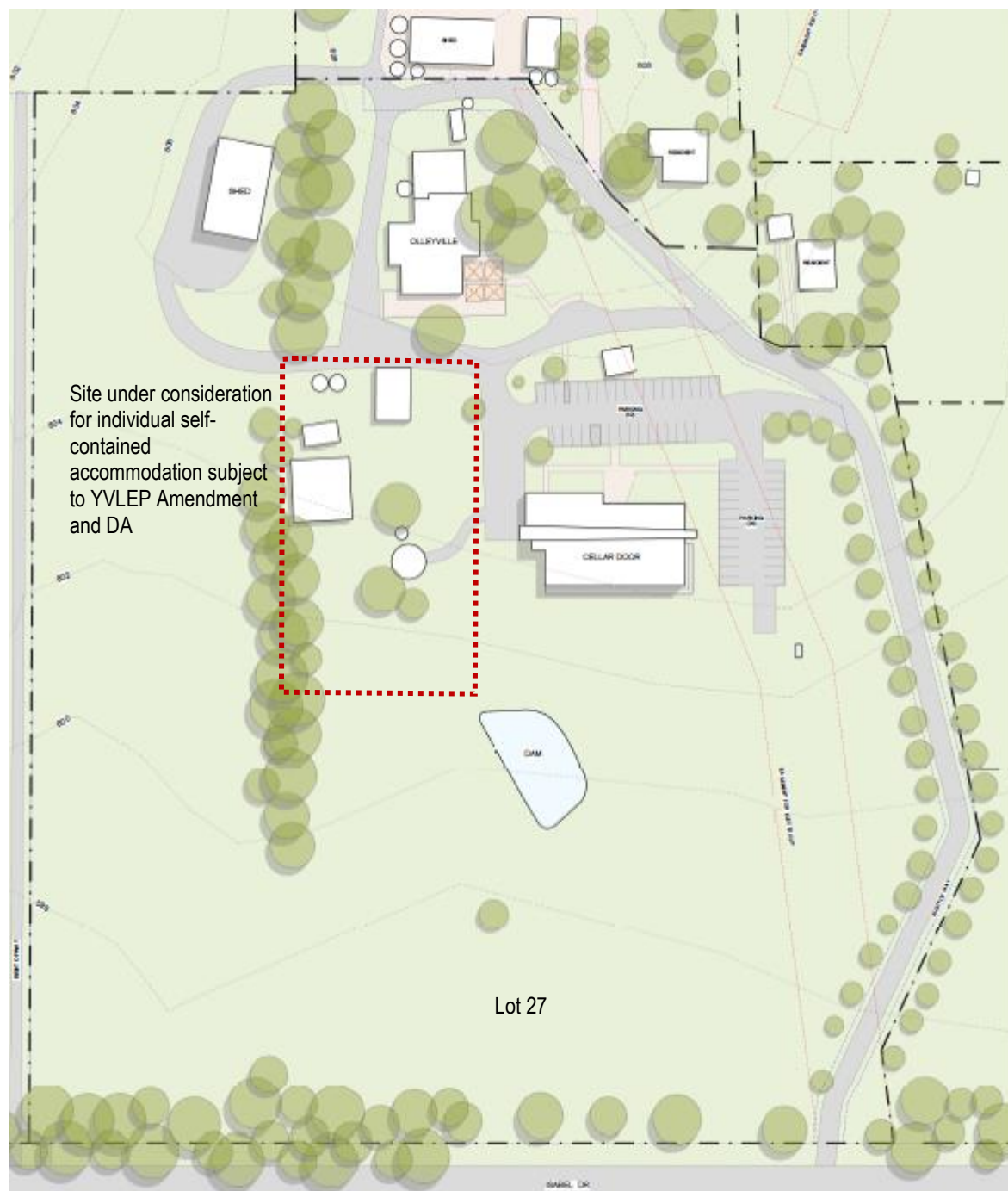
The existing site is self-sufficient in terms of required infrastructure and essential services. Sufficient power and water area available to support the proposed accommodation use. Water is to be utilised from the existing tanks and non-potable water supply from bores. There is no reliance on town water.

Figure 2 Subject Site



Source: SixMaps, 2021

Figure 3 Site Plan



Source: Stewart Architecture, 2023.

1.3 Planning Controls

The land is zoned R2 Low Density Residential with a corresponding MLS of 6,500m². The R2 zone is a closed zone, in so far as only listed uses are permissible with everything else, including tourist and visitor accommodation prohibited. The objectives of the R2 Low Density Residential zone and associated land use table is provided as follows:

1 Objectives of zone

To provide for the housing needs of the community within a low density residential environment.

To enable other land uses that provide facilities or services to meet the day to day needs of residents.

To ensure that development is provided with an adequate water supply and the disposal of sewage.

