



ATTACHMENTS TO REPORTS

ORDINARY COUNCIL MEETING

Wednesday 22 July 2020

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ATTACHMENTS TO REPORT

Item 12.2

Planning Proposal to rezone land at Yarrowa Road Moss Vale

Attachment 3

Report to Council 10 July 2019

Attachment 4

Yarrowa Road Planning Proposal



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REPORT DEPUTY GENERAL MANAGER CORPORATE, STRATEGY
AND DEVELOPMENT SERVICES

8.3 Planning Proposal to Rezone Land at Yarrawa Road Moss Vale

Reference:	5901, PN1682600, PN1682500, PN1682400
Report Author:	Senior Strategic Land Use Planner
Authoriser:	Coordinator Strategic Land Use Planning
Link to Community Strategic Plan:	Provide a mixture of housing types that allow residents to meet their housing needs at different stages of their lives and support affordable living

PURPOSE

The purpose of this report is to present to Council an assessment of a Planning Proposal to rezone and amend the minimum lot size of three adjoining properties at 121, 131 and 153 Yarrawa Road Moss Vale for the purposes of residential development.

RECOMMENDATION

THAT the Planning Proposal to amend Wingecarribee Local Environmental Plan (WLEP) 2010 to rezone and reduce the minimum lot size of land at 121, 131 and 153 Yarrawa Road Moss Vale be DEFERRED pending completion of the Wingecarribee Local Housing Strategy.

VOTING ON THE MOTION

Councillors are required to record their votes on this matter.

REPORT

BACKGROUND

A Planning Proposal to rezone and amend the minimum lot size of three (3) adjacent lots which adjoin the Chelsea Gardens/Coomungie Urban Release Area (URA) was lodged with Council in March 2019 (**Attachment 1**). The land parcels are as follows:

- Lot 4 DP706194, 121 Yarrawa Road, Moss Vale,
- Lot 5 DP706194, 131 Yarrawa Road, Moss Vale, and
- Lot 2 DP610352, 153 Yarrawa Road, Moss Vale.

The location of these sites in relation to Yarrawa Road and the Chelsea Gardens/Coomungie URA is indicated in **Figure 1** below and a more detailed map is shown in **Figure 2** below.



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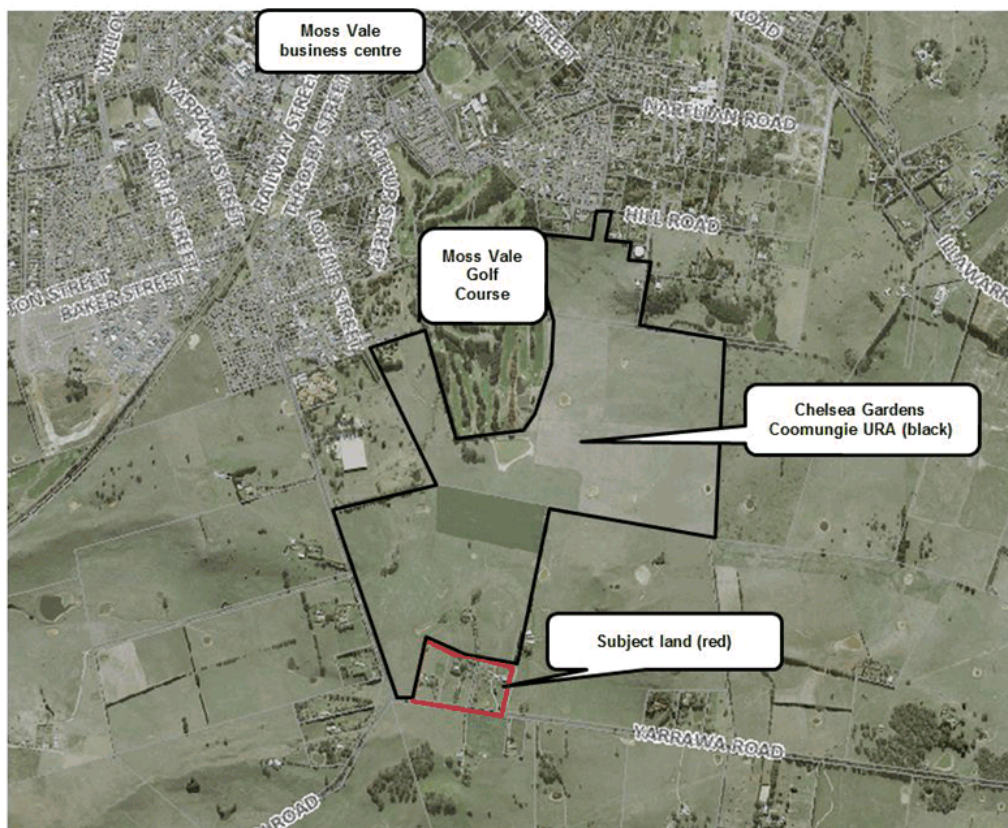


Figure 1 Site Location



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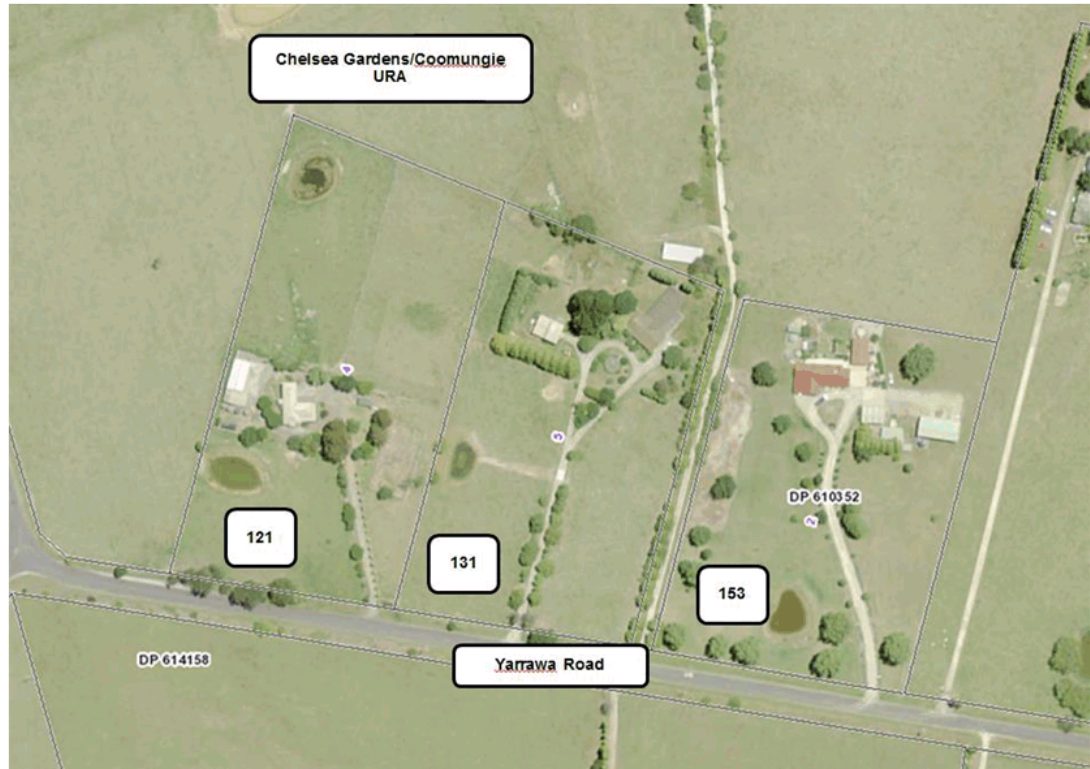


Figure 2 Property Detail

The subject land is zoned RU2 Rural Landscape with a minimum lot size of 40 hectares. Each lot is an area of some 2 hectares, thereby totalling some six (6) hectares.

A submission to rezone the subject land was considered by Council during the preparation of the Wingecarribee Local Planning Strategy 2015-2031. At its Ordinary Meeting of 24 June 2015 Council resolved THAT:

Lot 4 DP 706192, 121 Yarrawa Road, Lot 5 DP706192, 131 Yarrawa Road & Lot 2 DP 610352, 153 Yarrawa Road, Moss Vale, remain zoned RU2 under WLEP 2010 AND THAT this zoning be reviewed once the outcome of the Chelsea Gardens/Coomungie Planning Proposal is known.

The Chelsea Gardens Coomungie Urban Release Area (URA) was finalised by the Department of Planning (the Department) by means of Amendment 43 to Wingecarribee Local Environmental Plan (WLEP) 2010 on 27 October 2017. The amendment resulted in the rezoning of the land as indicated in **Figure 3** below and by the application of a range of minimum lot sizes as indicated in **Figure 4** below.



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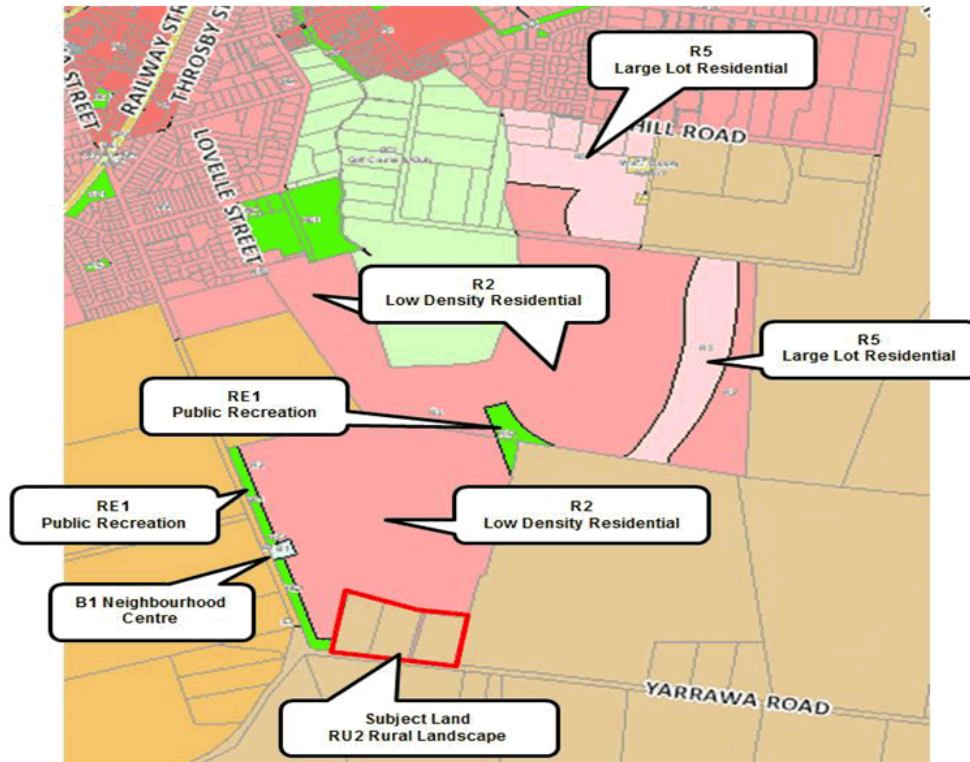


Figure 3 Zoning

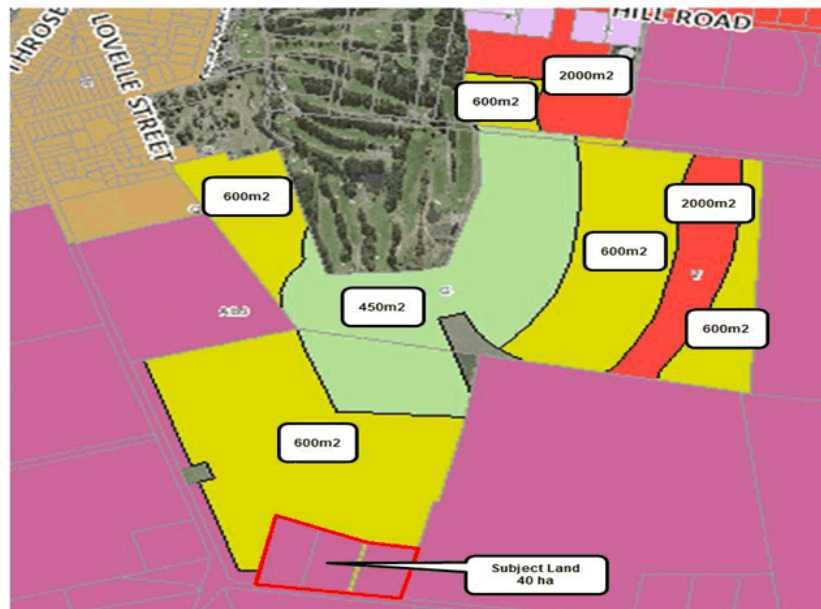


Figure 4 Minimum Lot Size



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Council did not support the Planning Proposal to amend the Chelsea Gardens/Coomungie URA land, resolving, *inter alia*, at its Ordinary Meeting of 14 August 2013:

1. ***THAT the Planning Proposal to amend WLEP 2010 to rezone and reduce the minimum lot size of Lot 12 DP 866036, Chelsea Gardens, 32 Lovelle Street, Moss Vale and Lot 3 DP 706194, Coomungie, 141 Yarrowa Road, Moss Vale, not be supported at this point in time for reasons outlined in the report.***
2. ***THAT Council prepares a planning proposal to remove Chelsea Gardens, 32 Lovelle Street, Moss Vale and Lot 3 DP 706194, Coomungie, 141 Yarrowa Road, Moss Vale, from Urban Release sites in the Wingecarribee LEP 2010.***

However, following review by the Southern Joint Regional Planning Panel (JRPP) through the Department, Council received advice on 9 December 2013 that the JRPP review recommended that the Planning Proposal proceed. The resulting Gateway Determination was issued by the Department on 24 March 2014 and included the direction that, "consistent with the JRPP recommendation, the owners of land south of Coomungie and north east of Chelsea Gardens are also to be consulted on this planning proposal and invited to register their interest in having their land investigated for urban development".

Throughout the administration of the Planning Proposal Council continued to not support the Chelsea Gardens-Coomungie URA or any potential extension to it through the inclusion of additional adjoining lots. Council did however, consult with adjoining property owners and registered their interest in being considered for future urban development.

The current Planning Proposal seeks to progress this matter.

REPORT

The Planning Proposal seeks to amend the subject land to apply a zone of R2 Low Density Residential and a minimum lot size of 600m². These controls are consistent with those applying to the URA on its southern boundary with the subject land.

Council recognises the merit in applying the same standards as those for the adjoining URA land should the proposed amendments to the subject be supported, although it would also appear appropriate to continue the RE1 Public Recreation zone along the frontage to Yarrowa Road as in the URA zoning. These controls are estimated to yield a potential of some 70 lots.

