



New South Wales

Wingecarribee Local Environmental Plan 1989 (Amendment No 110)

under the

Environmental Planning and Assessment Act 1979

I, the Minister for Planning, make the following local environmental plan under the
Environmental Planning and Assessment Act 1979. (W01/00062/S69)

ANDREW REFSHAUGE, M.P.,

Minister for Planning

2002 No 64

Clause 1 Wingecarribee Local Environmental Plan 1989 (Amendment No 110)

**Wingecarribee Local Environmental Plan 1989
(Amendment No 110)**

1 Name of plan

This plan is *Wingecarribee Local Environmental Plan 1989 (Amendment No 110)*.

2 Aim of plan

This plan aims to amend *Wingecarribee Local Environmental Plan 1989* to permit development for the purpose of refreshment rooms operated in conjunction with wineries on land to which this plan applies.

3 Land to which plan applies

This plan applies to land in the Wingecarribee local government area that is within Zone No 1 (b) (Rural “B” Zone), Zone No 7 (a) (Environmental Protection Zone) or Zone No 7 (b) (Environmental Protection (Landscape Conservation) Zone) under *Wingecarribee Local Environmental Plan 1989*.

4 Amendment of Wingecarribee Local Environmental Plan 1989

Wingecarribee Local Environmental Plan 1989 is amended as set out in Schedule 1.

Schedule 1 Amendments

(Clause 4)

[1] Clause 9 Zone objectives and development control table

Omit “refreshment rooms;” from item 4 of the matter relating to Zone No 1 (b) in the Table to the clause.

[2] Clause 9, Table

Insert “refreshment rooms;” in alphabetical order in item 3 of the matter relating to Zones Nos 7 (a) and 7 (b).

[3] Clause 16CB

Insert after clause 16CA:

16CB Refreshment rooms operated in conjunction with wineries within Zone No 1 (b), 7 (a) or 7 (b)

- (1) This clause applies to land within Zone No 1 (b), 7 (a) or 7 (b).
- (2) Despite any other provision of this plan, the Council may grant consent for the carrying out of development on the land to which this clause applies for the purpose of a refreshment room only if it is to be operated in conjunction with a winery on the same parcel of land, being a winery for which consent has been granted by the Council in accordance with clauses 16C and 16CA or for which consent has otherwise been granted by the Council before 31 August 2000.
- (3) The Council must not grant consent for the carrying out of development referred to in subclause (2) unless it is satisfied that adequate provision has been made for:
 - (a) the refreshment room to operate at all times only in conjunction with the winery, and
 - (b) the refreshment room to remain at all times ancillary to the winery in terms of the extent of activity, and

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Schedule 1

Amendments

- (c) the disposal of all effluent water and stormwater runoff arising from the refreshment room without any risk of contamination to any watercourse or groundwater supply and in such a way as to ensure that there is a neutral or beneficial effect on surface water and groundwater quality, and
- (d) the operation of the refreshment room to be carried out in accordance with a water cycle management plan incorporating provisions for the control of soil erosion, and
- (e) the refreshment room to be separated from any watercourses or waterbodies located on the land or any adjoining land by the establishment of a vegetated riparian protection zone (planted with locally indigenous species) along the foreshores of those watercourses or waterbodies on the land, in such a way as to assist in preventing water quality degradation and to assist in the protection of fish habitats (as set out in the *Hawkesbury-Nepean River System Habitat Protection Plan No 3*), and
- (f) vehicular access to be provided to the refreshment room, being vehicular access that connects with the classified road network via a local road (where available) that has the capability to adequately accommodate such vehicular access, and
- (g) all car parking and vehicular manoeuvring areas associated with the refreshment room to be located wholly on the same parcel of land as the refreshment room and to be constructed of materials that ensure all weather access is available at all times, and
- (h) the proposal to not significantly impact, compromise or degrade the ecological, Aboriginal heritage, wetland, conservation, landscape, cultural or catchment values of the locality, and
- (i) restricting the hours of operation of the refreshment room so as to take account of neighbourhood amenity and the proximity and type of adjacent land uses, and
- (j) waste management, and
- (k) food hygiene.

- (4) The Council must not grant consent for the carrying out of development referred to in subclause (2) unless the refreshment room:
- (a) has a total floor area of not more than 250 square metres, and
 - (b) has a floor area less than that of the winery building or complex on the same land, and
 - (c) does not exceed the height of the winery on the same land, and
 - (d) does not generate noise at a level greater than 5 dB(A) above existing ambient noise levels at the boundary of the land on which it is located.