2 Permitted without consent

Environmental protection works; Home-based child care; Home businesses; Home occupations

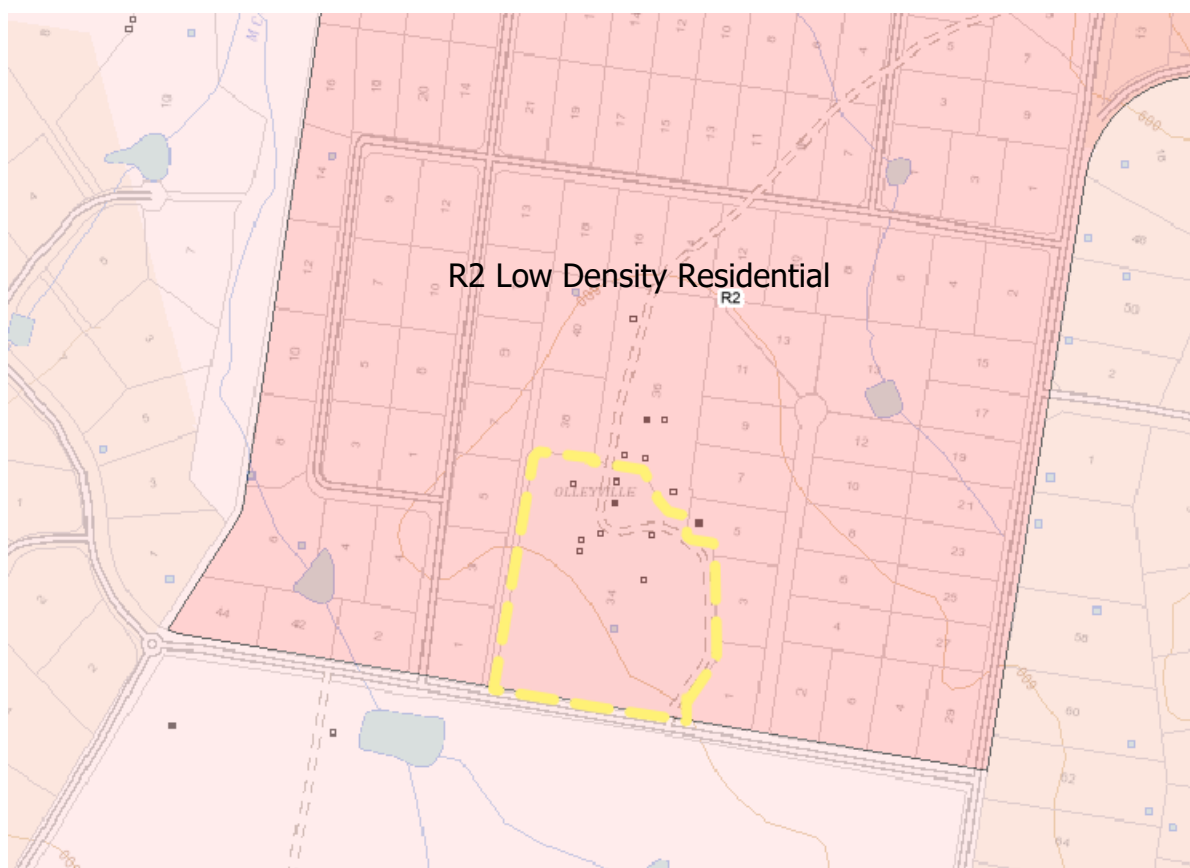
3 Permitted with consent

Attached dwellings; Bed and breakfast accommodation; Centre-based child care facilities; Dual occupancies; Dwelling houses; Emergency services facilities; Environmental facilities; Exhibition homes; Group homes; Home industries; Oyster aquaculture; Pond-based aquaculture; Recreation areas; Respite day care centres; Roads; Signage; Tank-based aquaculture; Water supply systems

4 Prohibited

Any development not specified in item 2 or 3

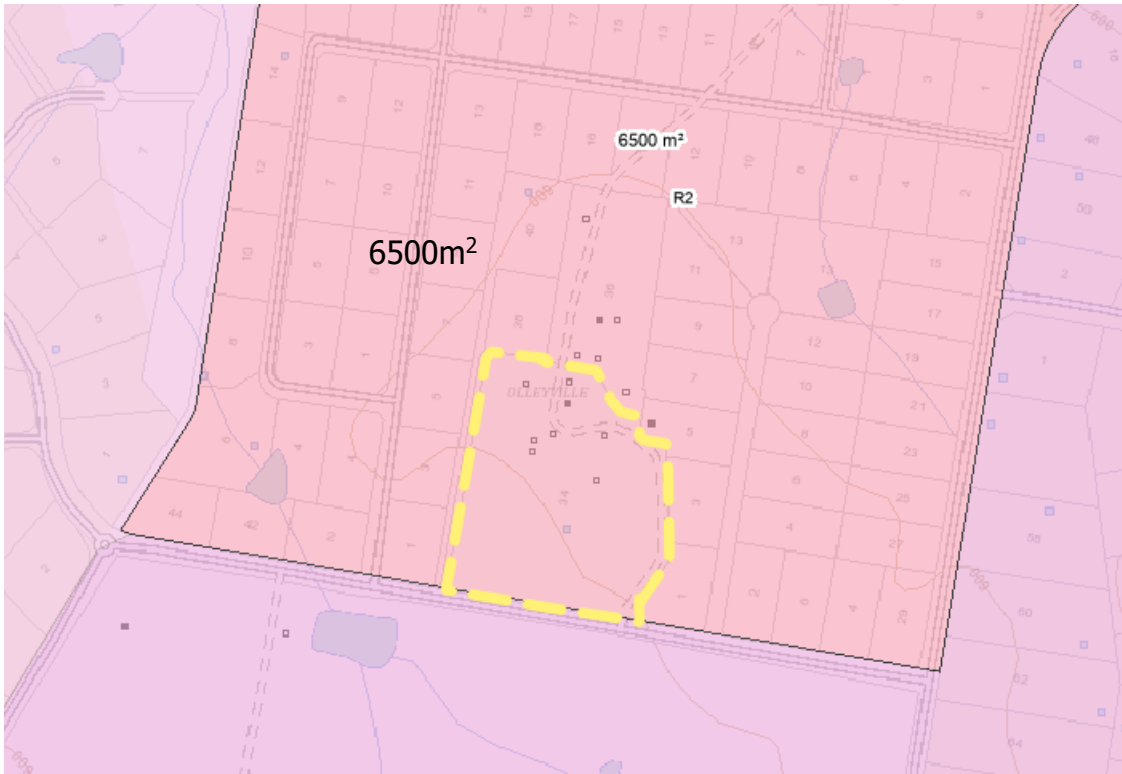
Figure 4 Zoning



Source: ePlanning Spatial Viewer 2023 (site outline added)

The site is on the boundary between the R2 Low Density Residential and R5 Large Lot Residential zone (to the south and east). The R5 zone has a significantly larger minimum lot size (2ha) and provides a transition between the 6,500sqm development and rural areas further south and west.