While the subject land appears to be a logical extension of the URA, there are significant limitations in the existing infrastructure networks in Moss Vale, and major infrastructure upgrades are required to accommodate the development of the URA.

These significant infrastructure constraints underpin Council's ongoing concerns with the Planning Proposal to amend the Chelsea Gardens/Coomungie URA and are proving to be warranted as the URA development progresses.

As more detailed infrastructure planning has occurred, it has become increasingly apparent that Council's initial concerns regarding the infrastructure implications of rezoning the URA land, particularly with regard to traffic, as well as limitations in water and sewer capacity, were well founded.

The Planning Proposal itself recognises that the proposal "could only proceed to the development stage if adequate servicing and infrastructure can be provided for the site and the development of it. This Planning Proposal should be considered now so that Council is in a position to gauge the adequacy of the infrastructure planning for the locality. It would

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not be feasible to attempt to provide all urban services to the subject land without the development proceeding around it... At a strategic level, the conclusion is that if 1200 dwellings can be planned for at Chelsea Gardens Coomungie, then 1270 dwellings can be planned for."

Given the now known limitations in the infrastructure networks, it is considered premature to rezone land that may or may not be able to be serviced in the future. It is therefore recommended that the Planning Proposal be deferred, to allow Council to complete the more detailed infrastructure analysis associated with the URA, which will provide certainty in the future provision of infrastructure required to support the development.

Council is mindful of the JRPP's recommendation, supported by the Department of Planning, that land adjoining the Chelsea Gardens/Coomungie URA be considered in identifying potential land to meet the Shire's future housing needs. Council has already communicated with immediately adjoining land owners to ascertain their interest in future residential development as directed by the Department when issuing the Gateway Determination for the Chelsea Gardens/Coomungie URA.

However, at this time, the subject land does not form part of the URA, nor do the lots on the northern boundary with the URA which the JRPP also recognised for potential development and Council believes it would unwise at this time to rezone any further land without a clear understanding of how the current significant infrastructure deficits are to be addressed.

It is only because the subject had already been considered during preparation of the Wingecarribee Local Planning Strategy 2015-2031 and has been identified by the Department of Planning for potential future residential development, that Council is considering this Planning Proposal. However Council is now obliged, under the provisions of the *Environmental Planning and Assessment Act 1979*, to prepare a Local Housing Strategy and a Local Strategic Planning Statement both due for completion by July 2020.

The purpose of the Local Housing Strategy is to establish Council's vision for the provision of housing, in consultation with the community, and to detail how and where housing should be provided, taking into account local demographics, current housing supply and demand and site specific constraints. It is the intention of Council to consider the development potential of all land in the immediate vicinity of the Chelsea Gardens/Coomungie URA as part of that Strategy.

The Local Housing Strategy will subsequently underpin Council's 20 year vision to be articulated in the Local Strategic Planning Statement due for completion by July 2020 as required under the provisions of the *Environmental Planning and Assessment Act 1979*.

Even without these strategic documents, it would seem necessary to pause at this point and undertake further investigation as to how future water, sewer and road infrastructure are to be provided across the Shire.

It is therefore concluded that assessing an individual Planning Proposal in isolation of these strategic processes risks compromising the outcomes of both the Local Housing Strategy and the Local Strategic Planning Statement. It is recommended therefore that Council complete at least the Local Housing Strategy before reviewing this Proposal again within the context of the outcomes from that Strategy as to where future housing should best be located to ensure that the necessary infrastructure to support it can be provided in a timely manner.

It is recommended that the Planning Proposal BE DEFERRED PENDING COMPLETION OF THE WINGECARRIBEE LOCAL HOUSING STRATEGY.

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**REPORT DEPUTY GENERAL MANAGER CORPORATE, STRATEGY
AND DEVELOPMENT SERVICES****IMPACT ON COUNCIL'S FIT FOR THE FUTURE IMPROVEMENT PLAN**

There are no implications for Council's Fit for the Future Plan resulting from this report.

COMMUNICATION AND CONSULTATION**Community Engagement**

An extensive community engagement programme is being developed to support preparation of both the Local Housing Strategy and the Local Strategic Planning Statement. This consultation will strongly inform the outcomes of those strategic studies.

Internal Communication and Consultation

In reviewing the Planning Proposal, preliminary internal consultation was undertaken with assets regarding water and sewer infrastructure.

External Communication and Consultation

No external consultation has occurred at this stage.

SUSTAINABILITY ASSESSMENT**• Environment**

Consideration of the Proposal within the context of the Local Housing Strategy and the Local Strategic Planning Statement will ensure that environmental sensitivities are addressed.

• Social

Consideration of the Proposal within the context of the Local Housing Strategy and the Local Strategic Planning Statement will ensure that the future housing needs of the community at all stages of life are appropriately considered and addressed.

• Broader Economic Implications

Consideration of the Proposal within the context of the Local Housing Strategy and the Local Strategic Planning Statement will ensure that these strategies offer certainty for both the community and for investors seeking to make sound economic decisions within a reliable strategic framework.

• Culture

There are no cultural issues in relation to this report.

• Governance

The Proposal has been considered in accordance with guidelines provided by the Department of Planning.

COUNCIL BUDGET IMPLICATIONS

There are no budget implications associated with this report.

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**REPORT DEPUTY GENERAL MANAGER CORPORATE, STRATEGY
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There are no other Council related policies associated with this report.

OPTIONS

The options available to Council are:

Option 1

Support the recommendation to this report that the Planning Proposal to amend Wingecarribee Local Environmental Plan (WLEP) 2010 to rezone and reduce the minimum lot size of land at 121, 131 and 153 Yarrowa Road Moss Vale, be deferred pending completion of the Wingecarribee Local Housing Strategy.

Option 2

Resolve to progress the Planning Proposal to amend Wingecarribee Local Environmental Plan (WLEP) 2010 to rezone and reduce the minimum lot size of land at 121, 131 and 153 Yarrowa Road Moss Vale to a Gateway Determination.

Option 3

Resolve to not support the Planning Proposal to amend Wingecarribee Local Environmental Plan (WLEP) 2010 to rezone and reduce the minimum lot size of land at 121, 131 and 153 Yarrowa Road Moss Vale.

Option 1 is the recommended option to this report.

CONCLUSION

The Planning Proposal has been assessed and a recommendation made taking into account the fact that sewer capacity and road infrastructure which would service the development are effectively at capacity with little immediate opportunity for the situation to improve.

In addition, two major strategic land use planning documents need to be delivered by Council before 1 July 2020 as required under the provisions of the *Environmental Planning and Assessment Act 1979*. A primary intent of these documents is to address Council's future housing needs over the next twenty years.

It is therefore concluded that it would be premature at this stage to determine this Proposal without reference to these important strategic documents as well as further investigation as to how future water, sewer and road infrastructure are to be provided across the Shire.

It is considered that it would be preferable to complete at least the Local Housing Strategy before reviewing this Proposal again.

ATTACHMENTS

1. Planning Proposal - Yarrowa Road Moss Vale



Planning Proposal

To amend Wingecarribee Local Environmental Plan 2010 to amend the zoning map and the minimum lot size map under Wingecarribee Local Environmental Plan 2010 for land at Yarrawa Road, Moss Vale

Prepared for submission to Wingecarribee Shire Council by:

Lee Environmental Planning
33 Holly Street, Bowral
lep.planning@gmail.com

On behalf of: **Thomas Dobell, William Beresford, Des and Kathy Gawthorne, owners of the subject properties**

Version 1 - for Council Consideration & Determination - **March 2019**



Civic Centre, Elizabeth St, Moss Vale, NSW 2577.
PO Box 141, Moss Vale. ABN 49 546 344 354
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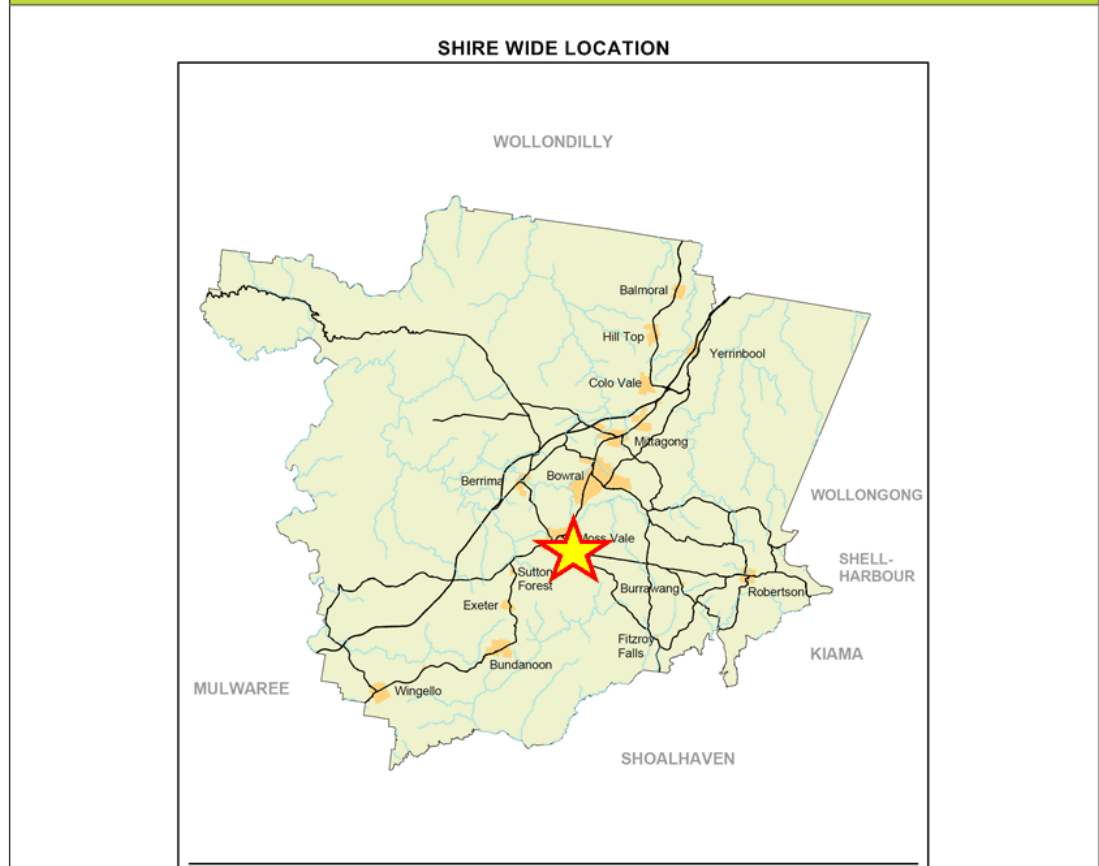
Planning Proposal – amend zoning and minimum lot size for subdivision of land at Yarrawa Road,
 Version 1 – For Council Consideration & Determination – (March 2019)

DOCUMENTS WHICH COMPRISE THIS PLANNING PROPOSAL

1	Introduction letter prepared by Lee Environmental Planning
2	Letter from Wingecarribee Shire Council in relation to consideration of potential rezoning for the subject land

LOCAL GOVERNMENT AREA : WINGECARRIBEE SHIRE COUNCIL

ADDRESS OF LAND :





Planning Proposal – amend zoning and minimum lot size for subdivision of land at Yarrowa Road,
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SITE LOCATION & DESCRIPTION

The site comprises three separate parcels of land each with frontage to Yarrowa Road. They are:

- Lot 4 DP706194, 121 Yarrowa Road, Moss Vale, having a road frontage of 105 metres and a site area of 2.2 hectares
- Lot 5 DP706194, 131 Yarrowa Road, Moss Vale, having a road frontage of 110 metres and a site area of 2 hectares
- Lot 2 DP610352, 153 Yarrowa Road, Moss Vale, having a road frontage of 120 metres and a site area of 2 hectares

The site sits approximately 2.5 kilometres south of the Moss Vale town centre and just 1 kilometre south of the existing Harbison aged care residential development on Yarrowa Road that is the current extent of residential development in this locality. The site is just east of the intersection of Yarrowa Road and Mount Broughton Road.

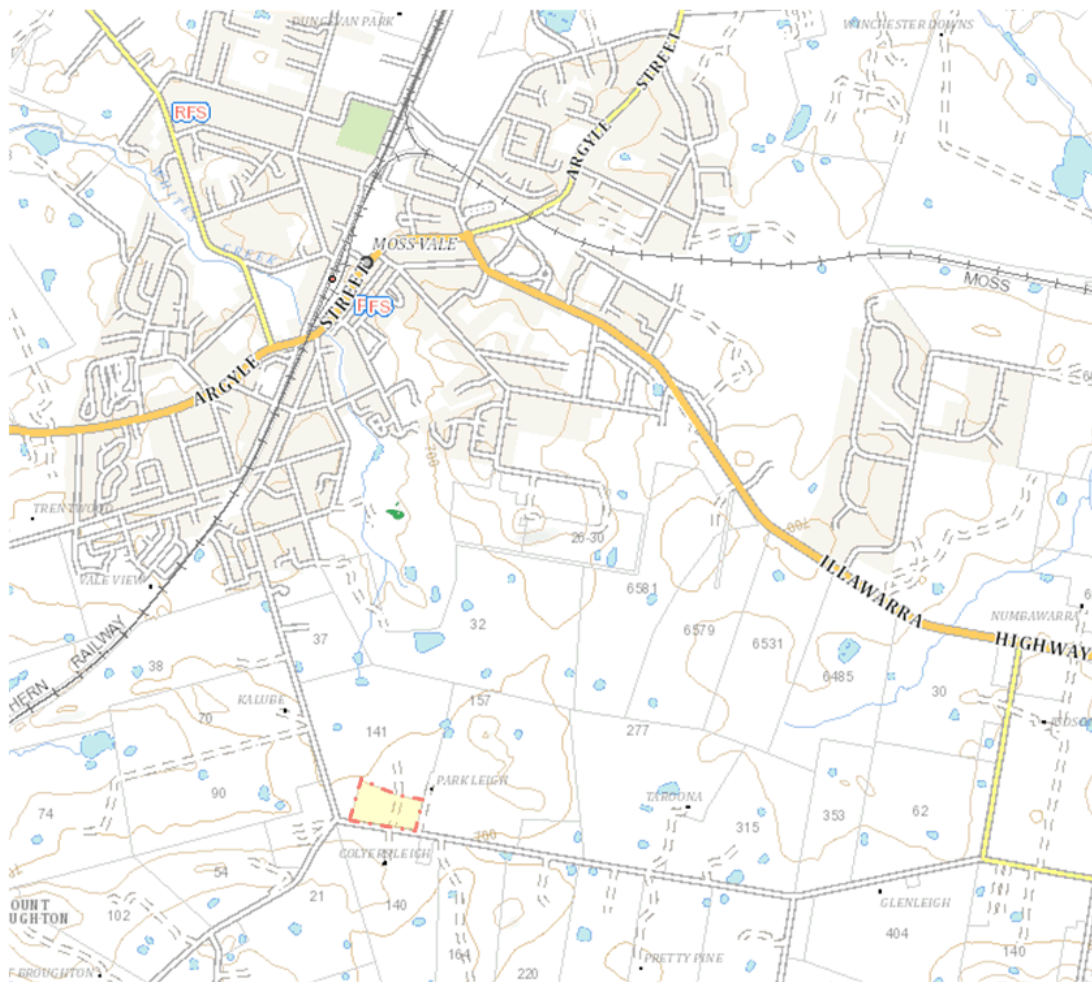


Figure 1: Site locality (Source: SIXmaps)

Planning Proposal – amend zoning and minimum lot size for subdivision of land at Yarrowa Road,
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Each parcel accommodates an existing dwelling and associated farm sheds and outbuildings. The sites are predominately cleared open paddocks with no remnant native vegetation other than a few scattered trees with some established introduced site landscaping.