Figure 5 Minimum lot sizes



Source: ePlanning Spatial Viewer 2023 (site outline added)

2. Proposal

The proposal is for the development of tourist and visitor accommodation and ancillary uses in addition to the cellar door, restaurant and function centre uses already on the site. This land use, defined in the YVLEP to include serviced apartments, is prohibited in the current zone. Therefore, any development of this characterisation will require an amendment to the YVLEP.

The process for amending the YVLEP includes identification of the strategic merit of the proposal having regard to the land use planning and policy framework both at the Regional and Local level.

2.1 Background

The Shaw Winery has developed over time with a significant investment of the new Cellar Door and Restaurant/event catering as a destination within the established Canberra Wine Region. It has long been the intention of the landowner (Mr Shaw) to incorporate short stay accommodation as an ancillary and compatible addition to the existing development.

The site was previously zoned 1(c1) Rural residential under the former Yass Local environmental Plan 1987 (YLEP1987). Under the 1(c1) zone, both viticulture and grazing fell under the broad definition of agriculture which was permitted without consent. The YLEP1987 included accommodation as a permissible use in the 1(c1) zone.

A 'Winery Cellar door and Café ancillary to Rural Industry' was approved by council 4 February 2004. The Shaw Cellar Door and Restaurant continues to operate on Isabel Drive as an existing use and is a key element of The Fields development.

In late 2016, Mr Shaw approached Council seeking advice as to the process for preparing a development application for the site for ancillary uses, including accommodation. It was at this time that Mr Shaw was made aware of the implications of change in the zoning of the land from 1(c1) Rural Residential to R2 Low Density residential with the gazettal of the YVLEP in 2013 in so far as the plans he had for the cellar door site, including accommodation, under the previous planning instrument, could not be realised (refer correspondence **Appendix B**).

In February 2017, representation was made by National Business Lawyers (on behalf of Graeme Shaw) to Council in relation to the Standard Instrument LEP, YVLEP2013. National Business Lawyers proposed that changing the permissible land uses applicable to the site was an error on the part of Council and that it should be rectified. In response, the reply from Council at the time claimed that retaining the original zones and land use was not possible under the Standard Instrument.

Although misleading when read in the context of the correspondence that it was responding to which related largely to the protection of the right to lodge a development application for certain uses that subsequently became prohibited. Council did and does have the ability to "save" the relevant original land uses this could have been achieved via additional permissible use provisions under clause 2.5 and the inclusion of the specific uses in Schedule 1 of the YVLEP. This was not communicated at the time but has since been used as a means of enabling other APUs on certain land with the first amendment to Schedule 1 being published 29 March 2019.

2.2 Tourist accommodation

As part of the continuation of and ancillary to the existing use, we propose to include accommodation on the site. Accommodation would be in the form of architecturally designed, transportable, self-contained accommodation adjacent to the existing cellar door.

A Master Plan has been prepared to indicate the arrangement of the winery lot to include the accommodation on the western side of the site (refer **Figure 6** below).

Figure 6 Proposed Master Plan



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NO. DESCRIPTION

DATE

PROJECT NAME: SHAW WINERY
 PROJECT NUMBER: 2315
 CLIENT: COLLIERG
 LOCATION: 24 Isabel Dr, Murrumbateman NSW 2582



DRAWING TITLE: MASTER PLAN
 SCALE: 1:500 @ A1

DRAWING NUMBER: 0112
 REVISED:

LEGEND
 (1) CONSTRUCTION
 (2) EXISTING

Each of the building envelopes above represents a double occupancy, self-contained domicile that includes a lounge/bedroom area and an ensuite. The architectural design has not been developed, however the following imagery provides an indication as to the vision for the site. Detailed design will be developed for the Development Application following the amendment to the planning instrument.

Figure 7 Conceptual Vision



Image Credit: Five Acres (Image: Marnie Hawson)

Water and Sewer

The site is currently not serviced by reticulated water and sewer. The winery/cellar door lot was created as a residual lot under DA210271. A Land Capability Assessment was undertaken as part of that assessment which, consistent with the earlier Stages 1 and 2 demonstrated that the soil landscape and drainage is suitable for on-site waste water management. In addition, the existing winery, cellar door and restaurant manage on-site waste water and potable water supply via rainwater tanks. Bores contribute to the non-potable water.

Should additional development be accommodated at the site, a strategy for the waste water, drainage and potable water for the whole development should be considered. At this stage, and for the purpose of the amendment to Schedule 1, it is sufficient to confirm that soil profile and site is suitable for on-site management of water.

Traffic

A preliminary traffic assessment has been undertaken by CBR Consulting to determine whether the capacity of the existing local road network to accommodate additional traffic. The assessment (**Appendix A**) considered both the existing land uses (restaurant, cellar door) and proposed accommodation use to determine the anticipated impact on the network.

Regarding the 12 accommodation units, assuming full unit occupancy, peak hour traffic generated by the units can be estimated at 5 vehicles per hour. However, when considering existing similar developments and available unit occupancy data, applying rates based on 85th percentile occupancy during the peak day of the week is advisable. Consequently, the PM peak traffic generated by the accommodation units is estimated at approximately 4 vehicles per hour.

Overall, the afternoon PM peak traffic generated by the development (including the existing uses) totals 54 vehicles per hour during this period. This volume accounts for approximately 38.5% of the calculated traffic load on Isabel Drive during the current peak period of 2024 and 33.5% of the PM peak hour traffic anticipated in 2041.

2.3 Planning controls

The proposal is defined under the YVRLEP as serviced apartments which is a use under the wider definition of tourist and visitor accommodation.

Tourist and visitor accommodation means

a building or place that provides temporary or short-term accommodation on a commercial basis, and includes any of the following—

- (a) backpackers' accommodation,*
- (b) bed and breakfast accommodation,*
- (c) farm stay accommodation,*
- (d) hotel or motel accommodation,*
- (e) serviced apartments,*

but does not include—

- (f) camping grounds, or*
- (g) caravan parks, or*
- (h) eco-tourist facilities.*

Serviced apartment, as listed above has a separate definition as follows:

serviced apartment means a building (or part of a building) providing self-contained accommodation to tourists or visitors on a commercial basis and that is regularly serviced or cleaned by the owner or manager of the building or part of the building or the owner's or manager's agents.

Note—

Serviced apartments are a type of tourist and visitor accommodation—see the definition of that term in this Dictionary.

Serviced apartments are prohibited in the current R2 zone and therefore will require an amendment to the YVLEP prior to the submission of a development application to council. The intention is to amend the YVLEP to allow for serviced apartments to be permissible only on the subject site.

The process for amending the YVLEP includes the preparation of a Planning Proposal and the identification of the strategic merit of the proposal having regard to the land use planning and policy framework both at the regional and local level.

Additional permitted uses

The YVLEP sets out the legislative framework for land use and development in the Yass Valley LGA through the application of land use zones and development controls through the provisions in the plan. One such provision allows for development that would otherwise be prohibited, to be permissible on certain land and under particular circumstances.

This Planning Proposal relies on the existing provision in clause 2.5 which reads as follows:

2.5 Additional permitted uses for particular land

- (1) Development on particular land that is described or referred to in Schedule 1 may be carried out—
 - (a) with development consent, or
 - (b) if the Schedule so provides—without development consent,
 in accordance with the conditions (if any) specified in that Schedule in relation to that development.
- (2) This clause has effect despite anything to the contrary in the Land Use Table or other provision of this Plan.

Schedule 1 of the YVLEP already accommodates a number of additional permitted uses as follows:

Schedule 1 Additional permitted uses

(Clause 2.5)

1 Use of certain land at 27782 Hume Highway, Bowning

(1) This clause applies to land at 27782 Hume Highway, Bowning, being part of Lots 16 and 18, DP 246891 and part of Lot 172, DP 649063, identified as “1” on the Additional Permitted Uses Map.

(2) Development for the purpose of a highway service centre is permitted with development consent.

2 Use of certain land at the intersection of Barton Highway and Long Rail Gully Road, Murrumbateman

(1) This clause applies to part of Lot 12, DP 1158637, at the intersection of Barton Highway and Long Rail Gully Road, Murrumbateman, identified as “2” on the Additional Permitted Uses Map.

(2) Development for the purposes of highway service centres is permitted.

3 Use of certain land in Zone E3

(1) Development for the purposes of dwelling houses and shop top housing is permitted with development consent on land in Zone E3 identified as “3” on the Additional Permitted Uses Map.

(2) Development for the purposes of pubs is permitted with development consent on land in Zone E3 identified as “A4” on the Additional Permitted Uses Map.

The Planning Proposal contemplates an additional permitted use, being self-contained accommodation, cellar door, restaurant and function centre on the subject site and reflected in Schedule 1.

2.4 Need for the development

Tourism contributes over \$50.9 million to the Yass Valley Local Government Area and supports over 211 full time jobs¹. The region is known for its cool climate wines grown across 20 boutique wineries². Despite this, accommodation options within Murrumbateman are very limited.

The COVID 19 Global Pandemic has impacted the way in which people are engaging with regional tourism. There has been a renewed interest in travel in regional NSW and the Yass Valley is well situated, given the proximity to Canberra and Sydney, to take advantage of this trend. Continuing to provide a wide selection of accommodation options catering for all prospective visitors will be a key part of the continued economic development of the industry.

The proposed development is for self-contained boutique tourist accommodation at a scale compatible with the existing use of the Cellar Door, Winery and Restaurant. The proposal responds to the lack of similar style accommodation options, in addition to the growing need for accommodation in Murrumbateman.

Current Murrumbateman offerings

The range of current tourist accommodation options available in Murrumbateman are detailed below. As demonstrated in the table below tourist accommodation in the town is limited to two hotel/motels with a small number of B&B or self-contained type accommodation. In a general sense, motel-style accommodation is mostly suited to a portion of the market consisting of temporary workers, those travelling for work, or overnight stays.

As such, there is a gap in the tourist accommodation market of Murrumbateman for high-end, self-contained accommodation that encourages weekender and holiday type travel.