Figure 2: Aerial view of the subject sites (Source: SIXmaps)

The sites all share common boundaries either to the north or to the west with the recently rezoned Chelsea Gardens Commungie urban release area. The Commungie homestead is located approximately 150 metres from the sites northern boundary and has the benefit of a 10 metre wide access handle onto Yarrowa Road that runs between Lot 5 DP706194, 131 Yarrowa Road and Lot 2 DP610352, 153 Yarrowa Road.

The land to the east and opposite on the southern side of Yarrowa Road and is rural in nature, predominately broad acre parcels.

Planning Proposal – amend zoning and minimum lot size for subdivision of land at Yarrowa Road,
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Figure 3: From Yarrowa Road looking north over Chelsea Gardens Commungie with subject site to right of photo



Figure 4: The site from the eastern end looking north west along Yarrowa Road



Figure 5: Existing access to Chelsea Gardens Commungie off Yarrowa Road, zoned residential



Planning Proposal – amend zoning and minimum lot size for subdivision of land at Yarrowa Road,
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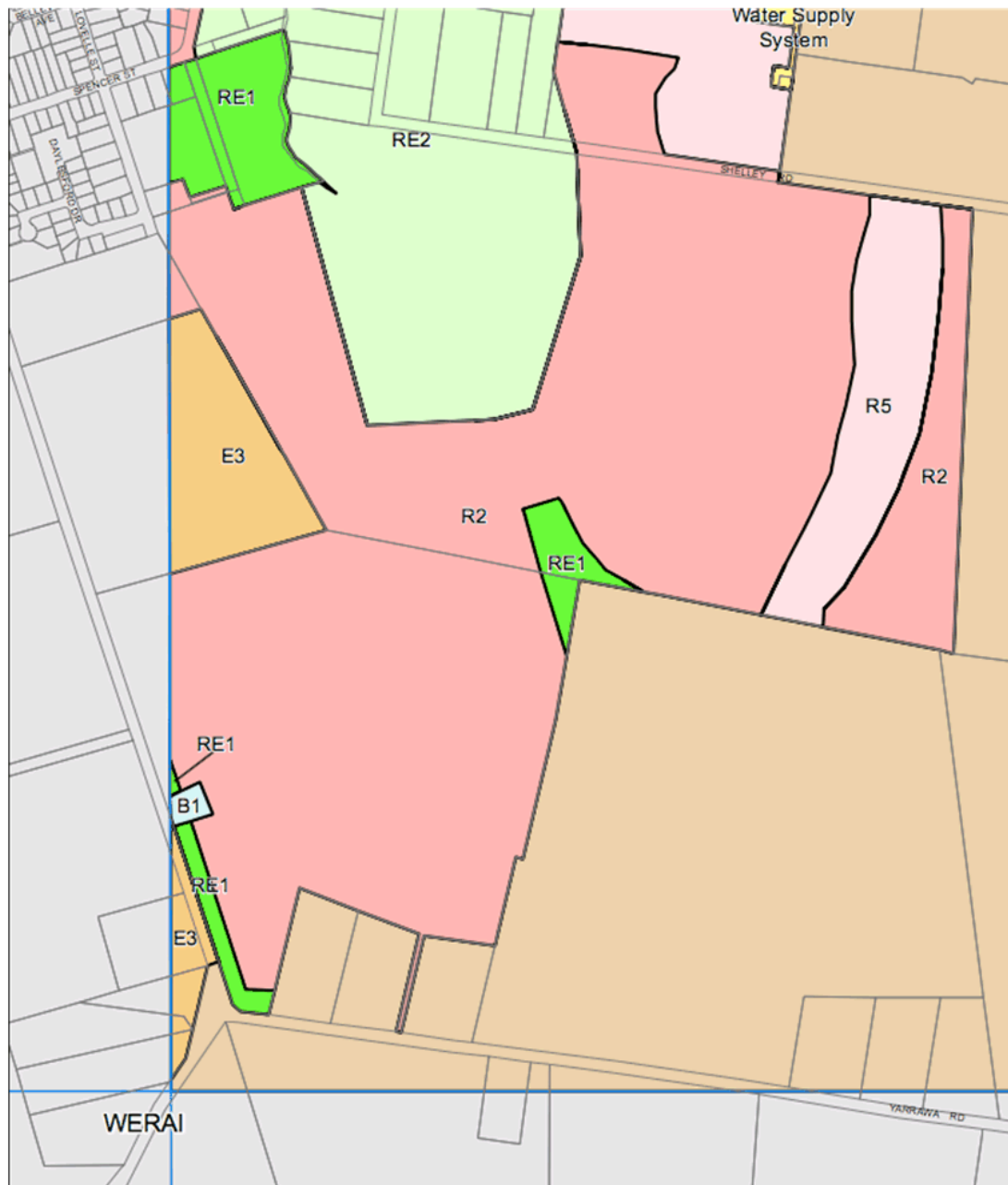


Figure 6: Extract from zoning Maps of WLEP2010 showing the Site and its context with residential development zoning to the north (Chelsea Gardens Commungie) and rural zoning to the east



PART 1 : OBJECTIVES OR INTENDED OUTCOMES

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

- The objective is to initially amend the Land Zoning Map of WLEP2010 so that the land becomes R2 Low Density Residential. This would be a zoning that better reflects the sites context and capacity.
- To overlay a suitable minimum lot size on the Lot Size Maps, suggested as 600 square metres for the R2 Low Density zone. This would be consistent with that prescribed for the bulk of the adjoining Chelsea Gardens Coomungie urban release area, including the land immediately adjoining. It is not considered suitable for the smaller 450sqm lot size that applies in the central core of the Chelsea Gardens Coomungie area.
- The outcome of the Planning Proposal will be the ability to subdivide the land in accordance with the amended minimum lot size for the site, in a subdivision pattern that is suitable for the circumstances of the land, compatible with adjoining development and supportive of Council's shire housing strategy that relies in part, on the identification and development of 'green field' housing opportunities.

There will be approximately 6.3 hectares of land to be rezoned as developable residential land. The final total yield in terms of the number of new lots will range dependant upon the final minimum lot size imposed and the urban design phase of planning. At this stage an indicative development/subdivision plan has not been presented as part of this Planning Proposal. This was not considered to be necessary at this stage because the general potential of the land and how it is delivered will depend to a large extent on how it may, or may not, be successfully integrated into the broader Chelsea Gardens Coomungie development. The planning phase for this land, including servicing requirements is underway and therefore the timing of this Planning Proposal is opportune.

Without an indicative subdivision plan it is still possible to envisage a development outcome by utilising the proposed 600 sqm minimum lot size. Such a lot size can provide an overall yield of approximately 12 lots per hectare and with 6.5 hectares englobo land available, a yield of approximately 70- 80 lots is a reasonable expectation.



Planning Proposal – amend zoning and minimum lot size for subdivision of land at Yarrawa Road,
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PART 2 : EXPLANATION OF THE PROVISIONS

- To achieve the intended outcomes of the Planning Proposal the following amendments to the WLEP 2010 instrument will be required:

No specific changes required to any particular land use tables or clauses of the WLEP2010 are required. Part 6 Urban release areas, may be of relevance in the sense of public infrastructure and the preparation of Development Control Plans. Ideally these issues would be dealt with in concert with the work being undertaken with the larger Chelsea Gardens Commungie urban release

- To achieve the intended outcomes of the Planning Proposal the following WLEP 2010 maps will require amendment:

Instrument or Map Affected	Detail of Amendment
Land Zoning Map – Sheet LZN_007H	Lot 4 DP706194, Lot 5 DP706194 and Lot 2 DP610352, to be shown as zone R2 Low Density Residential
Lot Size Map – Sheet LSZ_007H	Lot 4 DP706194, Lot 5 DP706194 and Lot 2 DP610352, to be shown as being subject to 600 square metres minimum lot size for subdivision

This would result in the zoning of a small portion of land, amounting to approximately 6.5 hectares, changing from its current designation of RU2 Rural Landscape to R2 Low Density Residential. It is a small area when put in the context of the neighbouring Chelsea Gardens Commungie urban release area to which it adjoins to the north and west, which is approximately 120 hectares in area and now poised to deliver in the vicinity of 1200 dwellings in the years ahead.

The Planning Proposal would necessitate a complementary change to the minimum lot size maps for the new residential zone to show 600 square metre minimum lot size.

The existing 40 hectare minimum lot size that currently applies to the RU2 land is not considered to be either suitable or logical, with no sound planning reason to sustain it.

The proposed map changes are considered to be the most efficient way to give effect to the stated objectives and intended outcomes of the Planning Proposal.

Should this initial Planning Proposal be favoured by Council then the potential minimum lot size of 600 sqm will allow a subdivision of the site subject to the lodgement of a Development Application(s).

Prior to any Development Application and prior to any final change to zoning and establishment of a minimum subdivision standard, more detailed analysis of the opportunities and constraints of the land could be undertaken if deemed necessary. This would involve all of the usual considerations of infrastructure, ecology, stormwater, bushfire, provision of open space and critically in this case, connectivity with what will be the surrounding residential areas of Chelsea Gardens Coomungie.

All of these considerations would inform the ultimate configuration and capacity of the land for subdivision, but there are no apparent or obvious specific issues that would preclude reasonable development of the land to proceed in due course. The Gateway process for Planning Proposals envisages this type of approach and a Gateway determination in favour of the Proposal can ensure appropriate studies are completed as required. The provisions of Part 6 of WLEP2010 provide



Planning Proposal – amend zoning and minimum lot size for subdivision of land at Yarrawa Road,
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further insurance that all appropriate work is undertaken prior to the actual development of the land.

What is critical is that this Planning Proposal be considered and determined in a timeframe that will enable the land to be assessed with some reference to development of Chelsea Gardens Coomungie, before planning and commitments associated with that development are too advanced to potentially accommodate this land. Conversely, Council should be ensuring that the work associated with Chelsea Gardens Coomungie is taking into account the possibility of this land being included into residential redevelopment plans.

A change to the zoning and consequential change to the minimum lot size is considered the preferred amendment because the R2 Low Density Residential zoning of the land is considered to be the most suitable and appropriate zoning.

While the land has a history of rural use and is still within a rural zone, it is not visually prominent to the extent that it demands the rural 'landscape' designation of the existing RU2 zone. The small lot sizes that already exist for each of the three parcels creates a rural residential character and when now viewed in the context of Chelsea Gardens Coomungie as a future urban development backdrop, the land cannot be considered to be of any special visual quality or significance.

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?

It is considered that this Planning Proposal has foundation in and a connection to, Council's adoption of the Local Planning Strategy 2015 -2031 (adopted 23 March 2016) and it supports Council's ongoing commitment to Chapter Four of that Strategy dealing with Population and Housing.

It is noted that Council has been directed by the Department of Planning, in May 2017, to provide a new more robust housing strategy, including opportunity for 'green fields' development. It is also required under the provisions of Section 3.9 of the *Environmental Planning and Assessment Act 1979*, to prepare a Local Strategic Planning Statement.

While the circumstances of the land in this case are site specific, a change to the land zoning and minimum lot size can assist in and have a bearing upon, the strategic decision making of Council. The Planning Proposal can address a set of circumstances that have come about from previous land use decisions of Council and the State government planning authorities, in particular the support of the Chelsea Gardens Coomungie residential development, that will transform this locality into a connected and desirable residential precinct rather than a rural outskirts.

The Planning Proposal is also consistent with Council's previous correspondence to the landowners that consideration of this land was warranted and in fact supported by the State planning authorities for residential development, similar to the Chelsea Gardens Coomungie area. I refer specifically to the letter from Council dated 4 November 2015.

**12.2 Planning Proposal to rezone land at Yarrowa Road Moss Vale
ATTACHMENT 4 Yarrowa Road Planning Proposal**

Planning Proposal – amend zoning and minimum lot size for subdivision of land at Yarrowa Road,
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The Planning Proposal is therefore made on the basis of both the need for Council to consistently review its position in relation to land availability from a long term strategic perspective as well as to give effect to the previous conclusion that these lands could be dealt with in a fashion similar to Chelsea Gardens Coomungie.

The change of zoning can provide Council with the best chance of achieving its strategic planning goals of providing additional housing opportunities across the Shire, including both infill and green field development opportunities. A site with no significant environmental or townscape constraints, immediately adjacent a residential release area, is the type of extended greenfield opportunity that Council must maximise if it is to achieve its stated housing aims. It is noted that Council's options across the Shire in this regard are limited.

It is also noted that the provision of such opportunities tends to be cyclical. Following the planning and release of East Bowral in the late 1990's and early 2000's there was a hiatus in longer term strategic decisions and land supply was all but exhausted by 2005. Starting with Renwick, the past 10 years has seen Council make strategic decisions on a range of new residential land release opportunities – Renwick at Mittagong, Nattai Ponds at Braemar, Retford Park in Bowral and Darraby/Broughton Street at Moss Vale. All of these have proven to be important additions to the availability of housing land across the Shire, complementing modest growth in the infill opportunities presented within existing towns and villages.

All of these residential release areas have also demonstrated the high latent demand for housing within the Shire and as a result have quickly been exhausted once they have come to market. As a consequence Council finds themselves in a situation similar to that of circa 2005, with strong demand unable to be matched by available housing options. This situation has been recognised at State government level, hence the decision by the Department of Planning not to accept Chapter 4 of the Council adopted Local Planning Strategy and instead request Council review that Chapter in order to better address the obvious need in housing and land availability. Although this work has commenced, Council has been unable to produce anything tangible since the directive from the Department of Planning in May 2017.

It is in this context that this Planning Proposal is put forward as a way to address a situation that is of high priority and of important consequence. Therefore while it could be argued that the Proposal is not strictly in accordance with the current Planning Strategy of Council because this site is not specifically identified, it is clearly in accordance with the strategic necessity of Council. As noted earlier, the Proposal is also consistent with the opportunity afforded the land owners by Council's letter of 4 November 2015.

Previous background analysis of the housing and demographic makeup of the Shire, including the strategic report prepared by SGS Economics and Planning in 2012, clearly identified the need for housing opportunity, including Moss Vale that was identified as an area for greenfield development opportunities.

Since that time, strong demand has been demonstrated well in excess of earlier historical levels and pressure continues to be strong from the continued growth of the broader Sydney metropolitan area as it moves towards the stated targets of 8 million residents. Put simply, it is inconceivable that Wingecarribee Shire will be outside of the influence of such growth in Sydney and it is therefore incumbent upon Council to acknowledge and plan for additional housing as a strategic imperative.



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

The Planning Proposal is the best way of achieving the objectives and intended outcomes.

It is not possible to achieve the objectives and outcomes without a Planning Proposal. Council could not accept, nor support a Development Application for the subdivision of the land without such a Proposal being first assessed and supported.

The Planning Proposal process as currently constituted, is designed to enable initial overview of potential planning changes to be discussed with a focus on threshold questions prior to more detailed analysis being required of the practical or specific outcomes. More detailed work on design and services etc. can be required as part of any initial Gateway determination. This could include the urban design analysis that would lead to the final recommendations of lot layout, size and yield, all informed by the engineering and environmental capacity assessments of the site.

In this case, the threshold questions could be framed in the following way:

- is there a need for additional housing opportunity in the Shire?
- is the site a logical location in the context of surrounding development and does it lend itself to integration (services, infrastructure, access) with existing or proposed development?
- are there any insurmountable environmental constraints?
- finally and specific to this location, would development result in adverse visual impacts on a significant and sensitive scenic rural location?

Given the above and the previous comments made, the answers to these threshold questions lead to the conclusion that the submitted Planning Proposal is clearly the best and most appropriate means of achieving both the land owners and Council's strategic objectives and intended outcomes.

There can be no doubt that additional housing opportunities are required within the Shire. This is the case now and bearing in mind the time frames involved in the course of a Planning Proposal, Development Application and construction process, it is conservatively estimated that it would be possibly 3-5 years before residential lots were available on this site. Ultimately a timeframe for the delivery of residential development on this land would be linked to the delivery of services and how quickly the development of Chelsea Gardens Coomungie proceeds.

With its proximity to Chelsea Gardens Coomungie, the site is an obvious extension of future residential development and of future residential opportunity.

Integration in terms of traffic movements, drainage, sewer, power and open space are all readily achievable, but this needs coordination and the timing is important.

The site is not environmentally constrained to the extent that residential development could not be achieved. It is mainly cleared grazing land with no remaining remnant native vegetation

The important issue of visual impact of development in this locality has so far been dealt with primarily through the introduction of a 'green' buffer of RE1 Public Recreation zoning along Yarrowa Road, introduced as part of the Chelsea Gardens Coomungie zoning. The extension of this 20 metre wide strip along Yarrowa Road, is not suggested for this Planning Proposal on the basis that a similar visual or landscape buffer can be achieved through other means available at the development phase. The zoning would also expose Council to significant additional costs for acquisition of land for a public purpose.



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At the Planning Proposal stage, the task is to judge the planning context and planning logic of a particular land use proposition, rather than become immersed in the detailed assessment that is the role of a Development Application. Based on the fundamental questions of demand, context, integration and visual impact, the proposition of utilising the site for residential purposes is sound and can be supported.

Supporting the Planning Proposal is consistent with Council's strategic planning options and would assist in them meeting their obligations.

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 South East and Tablelands Regional Plan 2036 is the relevant sub regional strategy.

In broad terms, the Strategy seeks to cater for continued growth within the region, without impacting adversely upon the character of the region. This Planning Proposal achieves this by providing an additional opportunity for residential development which would be at a yield of approximately 70 - 80 lots, with a final yield to be determined at the Development Application stage. It would be at a final density that would be achievable upon the subject land, with such development being consistent with the future character of the locality that will be set by the residential development of Chelsea Gardens Commungie that adjoins immediately to the north.

Chapter 4 of the Strategy is Environmentally sustainable housing choices. This Planning Proposal supports that broad objective.

Direction 24 of the Strategy is to deliver greater housing supply and choice, noting that local housing strategies need to consider community aspirations. This Planning Proposal will support this objective and would be consistent with the community aspirations as put forward in previous community workshops that show support for well located housing options and actions that have a positive impact on the issue of housing affordability within the Southern Highlands.

Housing affordability is currently a major and serious issue of concern. There are various issues that play into housing affordability, however the supply of land and housing is critical in that equation. As mentioned earlier, decisions made today in relation to future development opportunity may have lead in times of up to 5 years, possibly longer, so it is imperative that decisions relating to the objectives and outcomes of the Regional Plan not be delayed. In this case, taking advantage of infrastructure extensions and upgrades that will be occurring in any event because of Chelsea Gardens Commungie, is likely to have a positive impact upon the affordability of any housing produced as a result of this Planning Proposal.

Direction 25 of the Strategy Focus is for housing growth in locations that maximise infrastructure and services in particular to achieve sustainable urban outcomes that do not undermine existing strategic and local centres. The sites proximity to Chelsea Gardens Commungie is ideal in the opportunity it provides to leverage off infrastructure and services that are already in the planning and development phase, while at the same time being close enough to the Moss Vale centre to encourage the use of all existing services that it has to offer.



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Direction 27 is to deliver more opportunities for affordable housing which this Planning Proposal can achieve through the establishment of a suitable minimum lot size, just as has been done with Chelsea Gardens Commungie.

The strategies broad aim of protecting the sensitive elements of the natural environment is not endangered by this Planning Proposal. As noted, the site is not sensitive from an ecological or environmental perspective. There are no parts of the site that contain remnant native vegetation. There are no watercourses.

From a visual impact perspective, the sites sensitivity is not significant given the backdrop of urban development that will result from the residential development that has been accepted already.

The nature and scale of the Planning Proposal raises no issues of inconsistency in relation to the Regional Strategy. It is a localised amendment to the local planning controls but one that will assist in Council's efforts to achieve its obligations to provide additional housing opportunities across the Shire.

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

Within the local strategy a key issue that relates to residential development is that of new green field development. The requirement imposed upon Council by the Department of Planning to produce a revised residential strategy, specifically identified the need for green fields opportunities.

The Planning Proposal will increase residential opportunity through rezoning rural land with the final density to be determined through the Development Application process, but with a minimum lot size of 600sqm, 70 – 80 lots could be expected.

Therefore, it is considered that this Planning Proposal has some strategic planning implications in the sense that it will assist in attaining the strategic goals of Council as they relate to housing provision across the Shire. As noted, Council has significant obligations in this regard and this Planning Proposal would go some of the way to fulfilling those obligations.

At this stage it is difficult to assess and/or compare the strategic merits of the site in comparison with other potential sites because Council has not been able to provide any alternative sites for scrutiny, at least not in the public forum. Such work may be a task being undertaken by Council's Demographic and Housing Advisory Committee.

However, at this stage the only potential urban release area identified with any status is the land Chelsea Gardens/Commungie at Moss Vale, the responsibility for which was assumed by the Department of Planning and will now proceed. As stated throughout this report, the logic of including the subject land into a residential zone consistent with Chelsea Gardens Commungie is obvious and already recognised by Council and the State planning authorities. It is inconceivable to think that a new Housing Strategy for the Shire would not include this land. It is critical however to move forward immediately to maximise the opportunity to coordinate its ultimate development, particularly the provision of services.



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

SEPP	Relevance to Planning Proposal
No.1 Development Standards	NOT RELEVANT – The SEPP was replaced by Clause 4.6 of WLEP2010 as the mechanism for any variation to development standards.
No.14 Coastal Wetlands	NOT RELEVANT – There are no Coastal Wetlands within the Shire.
No.19 Bushland in Urban Areas	NOT RELEVANT – The SEPP does not apply to Wingecarribee Shire.
No.21 Caravan Parks	CONSISTENT Potentially applicable to future development at Development Application stage, however it is noted that caravan parks are not permissible in the proposed R2 Low Density Residential zone
No.26 Littoral Rainforests	NOT RELEVANT – The SEPP does not apply to Wingecarribee Shire.
No.30 Intensive Agriculture	CONSISTENT Potentially applicable to future development at Development Application stage, however it is noted that the development types covered by the Policy are not permissible in the proposed R2 Low Density Residential zone
No.33 Hazardous and Offensive Development	CONSISTENT Potentially applicable to future development at Development Application stage, however it is noted that industries of the type covered by the Policy are not permissible in the proposed R2 Low Density Residential zone
No.36 Manufactured Home Estates	CONSISTENT This Policy applies to land within Wingecarribee Shire. However it is noted that caravan parks are not permissible in the proposed R2 Low Density Residential zone under the provisions of WLEP2010 and therefore manufactured home estates will not be permissible
No.44 Koala Habitat Protection	CONSISTENT The land is not core koala habitat nor does it accommodate feed tree species.

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No. 47 Moore Park Showground	NOT RELEVANT – The SEPP does not apply to Wingecarribee Shire.
No.50 Canal Estate Development	NOT RELEVANT The SEPP does not apply to Wingecarribee Shire
No.52 Farm Dams and Other Works in Land and Water Management Plan Areas	NOT RELEVANT – The SEPP does not apply to Wingecarribee Shire.
No.55 Remediation of Land	CONSISTENT This Policy applies to land within the Wingecarribee Shire. Clause 6 requires the planning authority to consider whether the land is contaminated and/or whether the land can be made suitable for the intended purpose. The land is not within a class of land identified within Clause 6 subclause (4) and there is nothing in the history of the site to suggest that land contamination will be present to an extent that would jeopardise the future use of the land. Initial contamination assessments can be required either as part of a Gateway determination or as part of subsequent Development Applications.
No. 62 Sustainable Aquaculture	CONSISTENT Not applicable to the form of development that is permissible within the proposed zones under the provisions of WLEP2010
No.64 Advertising and Signage	CONSISTENT This policy applies to land within the Wingecarribee Shire. However, the provisions relate to the assessment of Development Applications and can be properly administered if relevant applications are made in the future.
No.65 Design Quality of Residential Apartment Development	CONSISTENT This Policy applies to land within Wingecarribee Shire. However it is noted that residential flat buildings and other building types covered by the policy, are not permissible in the proposed R2 Low Density Residential zone
No.70 Affordable Housing (Revised Schemes)	NOT RELEVANT – The SEPP does not apply to Wingecarribee Shire.
No.71 Coastal Protection	NOT RELEVANT – The SEPP does not apply to Wingecarribee Shire.



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<p>Affordable Rental Housing 2009</p>	<p><u>CONSISTENT</u></p> <p>This Policy applies to land within Wingecarribee Shire. It may have some applicability to the land within the proposed R2 Low Density Residential zone in the future subject to development application. The PP is not inconsistent with the Policy and any relevant Development Application lodged can be assessed against the Policy if that development seeks to rely upon the Policy</p>
<p>Building Sustainability Index: Basix 2004</p>	<p><u>CONSISTENT</u></p> <p>Related to the development/ building phase</p>
<p>Educational Establishments and Child Care Facilities 2017</p>	<p><u>CONSISTENT</u></p> <p>This Policy applies to land within Wingecarribee Shire. However, the Policy is focused on the development application process. The proposed R2 Low Density Residential zone is a prescribed zone for the purposes of the Policy that will enable certain development to proceed, with or without consent notwithstanding that the provisions of the WLEP2010 may not permit such development or a relevant Development Control Plans may seek to impose restrictions that are then overridden by the State policy.</p> <p>There is nothing in the Planning Proposal that seeks to override the State policy.</p>
<p>Exempt and Complying Development Codes 2008</p>	<p><u>CONSISTENT</u></p> <p>This Policy applies to land within Wingecarribee Shire and will be applicable in the usual way within both zones proposed under this Planning Proposal</p>
<p>Housing for Seniors or People with a Disability 2004</p>	<p><u>CONSISTENT</u></p> <p>This Policy applies to land within Wingecarribee Shire. The Planning Proposal is not inconsistent with the Policy.</p> <p>The R2 Low Density zone would be considered as land zoned primarily for urban purposes and seniors housing will be permissible under the Policy, as it is under WLEP2010.</p> <p>The current RU2 zoning of the land does not allow seniors housing, however, a site compatibility certificate could be requested on the basis of the land adjoining land zoned primarily for urban purposes. This could be done now without the Planning Proposal.</p>



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Infrastructure 2007	<p><u>CONSISTENT</u></p> <p>This Policy applies to land within Wingecarribee Shire. However it is focused upon the development application phase.</p> <p>The site is not adjacent to any major road or railway line that would trigger provisions of the State policy in relation to noise and/or vibration impact assessment.</p> <p>A subdivision of the land within the proposed R2 Low Density zone is unlikely to be of a scale to trigger referral to the RMS as Traffic Generating Development (more than 200 lots under Clause 104 Schedule 3).</p> <p>A Gateway determination may require more detailed assessment as part of the formal exhibition process or the matter could be dealt with as part of the Development Application process. The PP is not inconsistent with the Policy.</p>
Integration and Reveals 2016	<p><u>NOT RELEVANT</u> – The SEPP does not apply to Wingecarribee Shire.</p>
Kosciuszko National Park - Alpine Resorts 2007	<p><u>NOT RELEVANT</u> – The SEPP does not apply to Wingecarribee Shire.</p>
Kurnell Peninsula 1989	<p><u>NOT RELEVANT</u> – The SEPP does not apply to Wingecarribee Shire.</p>
Mining, Petroleum Production and Extractive Industries 2007	<p><u>CONSISTENT</u></p> <p>This Policy applies to land within Wingecarribee Shire. However it does not contain provisions that require any specific provisions within PPs. The policy is focused on the Development Application phase and is unlikely to be relevant to future development upon the subject land.</p>
Miscellaneous Consent Provisions 2007	<p><u>CONSISTENT</u></p> <p>This Policy applies to land within Wingecarribee Shire however has no particular relevance to this PP</p>
Penrith Lakes Scheme 1989	<p><u>NOT RELEVANT</u> – The SEPP does not apply to Wingecarribee Shire.</p>
Rural Lands 2008	<p><u>JUSTIFIABLY INCONSISTENT</u></p> <p>This Policy applies to land within Wingecarribee Shire. The land is not State Significant agricultural land.</p> <p>Under section 117 of the Act, the Minister has directed that councils exercise their functions relating to local environmental plans in accordance with the Rural Planning Principles. In regard to the principles it should be noted that the land is not high class agricultural land, it is not a significant contributor to the rural</p>