Table 1 Murrumbateman Tourist Accommodation

Name	Address	Type
Abode Murrumbateman	57 Rose St Murrumbateman	Motel, 50 rooms
Murrumbateman Country Inn	Barton Highway, Murrumbateman	Hotel, 14 rooms
Historic Merryville Homestead	1143 Dog Trap Road, Murrumbateman	Guesthouse, two bedrooms
Redbrow Garden Guesthouse	1143 Nanima Road, Murrumbateman	Guesthouse and functions centre, 7 bedrooms
Bertie Tiny House	Wallaroo	Single self-contained, single bedroom
Last Stop Ambledown Brook	198 Brooklands Road, Wallaroo	Self-contained, 2 carriages
Warrambui Retreat and Conference Centre	322 Greenwood Road, Murrumbateman	Conference and function centre, 180 beds, group accommodation

¹ Yass Valley Council, website, accessed November 2023.

² <https://www.visitnsw.com/destinations/country-nsw/yass-area/murrumbateman>

3. Strategic Planning Context

2.1 South East and Tablelands Regional Plan

The South East and Tablelands Regional Plan 2036 provides a 20 year blueprint for the future of the region. The vision for the region will be delivered through 4 goals to create:

Goal 1 A connected and prosperous economy

Goal 2 A diverse environment interconnected by biodiversity corridors

Goal 3 Healthy and connected communities

Goal 4 Environmentally sustainable housing choices

These goals are proposed to be met through various directions under the South East and Tablelands Regional Plan. The relevant directions are outlined in the following table.

Table 3.1 Regional Plan Relevant Directions

Goal A connected and prosperous economy	Comment
Direction 5: Promote agricultural innovation, sustainability and value-add opportunities	The goal recognises the value of tourism to the region and ensuring that the planning system responds to the specific needs of growth sectors of the economy including tourism.
Actions Promote commercial, tourism and recreational activities that support the agricultural sector.	
Direction 9: Grow tourism in the region	
	Although the intensive agricultural use (viticulture) is being relocated, the site will continue to support a winery and cellar door as a value add to the operations. Supporting accommodation further diversifies the continuing operation of the winery.
	The Planning Proposal support the growth of the tourism industry.

Local Government Narratives – Yass Valley

The narrative references the value of the Yass Valley for visitors, “with its historic buildings, Burrinjuck Dam and cool climate wineries, it is an attractive place for visitors” and states that:

Tourism will continue to be a significant economic driver, with opportunities to capitalise on tourists accessing the region from Canberra Airport.

The priorities for Yass Valley include:

Promote the area as a destination that visitors to Canberra should also visit.

The Planning Proposal is consistent with the Regional Plan.

The Regional Plan is currently under review. The Planning Proposal is considered to be consistent with the **Draft South East and Tablelands Regional Plan 2041**.

2.2 Local Strategic Planning Statement

The Yass Valley Local Strategic Planning Statement (LSPS) works alongside the Community Strategic Plan to set out the community's long-term vision and aspirations for all Councils planning activities.

The LSPS is the strategic land-use planning roadmap for the future and provides the framework for Councils land-use needs over the next 20 years. It sets out the long-term vision and aspirations for the community and is Council's key strategic land-use planning document. The LSPS articulates the long term planning priorities and how these will be achieved.

Planning Priority 6 Maximise opportunities for tourism, industry and investment in the Yass Valley.

Rationale

...Yass Valley enjoys a low unemployment rate however this is due to our increasing role as a commuter location, exporting significant levels of labour into the ACT. Our focus is on fostering an adaptive and innovative agricultural industry, growing our visitor economy and providing opportunities for the establishment of new businesses.

Ensuring our local planning tools are flexible and responsive to both existing and new businesses is critical. At present, the provisions within the Yass Valley LEP are relatively rigid and unless a use falls within standard NSW land use definitions it is currently automatically prohibited. Altering the structure of the land use tables would enable uses which are rapidly evolving to be considered.

The proposal is aligned and supports the above planning priority and the overall aspirations of the LSPS.

2.3 Community Strategic Plan 2042

The Yass Valley Community Strategic Plan 2042 (CSP) sets out Council's vision and priorities for the LGA. The CSP has a broader focus than the LSPS as it addresses long term social, environmental and economic goals for the community that have been developed following extensive community consultation and engagement.

The CSP includes the theme EC. Our Economy under which is the following Strategic Objective:

EC2 2 The local and regional tourism offering is expanded, increasing visitation to the region.

The strategies identified for achieving the objective include to: **Support and encourage the growth of tourism infrastructure such as accommodation, visitor facilities and restaurants.**

The proposal is consistent with the Community Strategic Plan.