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	economy of the Shire, there is a need for additional housing opportunities that are well located and will not have adverse environmental impacts and the provision of additional housing opportunities is consistent with the applicable regional strategy.
State and Regional Development 2011	<u>CONSISTENT</u> This Policy applies to land within Wingecarribee Shire however the PP does not involve land or a scale of development that is relevant to the Policy
State Significant Precincts 2005	<u>CONSISTENT</u> This Policy applies to the State and therefore to land within Wingecarribee Shire however the PP does not involve land or a scale of development that is relevant to the Policy
Sydney Drinking Water Catchment 2011	<u>CONSISTENT</u> The Wingecarribee Shire is within the area covered by the Policy. The key purpose of the Policy is to ensure water quality impacts are properly assessed as part of development proposals. Any Gateway determination could require further more detailed water quality assessment to be part of the formal exhibition process or such assessment could be held over until the development application phase. In this case the subject land is not affected by any identified Category of watercourse and is also in immediate proximity to existing residential zoned land that is being developed as a major urban expansion of Moss Vale (Commungie Chelasea Gardens). This development will be putting in place significant stormwater and effluent disposal infrastructure to safeguard water quality within the broader catchment and the development of the subject lands will be able to link into infrastructure that will ensure water quality outcomes are achieved. The PP is not inconsistent with the Policy and there is no reason to suspect that future residential development cannot satisfy the Neutral or Beneficial Effects Test under the Policy. NB: Referral to WaterNSW will occur in accordance with the Gateway Determination.
Sydney Region Growth Centres 2006	<u>NOT RELEVANT</u> – The SEPP does not apply to Wingecarribee Shire.
Three Ports 2013	<u>NOT RELEVANT</u> – The SEPP does not apply to Wingecarribee Shire.
Urban Renewal 2010	<u>NOT RELEVANT</u> Although the SEPP applies to the State, the site is not within an identified potential precinct for the purposes of the SEPP.



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Vegetation in Non-Rural Areas 2017	NOT RELEVANT – The SEPP does not apply to Wingecarribee Shire.
Western Sydney Employment Area 2009	NOT RELEVANT – The SEPP does not apply to Wingecarribee Shire.
Western Sydney Parklands	NOT RELEVANT – The SEPP does not apply to Wingecarribee Shire.

6. Is the Planning Proposal consistent with applicable S 9.1 Directions?

The Planning Proposal has been assessed against applicable Directions issued by the Minister for Planning under section 9.1 of the *Environmental Planning & Assessment Act 1979*. These assessments are reproduced below. Directions not applicable to Wingecarribee Shire have been excluded.

1. Employment & Resources	Assessment
1.1 Business & Industrial Zones	NOT RELEVANT The Planning Proposal does not involve business or industrial zones
1.2 Rural Zones	JUSTIFIABLY INCONSISTENT The objective of this Direction is to protect the agricultural production value of rural land. The Direction, as it applies to Wingecarribee Shire, says that a planning proposal must not rezone land from a rural to a residential zone. However, the Direction can be varied. In this case, the land is not of a high class of agricultural land, it is currently not used and has not been extensively utilised in the past for high grade agricultural purposes due to the small lot size. The land is more aligned with residential than agricultural use. The site area involved in rezoning to a residential zone is minor and immediately adjoins land already zoned for residential development. Further, the Regional Strategy that requires the Shire to provide additional housing opportunities, can only ultimately be realised with some loss of rural land as it is not possible to achieve the strategy with a complete reliance upon infill development of existing residential zoned land. It is considered that there are reasonable grounds to vary the Direction in this case.



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1. Employment & Resources	Assessment
1.2 Mining, Petroleum Production & Extractive Industries	NOT RELEVANT The Planning Proposal does not involve any considerations of mining, petroleum production or extractive industries
1.4 Oyster Aquaculture	NOT RELEVANT The Planning Proposal does not involve any considerations of oyster aquaculture
1.5 Rural Lands	NOT RELEVANT This planning direction does not apply to the Wingecarribee Shire

2. Environment & Heritage	Assessment
2.1 Environment Protection Zones	CONSISTENT None of the land is within the E3 Environmental Management zone and no land is proposed to be rezoned into the E3 zone. The land involved does not have any significant environmental characteristics.
2.2 Coastal Management	NOT RELEVANT – this planning direction does not apply to the Wingecarribee Shire
2.3 Heritage Conservation	NOT RELEVANT The land is not a listed item of heritage within Schedule 5 of the WLEP2010. It is not in immediate proximity to any other listed items. It is not within any Heritage Conservation Area. NB: Referral to Office of Environment & Heritage will occur in accordance with the Gateway Determination if required.
2.4 Recreation Vehicle Areas	NOT RELEVANT – this planning proposal does not apply to the type of development relevant to the planning direction
2.5 E2 & E3 zones in Far North Coast LEPs	NOT RELEVANT – this planning direction does not apply to the Wingecarribee Shire



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3. Housing, Infrastructure & Urban Development	Assessment
3.1 Residential Zones	<p><u>CONSISTENT</u></p> <p>The Planning Proposal is supportive of this Direction in the way it would encourage a variety of housing choice for future housing needs, can make efficient use of infrastructure that will be delivered as part of the immediately adjoining residential land release and would have minimal impact on the environment.</p> <p>It seeks to change the zoning of land to facilitate residential development in a manner that can address all relevant urban design criteria thus ensuring the final built form will deliver a high level of amenity. This is consistent with the Direction.</p>
3.2 Caravan Parks & Manufactured Home Estates	<p><u>NOT RELEVANT</u> – this planning proposal does not apply to the type of development relevant to the planning direction, nor does the planning proposal seek to change the currently existing provisions of WLEP2010 as they relate to caravan parks and manufactured home estates</p>
3.3 Home Occupations	<p><u>CONSISTENT</u></p> <p>The planning proposal does not seek to introduce any different provisions into WLEP2010 than currently exist in relation to home occupations</p>
3.3 Integrating Land Use & Transport	<p><u>CONSISTENT</u></p> <p>The PP is consistent with this Direction in providing additional residential opportunity that will further strengthen the proposed Commungie Chelsea Gardens urban release area as well as being able to access any improved or newly introduced bus services that may service this locality in the longer term.</p>
3.5 Development near Licensed Aerodromes	<p><u>CONSISTENT</u></p> <p>The land is not in proximity to any licensed aerodrome or regulated airport.</p>
3.6 Shooting Ranges	<p><u>NOT RELEVANT</u> – this planning proposal does not apply to the type of development relevant to the planning direction</p>



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4. Hazard & Risk	Assessment
4.1 Acid Sulphate Soils	NOT RELEVANT – The Wingecarribee Shire is not recognised as containing land susceptible to acid sulphate soils
4.2 Mine Subsidence & Unstable Land	NOT RELEVANT – The land is not within a Mine Subsidence District nor as it been declared as unstable land
4.3 Flood Prone Land	CONSISTENT The land is not flood prone land. There are no water courses traversing the site. Detailed subdivision design, subject to the process of development assessment will ensure no inconsistency with the planning direction.
4.4 Planning for Bushfire Protection	CONSISTENT The land is not identified as bushfire prone land. There is no major vegetation areas adjacent. There is no requirement for a Bushfire Hazard Risk Assessment and Compliance Report to be prepared and there is no impediment to development of the land proceeding as a result of bushfire threat. NB: Referral to NSW Rural Fire Service will occur in accordance with the Gateway Determination.

5. Regional Planning	Assessment
5.1 Implementation of Regional Strategies	CONSISTENT The Sydney – Canberra Corridor Regional Strategy (the South East and Tablelands Regional Strategy 2036) is in place and therefore relevant. The PP is not inconsistent with the broad intent of the Regional Strategy that identifies the need for the Wingecarribee Shire to increase its provision of housing.
5.2 Sydney Drinking Water Catchments	CONSISTENT The proposed change of zoning and minimum lot size would not impact upon the requirements of the State Environmental Planning Policy (Sydney Drinking Water Catchment) 2011. Regardless of the development yield and minimum lot size, development of the land will need to satisfy both storm water management and effluent disposal (development of the site will eventually be connected to the sewerage system). Any development proposal to subdivide would need to



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5. Regional Planning	Assessment
	<p>demonstrate a neutral or beneficial effect on water quality as a result of the development and this can easily be achieved. The PP is not inconsistent with the Direction</p> <p>NB: Referral to WaterNSW will occur in accordance with the Gateway Determination.</p>
5.3 – 5.9	NOT RELEVANT TO THIS PROPOSAL
5.10 Implementation of Regional Plans	CONSISTENT because the proposal will assist in providing additional housing opportunity within the Shire
6. Local Plan Making	Assessment
6.1 Approval & Referral Requirements	<p>CONSISTENT</p> <p>A PP that simply seeks to change the land zoning and as a consequence the minimum lot size applicable to the site, is not inconsistent with the Direction</p>
6.2 Reserving Land for Public Purposes	<p>CONSISTENT</p> <p>The planning proposal does not seek to reduce any existing public recreation zoning</p>
6.3 Site Specific Provisions	<p>CONSISTENT</p> <p>The PP does not propose site specific provisions. Although a different zoning and a different minimum lot size would apply to the land than currently applies, the requested minimum lot sizes of 600 square metres for the residential zoned land is consistent with that imposed upon the adjoining residential land as well as being used elsewhere within the Wingecarribee Local Environmental Plan 2010 application area. This is a planning control that could be utilised across the Shire on a range of other sites.</p> <p>Council can chose a range of lot sizes to suit any of the land use zones within the WLEP2010. The minimum 600sqm chosen for the site, which is within the R2 Low Density Residential zone, is considered to be suitable for the site and the locality.</p> <p>Future development proposals for subdivision can be assessed under the provisions of Section 4.15 of the EPA Act</p>



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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?

It is unlikely that there will be any significant impact upon critical habitat or threatened species, populations or ecological communities.

The site is predominately cleared grazing land with no significant native vegetation. For the same reasons Chelsea Gardens Coomungie was considered suitable for urban development, so to the three parcels that make up the subject land for this Planning Proposal.

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 likely to be no adverse environmental effects that arise as a result of the Planning Proposal.

The development of the site that would result from the Planning Proposal would be similar to development that will be occurring directly adjoining at Chelsea Gardens Coomungie.

Although the Planning Proposal would allow an increased number of lots to be created over and above the current planning controls, the development type would be compatible with the capacity of the land and the development footprints would be restricted by standard planning controls that will no doubt apply. There are no specifically sensitive portions of the site that should be excluded from development of the site. Standard development management techniques would be brought to bear on the development as it proceeded.

If the Planning Proposal is supported and the site rezoned with a lower minimum lot size, then the lodgement of a Development Application(s) for subdivision will be required to be assessed on the basis of merit. Any potential environmental effects arising from a specific development proposal can be managed through that process. It is also possible that a positive Gateway determination could be made with instruction and/or requirement that the formal LEP amendment be only publicly exhibited with the support of more detailed design and infrastructure assessments.

The range of issues to be managed under a rezoning and development scenario would include issues such as follows. It is important to note however, that all of these will benefit from being undertaken in conjunction with or as part of the early phase planning for Chelsea Gardens Coomungie.

- stormwater flows on site, retention and treatment and connection with downstream systems
- traffic and access, assessing potential impact from a development at the increased dwelling numbers afforded by the Planning Proposal. The main desired travel routes and the impacts on environmental capacity of the road system and of particular intersections to maintain acceptable levels of service would be identified
- general utility services such as water and sewer to be assessed for their capacity to accommodate the proposed development under the increased demand scenario with a conclusion that there is no impediment to servicing the site subject to standard upgrading as identified and if required



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In combination, all of the above reports will need to indicate that there are no environmental issues that arise as a result of the Planning Proposal that cannot be adequately managed. All of the above issues will also be able to be thoroughly assessed as part of the Development Application process.

At this point in time, Council should be confident that the issues associated with development of the site can be considered and can be managed effectively.

This leaves Council with the strategic planning consideration of whether or not this Planning Proposal is supportive of the Council's stated aim of additional housing? Clearly the answer is yes, and in that respect, the Planning Proposal should be supported because it can achieve that goal efficiently, particularly in the context of the Chelsea Gardens Coomungie urban release area.

There would be no significant adverse impact upon the environment of the Shire, in particular no impact upon scenic rural views, if this Planning Proposal was to be supported.

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

It is considered that the Planning Proposal will have a positive social and/or economic effect that is supportive of Council's strategic planning goals as they relate to the provision of housing across the Shire.

The Planning Proposal will assist in ensuring development of the land is undertaken with a positive economic return. In terms of residential development, there are three benefits.

Such development will positively address the issue of affordability for a larger cross section of the market, which is a clear social benefit arising from the Planning Proposal. This is particularly important in the current housing market of high prices where it is critical that there be a spread of price points available.

They will also be more attractive to a growing cross section of the market that is desirous of smaller, easy care lots in proximity to services, rather than larger lots that require more ongoing effort to manage.

Thirdly, the additional yield that can be achieved is a positive in terms of Council's stated aim of providing a significant proportion of housing growth within well located and non environmentally sensitive green field sites. This provides a balanced approach to growth, without having to rely entirely upon infill sites within towns, with such developments offering their own challenges.

Having the broader Chelsea Gardens Coomungie urban release area immediately adjoining the subject site offers a cost effective way of extending urban infrastructure services that will need to be designed and provided in any event.



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Section D – State and Commonwealth Interests

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

In this case, the Planning Proposal could only proceed to the development stage if adequate servicing and infrastructure can be provided for the site and the development of it.

The site is in direct proximity to the residential development of Chelsea Gardens Coomungie. This significant urban release area will in due course be required to provide all services - water, sewer, power, roads. The detailed analysis of the exact requirements for this will undertaken and the outcomes will underpin the range of Development Applications that will come forward.

This Planning Proposal should be considered now so that Council is in a position to gauge the adequacy of the infrastructure planning for the locality. It would not be feasible to attempt to provide all urban services to the subject land without the development proceeding around it.

The approximate yield from this Proposal as submitted would be in the order of 70 - 80 additional lots. Within the context of the adjoining Chelsea Gardens Coomungie development, this represents approximately 5% of what would be the total potential dwelling number to be expected from development in this locality.

Whilst it is acknowledged that further detailed studies will be required to justify the final determination and yield of any development of the subject site and importantly how that fits in with the infrastructure planning of the broader Chelsea Gardens Coomungie development, it is also true that if not considered now, such dovetailing of infrastructure requirements will become more difficult. At a strategic level, the conclusion is that if 1200 dwellings can be planned for at Chelsea Gardens Commungie, then 1270 dwellings can be planned for.

The Gateway process allows for and recognises the need for broader management and coordination, including the need for agency consultation. If consideration of this Proposal concluded that there was inadequate public infrastructure capacity ever to be available, then the Gateway process would allow termination of the Proposal at that point.

The Planning Agreement regime also provides the mechanism for the negotiation of appropriate infrastructure and material public benefits.

PART 4 – MAPPING

The following map(s) will require amendment as indicated below:

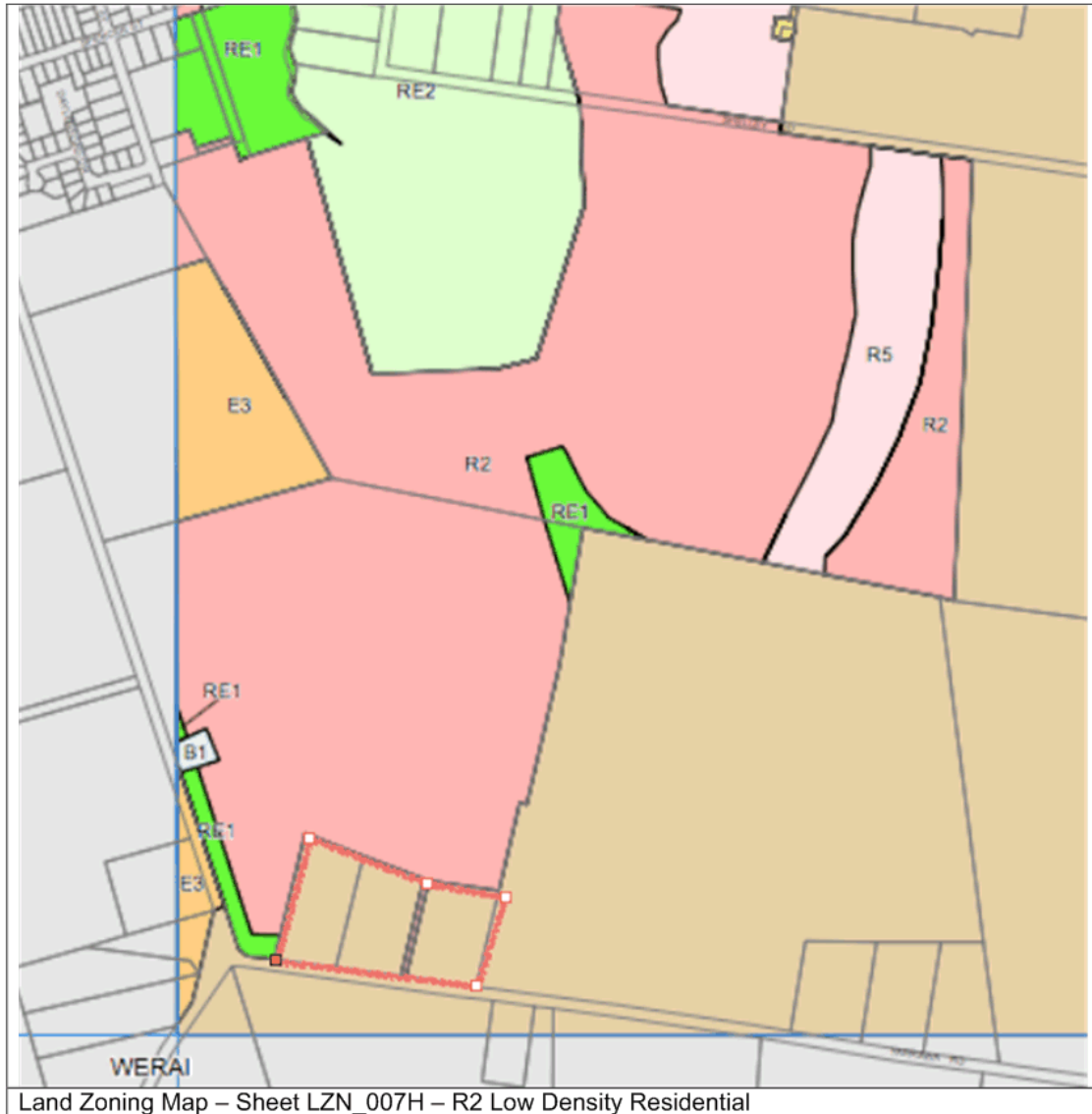
The Planning Proposal will be given effect by a change to the WLEP2010 Land Zoning Map and in due course a change to the Lot Size Maps.

Sheet LZN_007H will need to be amended by identifying the subject land as being within the R2 Low Density Residential zone. There will be a consequential change to the Sheet LSZ_007H showing minimum lot sizes potentially of 600 square metres.

No other WLEP2010 maps are required to be amended.



Planning Proposal – amend zoning and minimum lot size for subdivision of land at Yarrowa Road,
Version 1 – For Council Consideration & Determination – (March 2019)





Planning Proposal – amend zoning and minimum lot size for subdivision of land at Yarrawa Road,
Version 1 – For Council Consideration & Determination – (March 2019)



Lot Size Map – Sheet LSZ_007H – Minimum Lot Size 600 square metres (M)



Planning Proposal – amend zoning and minimum lot size for subdivision of land at Yarrawa Road,
Version 1 – For Council Consideration & Determination – (March 2019)

PART 5 – AGENCY REFERRALS & COMMUNITY CONSULTATION

Agency referrals will occur as required in the Gateway Determination and will include at least referral to Water NSW. Referrals usually also include NSW Rural Fire Service and, if relevant, Office of Environment & Heritage.

Community consultation will occur as directed in the Gateway Determination and in accordance with the *Department's Guide to Preparing LEPs*. It is noted that Council normally provides at least 28 days of public exhibition that includes, as relevant, notification by letter/email to adjoining property owners and weekly advertising in the Southern Highland News for the duration of the exhibition period.

The principal place of exhibition is the Customer Service Counter at the Civic Centre. The Planning Proposal and relevant documentation are also located on Council's website, and at relevant libraries including Council's Rural Outreach & Delivery Service (ROADS) Mobile Library. Over 3,000 email notifications are sent to E-News subscribers.

PART 6 – TIMELINE

It is anticipated that the Planning Proposal will progress in accordance with the following key timeline milestones:

MILESTONE	ACTUAL (INDICATIVE) DATES
Receipt of proponent's Planning Proposal by Council	
Resolution of Council to proceed to a Gateway Determination	
Submission of Planning proposal for Gateway Determination	
Issue of Gateway Determination	
Agency Consultation(s)	
Public Exhibition dates	
Report to Council on exhibition of Planning Proposal.	
Draft Opinion Request to PCO	
Approximate completion date	

DELEGATIONS

Council seeks delegation for the processing of this Planning Proposal. A copy of the Delegation Request Form is attached.

ATTACHMENTS TO REPORT

Item 12.3

Planning Proposal to Rezone and Amend the Minimum Lot Size for Land at 34 Suttor Road Moss Vale.

Attachment 1

Planning Proposal for 34 Suttor Road Moss Vale



Planning Proposal

Proponent Initiated

To amend Wingecarribee Local Environmental Plan 2010 to rezone the land from R5 Large Lot Residential to R2 Low Density Residential and introduce a minimum lot size to allow the subdivision of the land to a minimum of 700 square metres .

Prepared & Submitted by: Lee Environmental Planning

On behalf of:

Version 1 – For Council Assessment & Determination

August 2018



Civic Centre, Elizabeth St, Moss Vale, NSW 2577.
PO Box 141, Moss Vale. ABN 49 546 344 354
T. (02) 4868 0888 E. wscmail@wsc.nsw.gov.au

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12.3 Planning Proposal to Rezone and Amend the Minimum Lot Size for Land at 34 Suttor Road Moss Vale.

ATTACHMENT 1 Planning Proposal for 34 Suttor Road Moss Vale



Planning Proposal - Suttor Road, Moss Vale

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ATTACHMENTS WHICH FORM PART OF THIS PLANNING PROPOSAL

1	Planning Proposal to amend the Zoning Map and Minimum Lot Size Map for land at Suttor Road, Moss Vale
2	Plans of potential subdivision layouts under both the existing R5 and proposed R2 residential zonings
3	Additional site photos to highlight site context
4	Political Donations Declaration Form



12.3 Planning Proposal to Rezone and Amend the Minimum Lot Size for Land at 34 Suttor Road Moss Vale.

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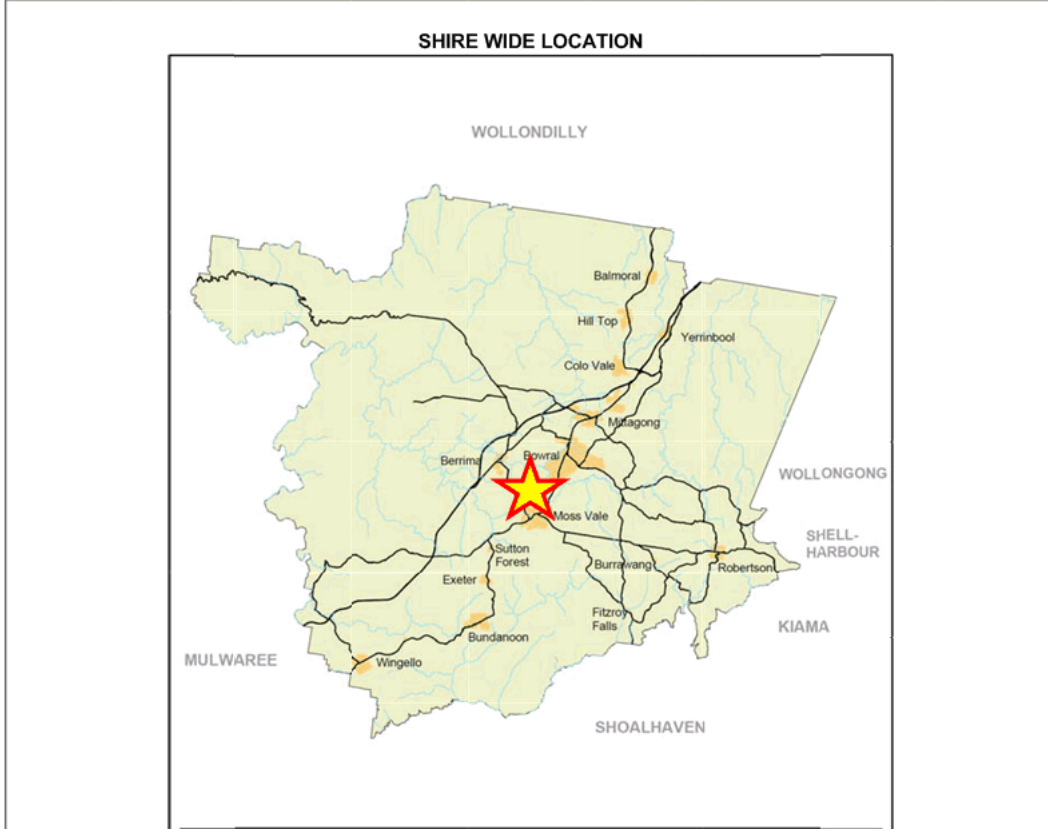
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LOCAL GOVERNMENT AREA: WINGECARRIBEE SHIRE COUNCIL

ADDRESS OF LAND: Suttor Road, Moss Vale being Lot 25A DP5284 and Lot N DP4860



**12.3 Planning Proposal to Rezone and Amend the Minimum Lot Size for Land at
34 Suttor Road Moss Vale.****ATTACHMENT 1 Planning Proposal for 34 Suttor Road Moss Vale**

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SITE LOCATION & DESCRIPTION

The subject site comprises two adjoining parcels under the same ownership, legally described as Lots 25A DP5284 and Lot N DP4860.

It has a street address of 34 Suttor Road, Moss Vale.

The land is vacant and cleared.

The site has an eastern boundary frontage to Suttor Road of 230 metres and is roughly square in shape, resulting in north and south side boundaries of approximately 220 metre length.

It has a total site area of approximately 4.9 hectares.

The land is on the western side of Suttor Road, directly opposite low density residential development that has been established since the early 1980s. It is just 600 metres from the main intersection of Argyle Street and the Illawarra Highway and just 1 kilometre from the Moss Vale railway station and the centre of the Moss Vale commercial district.

As noted, it is directly opposite established low density residential development to the east. On its southern boundary is established industrial development (currently Oxley Frames and Trusses) and to the rear, the site's western boundary, is industrial development that fronts McCourt Road.

To its north is one parcel of land being Lot 5 DP873240, that is within the same R5 Large lot zoning as the subject site but rather than being vacant as the subject site is, it has a substantial single dwelling house erected upon it. Beyond this lot the zone changes to the E3 Environmental Management zone that is visible from Moss Vale Road and forms a part of the 'green belt' between along the Wingecarribee River.

The topography of the land rises from the east (Suttor Road) to the west, with the western boundary of the site being aligned with the north south ridge line that separates the site from the industrial land to the west (McCourt Road). These sites are not visible from Suttor Road.

The site has a limited visual catchment, being visible only from Suttor Road itself. Because of the topography and the alignment of Suttor Road, when travelling south west along Suttor Road, the site is not visible until you approach the intersection of Suttor Road and Rytina Place. From the south it is not visible until after you have crossed over the Moss Vale Unanderah Rail Line.

The site has direct access onto Suttor Road that is a link road acting as both a local collector road and a distributor of local traffic. It would provide direct access to the Moss Vale town centre to the south and to the north it would provide direct access onto Moss Vale Road to head north towards Bowral and Mittagong. There would be no traffic impacts upon any local roads as a result of the development of the site.

The current zoning of the land under Wingecarribee Local Environmental Plan 2010 is R5 Large Lot Residential, signally Council's acceptance of the residential suitability of the site in a general sense. This zoning is not considered to be the most appropriate for the future potential of the land.

The locality has a mixed character, with low density residential development at the interface with industrial development.

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It is a good example of where infill development can be encouraged that would result in a more compatible land use arrangement to take advantage of proximity to services without impacting upon adjoining properties or on any of the urban character of Moss Vale, while also helping to reduce the pressure being experienced to expand town boundaries into sensitive rural landscapes.