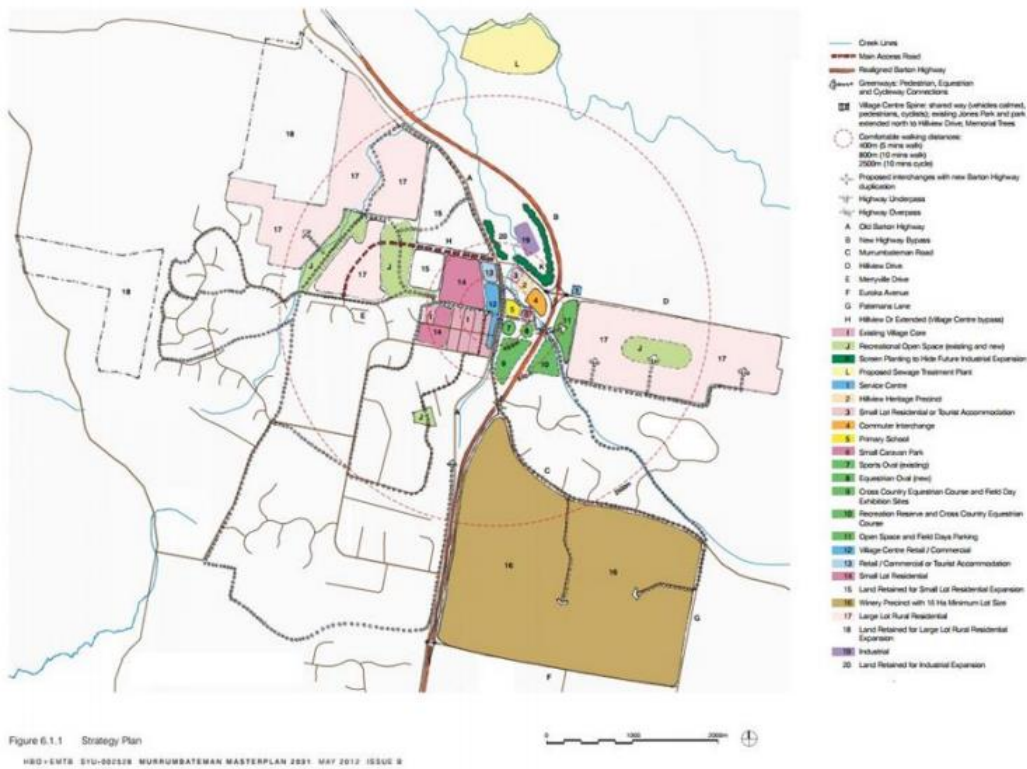
1.2 Murrumbateman Structure Plan

The Murrumbateman Structure Plan was endorsed by Council in August 2012, shown in **Figure 6**. It identified areas for future rural residential development and established concentric radii from the village centre of 500m (5-minute walk), 800m (10-minute walk) and 2,500m (10-minute cycle). The Structure Plan did not identify the subject site for future rural-residential because it was associated with the Shaw Vineyard Estate at the time. However, the YVLEP did rezone the site despite the Structure Plan.

The Planning Proposal does not seek to alter the R2 zone, or add tourist and visitor accommodation as a permissible use. It relates only to the subject site which is suitable due to the nature and scale of the existing uses on the site.

The proposal is not inconsistent with the Structure Plan.

Figure 8 Murrumbateman Structure Plan 2012



Source: Yass Valley Council, 2012

5. The Planning Proposal

The Planning Proposal has been prepared in accordance with Section 3.33(2) of the EP&A Act which outlines the required contents of a Planning Proposal. Accordingly, this Planning Proposal includes:

- » A description of the Site and the surrounding locality (refer Section 1)
- » A statement of the objectives or intended outcomes of the proposed instrument (refer Section 5 Part 1)
- » An explanation of the provisions that are to be included in the proposed instrument (refer Section 5 Part 2)
- » The justification for those objectives, outcomes and provisions and the process for their implementation, including whether the proposed instrument will give effect to the local strategic planning statement of the council of the area and will comply with relevant directions under section 9.1 of the EP&A Act (refer Section 5 Part 3)
- » Maps to be adopted by the proposed instrument (refer Section 5 Part 4)
- » Details of the community consultation that is to be undertaken before consideration is given to the making of the proposed instrument (refer Section 5 Part 5)
- » Details on the proposed project timeframe for the completion of the Planning Proposal (refer Section 5 Part 6).

The Planning Proposal has also been prepared in accordance with the Department's *Local Environmental Plan Making Guideline* (As revised: August 2023).

Part 1 - Objectives and intended outcomes

The primary purpose of this Planning Proposal is to amend the YVLEP to enable the development of the site for the purposes of self-contained accommodation.

The intended outcomes are to:

- » Enable the lodgement of a development application on the site.
- » Facilitate the investment in tourism infrastructure to support the growth of the industry in the region consistent with the LSPS, CSP and Regional Plan.
- » Provide a site which has an area that is sufficient to accommodate self-contained accommodation in an urban setting without impacting on adjoining and adjacent land uses.
- » enable the continuation of the winery, cellar door, function centre and restaurant uses on the site as part of the integration of agriculture and tourism.

Part 2 - Explanation of provisions

The proposal seeks to achieve the intended outcomes outlined in Part 1 of this report by proposing amendments to the YVLEP as follows:

- » Include into Schedule 1 Additional permitted uses the following:

4 Use of certain land at 34 Isabel Drive, Murrumbateman

- (1) This clause applies to land at 34 Isabel Drive, Murrumbateman, being Part Lot 2 DP 1269071 and Part Lot 34 DP 270197, (proposed Lot 25)³ identified as “4” on the Additional Permitted Uses Map.
 - (2) Development for the purposes of serviced apartments, cellar door, restaurant and function centre.
- » Amend the YVLEP Additional Permissible Use Map.

Part 3 - Justification

Part 3 of the Planning Proposal provides the justification of the proposal within the relevant strategic planning context. In accordance with the guidelines the level of justification is to be proportionate to the impact of the proposal and the stage of the of the LEP amendment process. At this initial stage the issues relevant to the proposal must be identified to provide sufficient confidence to both Council and DPE the amendment has merit.

Section A – Need for the planning proposal

Q1. Is the planning proposal a result of any strategic study or report?

Yes. The Planning Proposal is consistent with the goals and priorities outlined in the following strategic plans and reports that have been prepared and endorsed by Council:

Local Strategic Planning Statement

Yass Valley Community Strategic Plan - 2042

The above listed plans are addressed in further detail at Section 3.

Q2. Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?

Yes. A planning proposal seeking to amend YVLEP is considered the best means of achieving the objectives and intended outcomes set out in Part 1 of this Planning Proposal and the most effective way of providing certainty for Council, the local community and the landowner as to the future intended use of the land.

Section B – Relationships to Strategic planning framework

Q3. Is the planning proposal consistent with the objectives and actions of the applicable regional or sub-regional strategy?