Planning Proposal – Suttor Road, Moss Vale

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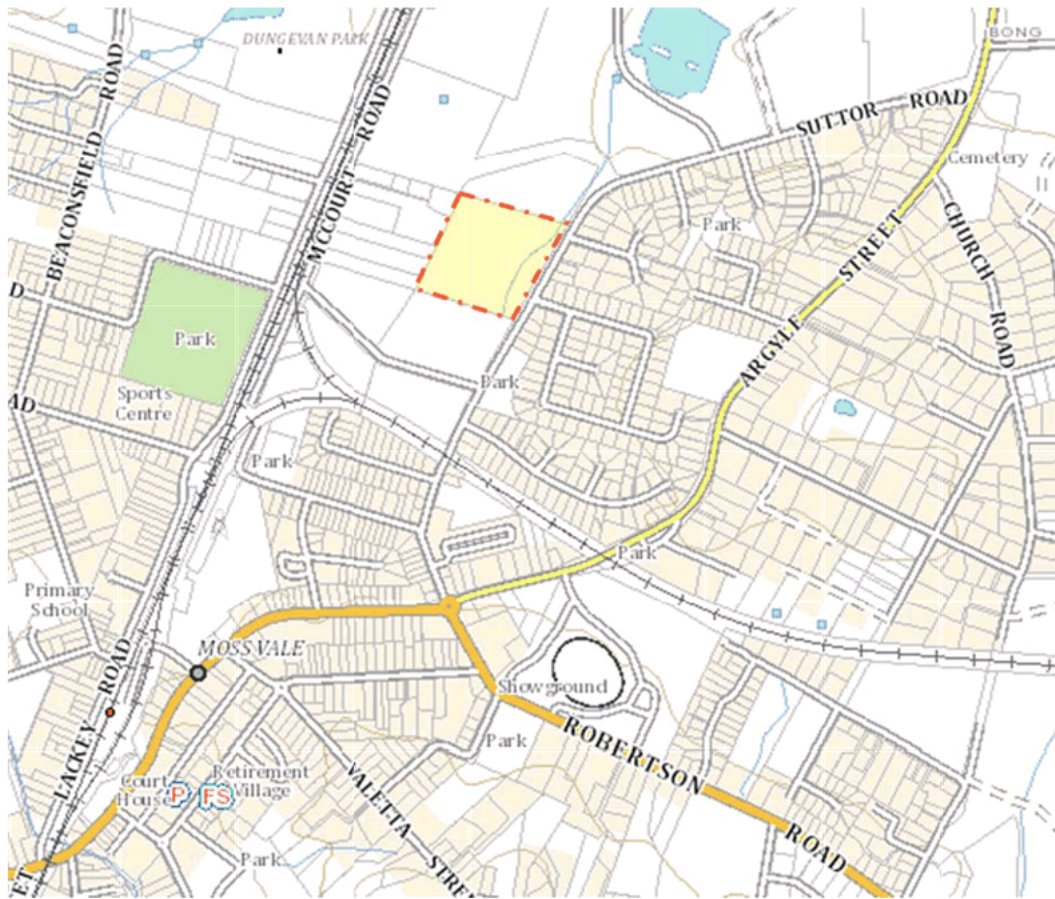


Figure 1: Site locality showing proximity to Moss Vale town centre and surrounding residential development

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Figure 2: Aerial view of site showing relationship with adjoining land uses being low density residential dwellings to the east and industrial development to the immediate south and west.

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Figure 3: View of site from Suttor Road looking north

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Figure 4: Existing low density residential development directly opposite the subject site on the eastern side of Suttor Road looking north

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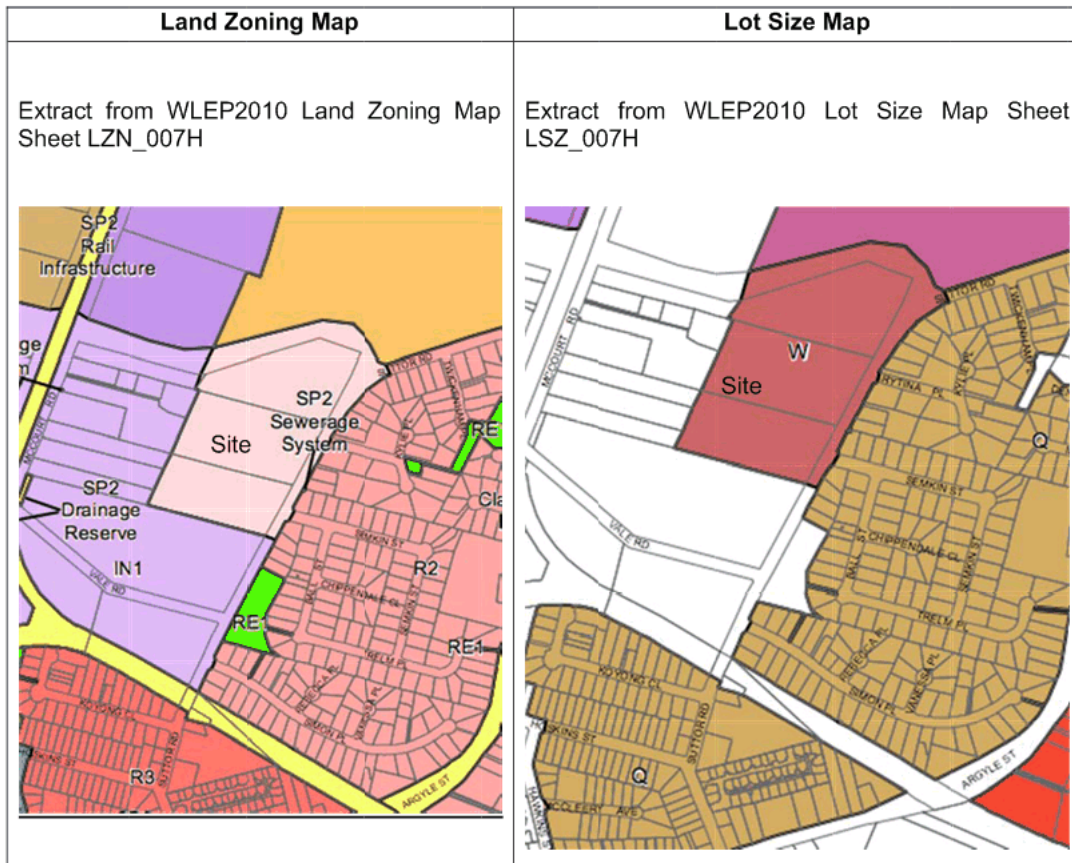


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The subject land is within WLEP2010 map Land Zoning Map Sheet 007H shown as R5 Large Lot Residential. It is currently identified on the Lot Size Map 007H as having a minimum lot size for subdivision development standard of "W", being 4000 square metres.



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PART 1 : OBJECTIVES OR INTENDED OUTCOMES

The objectives of this Planning Proposal are as follows:

- To provide for the future residential development of the land at a density of a minimum 700 square metres per lot
- To provide the appropriate planning mechanism to give effect to the desired development outcome

The intended statutory planning outcome would be that the land (Lots 25A DP5284 and Lot N DP4860) is identified upon the appropriate Zoning Maps of Wingecarribee Local Environmental Plan 2010 as R2 Low Density Residential and upon the appropriate Lot Size Maps of Wingecarribee Local Environmental Plan 2010 so that subdivision of the land is permissible to a minimum lot size of 700sqm.

The intended built form outcome would be, subject to the submission and assessment of Development Applications, the subdivision of the land and the subsequent construction of residential development upon those lots, consistent with the range of permissible land use types within the R2 zone. It is anticipated that this would be predominately single dwelling houses with the possibility of some dual occupancy development.

This development assessment process would involve the consideration of the existing land, including the opportunities and constraints to create new allotments with a minimum lot size of 700sqm, incorporating an assessment of each lot for its suitability for the future erection of residential development.

To assist in Council's consideration at this stage, the Planning Proposal has been supported by two plans of proposed subdivision – one at the current minimum lot size of 4000 square metres and one at the proposed minimum lot size of 700 square metres. These have been prepared by Australian Survey Solutions to enable a reasonable comparison of the possible development scenarios under the existing and proposed planning regimes. With reference to these plans, the overall dwelling yield increases from 11 large residential lots to 46 standard residential lots.

With the immediately adjoining land to the east on the opposite side of Suttor Road being the dominant residential form in this locality, the resulting 46 standard residential lots on the subject land would represent a development outcome completely consistent with its residential neighbours. In this sense, the proposal represents a logical 'in-fill' development opportunity. It does not seek to expand the town boundaries into a green field location or one that is highly visible or environmentally sensitive.

It is important from a strategic planning perspective that Council recognise such opportunities to maximise the potential of in fill development sites if they are to successfully give effect to the local planning strategy and evenly distribute the delivery of new housing across existing areas and new green field areas.



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PART 2 : EXPLANATION OF THE PROVISIONS

- To achieve the intended outcomes of the Planning Proposal the following amendments to the WLEP 2010 instrument will be required:

The WLEP2010 instrument does not require amendment in order to achieve the intended outcomes of the Planning Proposal. The changes required are map related as described below

- To achieve the intended outcomes of the Planning Proposal the following WLEP 2010 maps will require amendment:

Map to be amended	Detail of Amendment
Land Zoning Map Sheets LZN_007D and Sheet LZN_007H	Amend the WLEP 2010 maps so that the subject land, Lots 1 and 2 DP627287, are within the R2 Low Density Residential zone
Lot Size Map Sheets LSZ_007D and Sheet LSZ_007H	Amend the WLEP 2010 maps so that the subject land, Lots 1 and 2 DP627287, are within the area identified as 700 square metre minimum lot size

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 the logical progression from Council’s resolution of 23 March 2016 in regard to the Wingecarribee Local Planning Strategy 2015-2031, because it presents an excellent opportunity for infill residential development.

It is understood that Chapter 4 of the Local Planning Strategy that recognises the need to provide more housing opportunities and to do so without compromising the inherent rural character of the Shire, is to be reviewed at the insistence of the Department of Planning. Inquiries of both the Wingecarribee Shire Council and the Department of Planning and Environment were made to ascertain a timeframe for this work to be undertaken. No formal timetable was available.

In the absence of a timetable, it should be considered unreasonable to expect all land owners to stall indefinitely potential projects of planning merit. It should be viewed as reasonable that Council be able to deal with projects that are demonstrated to be generally in accordance with the previously stated strategic aims of Council.

This Planning Proposal is therefore made on the basis of the need for Council to consistently review its position in relation to land availability from a long term strategic perspective and in that

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sense it is being put forward as a proposal consistent with both Council's stated aims and its needs.

The Local Planning Strategy needs to be given effect by subsequent planning decisions and this Planning Proposal that requests a rezoning of land, is consistent with the Strategy and will therefore assist in achieving Council's long term planning objectives.

It is also directly relevant to the work and purpose of the Council's Demographics and Housing Advisory Committee that has a primary responsibility of ensuring the provision of residential zoned land to best meets the needs of the projected future population. In this case, the land already carries a residential zoning, so the suitability of it for residential purposes should not be disputed.

For Council to be successful in achieving its strategic aims for housing within the Shire that balances 'green field' growth opportunities and 'infill' development opportunities, there will be a need to recognise those infill opportunities that can contribute without causing any disruption to existing neighbourhoods or without the need for major infrastructure expenditure. This is one such opportunity.

It is in this context that this Planning Proposal is put forward as a way to address a situation that is of high priority and of important consequence. Therefore while it could be argued that the Proposal is not strictly in accordance with the current Planning Strategy of Council, it is clearly in accordance with the strategic necessity of Council.

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

A Planning Proposal is the appropriate way to achieve the desired outcome. It is not possible to move directly to the Development Application phase to subdivide the land into smaller allotments for future housing under the existing R5 Large Lot Residential zoning of the land and its attendant 4000 square metre minimum lot size for subdivision. The discretion afforded Council by Clause 4.6 of the WLEP2010 to vary the minimum lot size within the R5 zone is limited and not suitable for the desired development outcome.

It should be reasonably assumed that a Planning Proposal pathway will be accepted by Council as the appropriate means of achieving the intended outcomes. The current zoning of the land does not allow for a reasonable redevelopment of the land that would be consistent with the character of the surrounding locality, which is predominately low density residential of the type being proposed.

Large lot residential development in this locality would not be the highest and best use of the land.

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 Planning Proposal is consistent with the South East and Tablelands Regional Plan that has superseded the Sydney Canberra Corridor Regional Strategy 2006-31.

In broad terms, the Regional Plan, as did its predecessor, seeks to cater for continued growth within the region, without impacting adversely upon the character of the region. This Planning

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Proposal achieves this by providing an opportunity for residential development upon the land at a density of development achievable upon the subject land, with such development being consistent with the predominant residential character of the land immediately opposite and within the capacity of the land to accommodate residential development.

Although the existing zoning is a residential zone, it does not represent the highest and best use of the land. Conversely there is no shortage of alternative large lot residential land in the Shire, at a time when the demand is skewing away from large lot residential to smaller, easy care lots that are well located to services, facilities and transport. The subject land satisfies all of these traits.

The strategies broad aim of protecting the sensitive elements of the natural environment is not endangered by this Planning Proposal.

Chapter 4 of the Strategy is Environmentally sustainable housing choices. This Planning Proposal supports that broad objective.

Direction 24 of the Strategy is to deliver greater housing supply and choice, noting that local housing strategies need to consider community aspirations. This Planning Proposal will support this objective and would be consistent with the community aspirations as put forward in previous community workshops that show support for well located housing options and actions that have a positive impact on the issue of housing affordability within the Southern Highlands.

Housing affordability is currently a major and serious issue of concern. There are various issues that play into housing affordability, however the supply of land and housing is critical in that equation. This locality can provide housing that would be well located, easily serviced and offer an affordable price point in the housing market.

Direction 25 of the Strategy Focus is for housing growth in locations that maximise infrastructure and services in particular to achieve sustainable urban outcomes that do not undermine existing strategic and local centres. The sites proximity to the Moss Vale centre is ideal in the opportunity it provides to leverage off infrastructure and services already existing in this locality.

Direction 27 is to deliver more opportunities for affordable housing and this Planning Proposal can achieve that outcome.

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

The Planning Proposal is consistent with the local planning strategy for Wingecarribee Shire.

The relevant local strategy is the recently adopted Wingecarribee Local Planning Strategy 2015 - 2031.

It is noted that Chapter 4 of the adopted Strategy is required to be reviewed with Council being advised by the Department of Planning and Environment that further work was required in terms of providing for additional housing/residential land opportunities. The position taken by the Department simply reinforces this particular Planning Proposal and how it fits in with Council's needs.