Yes. The proposal is consistent with the South East and Tablelands Regional Plan 2036 and the recently exhibited Draft South East and Tablelands Regional Plan 2041. Refer Section 3.

Q4. Will the planning proposal give effect to a council’s endorsed local strategic planning statement, or another endorsed local strategy or strategic plan?

As noted above, the Planning Proposal will give effect to the LSPS and the Yass Valley Community Strategic Plan as they relate to the growth of the tourism industry in the LGA.

Q5. Is the planning proposal consistent with applicable State Environmental Planning Policies?

Yes. The Planning Proposal is consistent with the relevant State Environmental Planning Policies as follows:

³ To be updated following registration of the subdivision.

Table 5.1 State Environmental Planning Policies

SEPP	Consistency	Comment
State Environmental Planning Policy (Biodiversity and Conservation) 2021	Yes	The Planning Proposal will not contain provisions that would contradict or hinder the application of the SEPP.
State Environmental Planning Policy (Building sustainability Index: BSIX) 2004	N/A	-
State Environmental Planning Policy (Exempt and Complying Development Codes) 2008	Yes	The Planning Proposal will not contain provisions that would contradict or hinder the application of the SEPP.
State Environmental Planning Policy (Housing) 2021	N/A	-
State Environmental Planning Policy (Industry and Employment) 2021	N/A	-
State Environmental Planning Policy No 65 – Design Quality of Residential Apartment Development	N/A	-
State Environmental Planning Policy (Planning Systems) 2021	Yes	The Planning Proposal will not contain provisions that would contradict or hinder the application of the SEPP.
State Environmental Planning Policy (Precincts-Eastern Harbour City) 2021	N/A	-
State Environmental Planning Policy (Precincts-Western Parkland City) 2021	N/A	-
State Environmental Planning Policy (Precincts-Regional) 2021	N/A	-
State Environmental Planning Policy (Primary Production) 2021	N/A	-
State Environmental Planning Policy (Resilience and Hazards) 2021	Yes	The Planning Proposal will not contain provisions that would contradict or hinder the application of the SEPP.
State Environmental Planning Policy (Transport and Infrastructure) 2021	N/A	-

Q6. Is the planning proposal consistent with applicable Ministerial Directions?

The Ministerial Directions under section 9.1 of the EP&A Act requires planning proposals to be consistent with the terms of the relevant direction. The relevant directions are considered below.

Table 5.2 9.1 Directions

Directions	Objective of Direction	Consistency and Implications
Focus Area 1 — Planning Systems		
1.1 Implementation of Regional Plans	The objective of this direction is to give legal effect to the vision, land use strategy, goals, direction and actions contained in Regional Plans	Consistent. Refer Section 3.
1.3 Approval and Referral Requirements	The objective of this direction is to ensure that the LEP provisions encourage efficient and appropriate assessment of development.	Consistent.
1.4 Site Specific Provisions	The objective of this direction is to discourage unnecessarily restrictive site specific planning controls.	Consistent. The mechanism proposed complies with 1.4(1)(c) allow that land use on the relevant land without imposing any development standards or requirements in addition to those already contained in the principal environmental planning instrument being amended.
Focus Area 4 — Resilience and Hazards		
4.1 Flooding	The objectives of this direction are to: (a) ensure that development of flood prone land is consistent with the NSW Government's Flood Prone Land Policy and the principles of the Floodplain Development Manual 2005, and (b) ensure that the provisions of an LEP that apply to flood prone land are commensurate with flood behaviour and includes consideration of the potential flood impacts both on and off the subject land.	Not Applicable. The land is not identified as Flood Prone Land.
4.3 Planning for Bushfire Protection	The objectives of this direction are to: (a) protect life, property and the environment from bush fire hazards, by discouraging the establishment of incompatible land uses in bush fire prone areas, and	Consistent

Directions	Objective of Direction	Consistency and Implications
	(b) encourage sound management of bush fire prone areas.	
4.4 Remediation of Contaminated Land	The objective of this direction is to reduce the risk of harm to human health and the environment by ensuring that contamination and remediation are considered by planning proposal authorities.	Consistent The Direction refers to the rezoning of land. The site is already zoned R2 Low Density Residential.

Focus Area 6 — Housing

6.1 Residential zones	<p>The objectives of this direction area to:</p> <p>a) encourage a variety of housing types to provides for existing and future housing needs,</p> <p>b) make efficient use of existing infrastructure and services and ensure that new housing has appropriate access to infrastructure and services, and</p> <p>c) minimise the impacts of residential development on the environment and resources land.</p> <p>Application</p> <p>This direction applies to any planning proposal that impacts a residential zone.</p>	<p>Consistent. The planning proposal applies to a planning proposal within an existing residential zone.</p> <p>The terms of the direction relate to the delivery of housing in residential zones. In this instance, the site has been established (historically) with a winery, cellar door and restaurant.</p> <p>The inconsistency is therefore considered minor and justified.</p>
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Q7. 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 proposal?

No. The site is not identified as an area of significant biodiversity.

Q8. Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?

No. As the Planning Proposal will not result in other environmental effects.

Q9. Has the planning proposal adequately addressed any social and economic effects?

The proposal does not trigger specific social and economic effects. However, it will provide for additional employment and contribute to the growth of tourism in the region.

Q10. Is there adequate public infrastructure for the planning proposal?

Yes. The proposal does not impact the delivery of or demand for infrastructure.

Q11. What are the views of state and Commonwealth public authorities consulted in accordance with the Gateway determination?

The views of State and Commonwealth Public Authorities will not be known until after the Gateway Determination. This section of the planning proposal is completed following consultation with those public authorities identified in the Gateway Determination.

Part 4 - Maps

The proposal will amend the following Map Sheet:

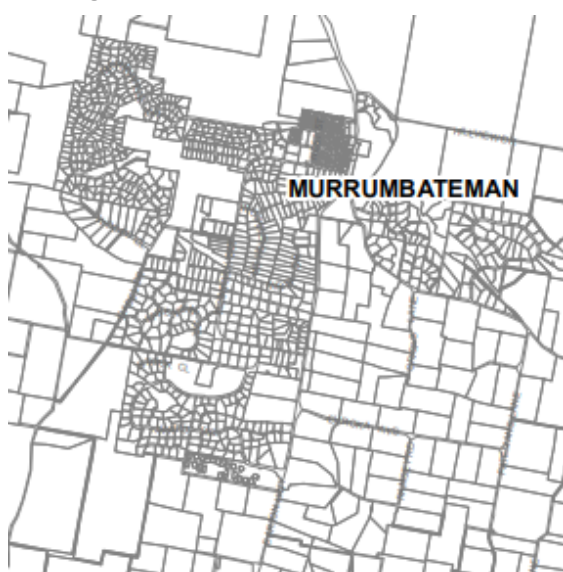
Table 5.3 Map Amendment

Map Sheet	Description
Additional Permitted Uses Map – Sheet APU_005	Amend the APU Map to include the subject Lot.

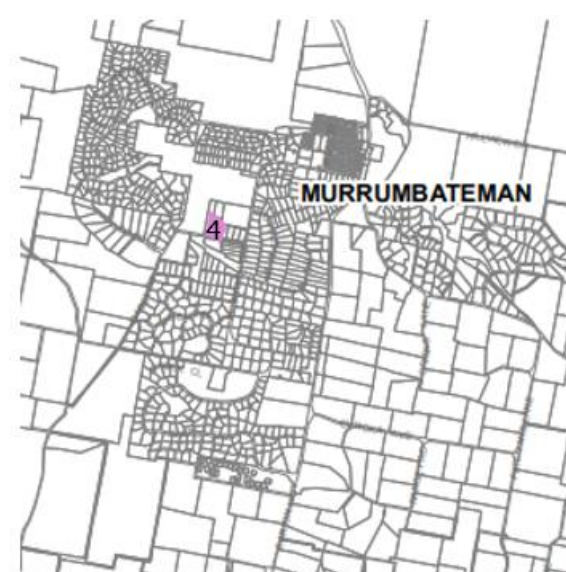
Existing and proposed YVLEP Maps are shown below.

Figure 5.1 Existing & Proposed APU Map

Existing APU Map




Proposed APU Map




yass valley council **Yass Valley Local Environmental Plan 2013**
the valley the people

Additional Permitted Uses Map - Sheet APU_005

Additional Permitted Uses

 Refer to Schedule 1

Cadastral

 Cadastral 12/08/2021 © Spatial Services

Source: Extracted YVLEP Additional Permitted Uses Map – Sheet APU_005

Part 5 - Consultation

Division 3.4 of the EP&A Act requires the relevant planning authority to consult with relevant agencies and the community in accordance with the Gateway Determination. The Gateway Determination will specify the community consultation requirements that must be undertaken on the planning proposal. The Gateway Determination will:

- » Outline the timeframe for exhibition.
- » Identify relevant state or Commonwealth authorities to be consulted.
- » Determine whether a public hearing is to be held into the matter by the IPC or other specified person or body.

It is expected that the planning proposal will be publicly exhibited for 28 days. The Planning Proposal is unlikely to require further concurrence with agencies.

6. Conclusion

The Planning Proposal is seeking the support of Council to reinstate accommodation as a permissible use of the subject site and to recognise the existing approved uses of the site being cellar door, restaurant and function centre. It is proposed to use the *Clause 2.5 Additional permitted uses of certain land*, provision with the use included in Schedule 1 of the YVLEP and a corresponding amendment to the Additional Permitted Uses Map.

The Planning Proposal demonstrates the strategic merit of the amendment as summarised in the table below.

The Planning Proposal is seeking Council support for the amendment and a recommendation that it proceed to Gateway.

Table 6.1 Strategic Merit

Criteria	Assessment
Strategic merit test criteria	
Consistent with the relevant regional plan outside of the Greater Sydney Region, the relevant district plan within the Greater Sydney Region, or corridor/precinct plans applying to the site, including any draft regional, district or corridor/precinct plans released for public comment; or	Consistent. The Planning Proposal is consistent with the Regional Plan
Consistent with a relevant local strategy that has been endorsed by the Department; or	Consistent. The Planning Proposal is consistent with the CSP and LSPS
Responding to a change in circumstances, such as the investment in new infrastructure or changing demographic trends that have not been recognized by existing planning controls.	Not applicable.
Site-specific merit test criteria	
The natural environment (including known significant environmental values, resources or hazards)	Consistent. The site is free of any significant vegetation. The amendment will have limited impact on the natural environment.
The existing uses, approved uses and likely future uses of land in the vicinity of the land subject to a proposal	Consistent The amendment will not implicate the land use tables for the relevant zones. The small scale accommodation use is considered to be consistent with the low density nature of the surrounding and future development. Moreover, it supports and is compatible with the existing cellar door, winery and restaurant uses on the same site.
The services and infrastructure that are or will be available to meet the demands arising from the	Consistent.

Criteria	Assessment
proposal and any proposed financial arrangements for infrastructure provision	The proposal will not add strain on the proposed infrastructure or capacity.

Appendix B Correspondence