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Chapter 4 set out to deal with managing housing needs and it clearly identifies the ongoing pressure to ensure a supply of housing opportunities across the Shire for a range of different needs. The establishment of the Demographics and Housing Advisory Committee is part of this work.

This Planning Proposal is consistent with the Objective of Chapter 4 of the Strategy as put forward by Council, because it will eventually add to the available housing stock in a location that has access to essential services and has good proximity to community services such as schools, parks, shops.

The fact that Chapter 4 of the Strategy was not endorsed by the Department of Planning was a statement that the strategy had not done enough in terms of housing opportunity. It does not make this Planning Proposal inconsistent with the Council's strategy – in fact it can assist in achieving the strategy because the concept of 'infill' development, as described in the Local Strategy, is supported by this Planning Proposal. It is dealing with land within existing zoned areas with good access to services, the development of which will not compromise the rural character of the Shire nor threaten sensitive rural landscapes. In this case it will result in a more compatible land use outcome than the present zoning.

It is also noted that the more recent changes to the *Environmental Planning and Assessment Act 1979* requires Council to prepare a local strategic planning statement. Currently it is unknown as to the timeframe for this work to be completed or if this statement will take precedent over Council finalising Chapter 4 of its adopted Local Strategy. For the purposes of this Planning Proposal it is not anticipated that such a planning statement will reverse Council's current support for infill development opportunities.

While the most recent requirement for a local strategic planning statement is noted, it cannot come at the continued deferral of relatively small scale infill opportunities that are clearly consistent with Council's already stated aims and objectives.

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

The Planning Proposal is not inconsistent with any State Planning Policy.

Due to the nature of previous land uses upon the site, it would be necessary to consider the requirements of *State Environmental Planning Policy No 55—Remediation of Land* before any final decision on rezoning was taken. The preparation of relevant contamination reports and if necessary remediation reports can be a condition of any gateway approval.

State Environmental Planning Policy	Relevance to Planning Proposal
No.1 Development Standards	No longer relevant due to Clause 4.6 of WLEP2010 being the mechanism for the consideration of variations to development standards. As noted in the body of the report, it is not possible in this case to utilise the provisions of Clause 4.6 to



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	achieve the stated planning/development outcome
No.14 Coastal Wetlands	Does not apply to the subject site
No.19 Bushland in Urban Areas	Does not apply to the subject site
No.21 Caravan Parks	Potentially applicable to future development at the Development Application stage, however it is noted that caravan parks are not permissible in the proposed R2 Low Density Residential zone
No.26 Littoral Rainforests	Does not apply to the subject site
No.30 Intensive Agriculture	Does not apply to the subject site
No.33 Hazardous and Offensive Development	Potentially applicable to future development at Development Application stage, however it is noted that industries of the type covered by the Policy are not permissible in the proposed R2 Low Density Residential zone
No.36 Manufactured Home Estates	This Policy applies to land within Wingecarribee Shire. However it is noted that caravan parks are not permissible in the proposed R2 Low Density Residential zone and therefore manufactured home estates will not be permissible
No.44 Koala Habitat Protection	This Policy applies to land within the Wingecarribee Shire. However the Policy requires Council to be satisfied of certain matters prior to issuing consent to Development Applications, not Planning Proposals. Clause 16 does allow for the preparation of local environmental studies, which could be required as part of any Gateway determination. However, in this case, the subject land does not contain potential koala habitat and is not core koala habitat so the likely need for such a study is negligible.
No. 47 Moore Park Showground	Does not apply to the subject site
No.50 Canal Estate Development	Does not apply to the subject site
No.52 Farm Dams and Other Works in Land and Water Management Plan Areas	Does not apply to the subject site

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No.55 Remediation of Land	This Policy applies to land within the Wingecarribee Shire. Clause 6 requires the planning authority to consider whether the land is contaminated and/or whether the land can be made suitable for purpose. The land is not within a class of land identified within Clause 6 subclause (4) and the existing residential zoning and the previous land use history suggests that land contamination is unlikely to be a major issue. Initial contamination assessments can be required either as part of a Gateway determination or as part of subsequent Development Applications for the subdivision of the land.
No. 62 Sustainable Aquaculture	Not applicable to the form of development permissible within the proposed zones
No.64 Advertising and Signage	This policy applies to land within the Wingecarribee Shire. However, the provisions relate to the assessment of Development Applications and can be properly administered if relevant applications are made in the future.
No.65 Design Quality of Residential Apartment Development	This Policy applies to land within Wingecarribee Shire. However it is noted that residential flat buildings and other building types covered by the policy are not permissible in the proposed R2 Low Density Residential zone
No.70 Affordable Housing (Revised Schemes)	Does not apply to the subject site
No.71 Coastal Protection	Does not apply to the subject site
Affordable Rental Housing 2009	This Policy applies to land within Wingecarribee Shire. It may have some applicability to the land within the proposed R2 Low Density Residential zone. The PP is not inconsistent with the Policy and any relevant Development Application lodged can be assessed against the Policy if that development seeks to rely upon the Policy
Building Sustainability Index: Basix 2004	Related to the development/building phase
Educational Establishments and Child Care Facilities 2017	This Policy applies to land within Wingecarribee Shire. However, the Policy is focused on the development application process. The proposed R2 Low Density

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	Residential zone is a prescribed zone for the purposes of the Policy that will enable certain development to proceed, with or without consent.
Exempt and Complying Development Codes 2008	This Policy applies to land within Wingecarribee Shire and will be applicable in the usual way
Housing for Seniors or People with a Disability 2004	This Policy applies to land within Wingecarribee Shire. The PP is not inconsistent with the Policy. The R2 Low Density zone would be considered as land zoned primarily for urban purposes whereas the existing R5 Large Lot Residential zone is not. Therefore seniors housing will be permissible under the Policy, as it is within the R2 zone under WLEP2010.
Infrastructure 2007	This Policy applies to land within Wingecarribee Shire. However it is focused upon the development application phase. A subdivision of the land within the proposed R2 Low Density zone would not be of a scale large enough to trigger referral to the RMS as Traffic Generating Development under Clause 104 Schedule 3. A Gateway determination may require more detailed assessment as part of the formal exhibition process or the matter could be dealt with as part of the Development Application process. The PP is not inconsistent with the Policy.
Integration and Repeals 2016	Does not apply to the subject site
Kosciuszko national Park - Alpine Resorts 2007	Does not apply to the subject site
Kurnell Peninsula 1989	Does not apply to the subject site
Mining, Petroleum Production and Extractive Industries 2007	This Policy applies to land within Wingecarribee Shire. However it does not contain provisions that require any specific provisions within PPs. The policy is focused on the Development Application phase
Miscellaneous Consent Provisions 2007	This Policy applies to land within Wingecarribee Shire however has no particular relevance to this PP

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Penrith Lakes Scheme 1989	Does not apply to the subject site
Rural Lands 2008	This Policy applies to land within Wingecarribee Shire. The land is not State Significant agricultural land. The Policy is not relevant to this PP.
State and Regional Development 2011	This Policy applies to land within Wingecarribee Shire however the PP does not involve land or a scale of development that is relevant to the Policy
State Significant Precincts 2005	This Policy applies to land within Wingecarribee Shire however the PP does not involve land or a scale of development that is relevant to the Policy
Sydney Drinking Water Catchment 2011	The Wingecarribee Shire is within the area covered by the Policy. The key purpose of the Policy is to ensure water quality impacts are properly assessed as part of development proposals. Any Gateway determination could require further more detailed water quality assessment to be part of the formal exhibition process or such assessment could be held over until the development application phase. The PP is not inconsistent with the Policy and there is no reason to suspect that future residential development cannot satisfy the NorBE test under the Policy
Sydney Region Growth Centres 2006	Does not apply to the subject site
Three Ports 2013	Does not apply to the subject site
Urban Renewal 2010	Does not apply to the subject site
Vegetation in Non-Rural Areas 2017	Does not apply to the subject site
Western Sydney Employment Area 2009	Does not apply to the subject site
Western Sydney Parklands	Does not apply to the subject site

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

The following table provides an assessment of the Directions issued by the Minister for Planning under section 117(2) of the *EP&A Act 1979*, last updated on 2 April 2018:

Direction	Assessment
1. Employment and Resources	
1.1 Business and Industrial Zones	The proposal will not reduce the available land that is zoned as employment generating.
1.2 Rural Zones	NA
1.3 Mining, Petroleum Production and Extractive Industries	NA
1.4 Oyster Aquaculture	NA
1.5 Rural Lands	NA
2. Environment and Heritage	
2.1 Environment Protection Zones	The land is not within an environment protection zone. In any event, the proposed change of zone would not alter the requirement for any development proposal (future dwelling houses predominately) to properly consider the appropriate range of environmental issues, in this case, stormwater quality. The PP is not inconsistent with the Direction.
2.2 Coastal Management	NA
2.3 Heritage Conservation	The land is not within a conservation area under WLEP2010, nor in proximity to any individually listed heritage item.
2.4 Recreation Vehicle Areas	NA
2.5 Application of E2 and E3 zones and Environmental Overlays in Far North Coast LEPs	NA

12.3 Planning Proposal to Rezone and Amend the Minimum Lot Size for Land at 34 Suttor Road Moss Vale.

ATTACHMENT 1 Planning Proposal for 34 Suttor Road Moss Vale



Planning Proposal – Suttor Road, Moss Vale

Prepared by Lee Environmental Planning

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3. Housing, Infrastructure and Urban Development	
3.1 Residential Zones	The PP is consistent with this Direction because it seeks to introduce additional residential capacity to land already within a residential zone. In doing so it will broaden the choice of housing types and locations available in the housing market. It is seeking to do this on land that has appropriate access to infrastructure and services thereby ensuring that its development would minimise the impact upon the environment, in particular reducing the potential need for consumption of land upon the urban fringe. The PP is not seeking to expand the urban fringe because it is taking advantage of a site within the developed urban area of Moss Vale being directly opposite existing low density residential land, with other urban uses adjoining. Infrastructure, such as roads and sewer don't require expansion or extension into areas previously un-serviced, because they are already in place.
3.2 Caravan Parks and Manufactured Home Estates	NA
3.3 Home Occupations	NA
3.4 Integrating Land Use and Transport	The PP is consistent with this Direction because the site is within walking distance of public transport and the full range of services afforded by the Moss Vale town centre.
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	The land is not identified flood prone land
4.4 Planning for Bushfire Protection	The subject land is not mapped as bushfire prone on Council's Bushfire Hazard Maps.

**12.3 Planning Proposal to Rezone and Amend the Minimum Lot Size for Land at
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5. Regional Planning	
5.1 Implementation of Regional Strategies NB: This Direction was revoked on 17 October 2017	The South East and Tablelands Regional Plan (previously the Sydney – Canberra Corridor Regional Strategy) is in place and therefore could be considered relevant. The PP is not inconsistent with the regional plan that seeks to achieve additional housing opportunities within the Wingecarribee Shire.
5.2 Sydney Drinking Water Catchments	The proposed amendment to WLEP2010 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 land is within a developed urban area and does not represent a risk to water quality within the catchment. Residential development of the land represents a low risk to water quality. 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
5.5 Development in the vicinity of Ellalong, Paxton and Millfield (Cessnock LGA) (Revoked 18 June 2010)	NA
5.6 Sydney to Canberra Corridor Revoked on 10 July 2008	NA
5.7 Central Coast Revoked 10 July 2008	NA
5.8 Second Sydney Airport: Badgerys Creek	NA
5.9 North West Rail Link Corridor Strategy	NA



Planning Proposal – Suttor Road, Moss Vale

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5.10 Implementation of Regional Plans	This requires a PP to be consistent with any adopted regional plan. As per the comments in 5.1 above, this PP would assist in providing additional housing opportunities in an area with access to services and infrastructure in a manner that would not impact upon the natural environment of the Shire
6. Local Plan Making	
6.1 Approval and Referral Requirements	A PP that seeks to allow an agreed density of development on designated land parcels 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 other than the standard reference to the Lot Size Maps that would identify a minimum lot size for subdivision of 700 square metres
7. Metropolitan Planning	None of the identified priority growth areas relate to land within the Wingecarribee Shire

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?

No. The land is not identified as containing any critical habitat or threatened species, populations or ecological communities or their habitats. The land is not adjacent to any other land that is identified as containing any critical habitat or threatened species, populations or ecological communities or their habitats.

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 immediate environmental impacts arising from the Planning Proposal.

As a consequence of the PP, there will be a Development Application(s) for subdivision and subsequently, dwelling houses or other permissible residential development upon the land. These Development Applications will provide the appropriate mechanism for the thorough assessment of any potential environmental impacts and these can be managed through the imposition of conditions of development consent as appropriate.

**12.3 Planning Proposal to Rezone and Amend the Minimum Lot Size for Land at
34 Suttor Road Moss Vale.****ATTACHMENT 1 Planning Proposal for 34 Suttor Road Moss Vale****Planning Proposal – Suttor Road, Moss Vale**

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There is no reason to suggest that the subject land is not capable of accommodating additional dwelling houses upon the subject land. The final number of lots created will depend upon a proper assessment process, but working with the minimum lot size of 700 sqm and with reference to the draft plan of proposed subdivision prepared by Australian Survey Solutions, it is likely that the site will accommodate in the order of forty plus lots.

Taking into account the pattern and usage of adjoining land, this is an achievable development outcome and one that from a residential development perspective would be consistent with the dominant residential form in this locality.

In terms of the usual development assessment issues associated with a residential subdivision, there are no immediately problematic issues that arise. Council may wish to recommend that any Gateway determination include a requirement for a water and sewer modelling exercise to be undertaken. There is no native vegetation or tree loss issues associated with the site and access and traffic management is a straight forward exercise with direct frontage onto Suttor Road and no need for any development generated traffic to be forced through smaller local roads.

The shared southern boundary with industrial zoned land would need to be considered carefully in the final design of any subdivision but this is the case under the existing zoning. It may be that a final subdivision layout would reduce the number of lots with a direct boundary to the industrial land.

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

There are no particular social impacts arising from the Planning Proposal. It is a site specific issue, rather than one that may have broader implications throughout the community. It will eventually provide for additional dwellings, the occupants of which will then contribute to the Moss Vale local community and the Southern Highlands more generally.

From an economic perspective, the PP will provide for the economic and best use of the land and maximise the investment already made in service infrastructure (water, sewer, roads, electricity).



Planning Proposal – Suttor Road, Moss Vale

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Section D – State and Commonwealth Interests

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

Appropriate and adequate public infrastructure is available to service the resultant development (power, water, sewer). The net increase of lots/dwellings will not place any significant burden upon these services. The existing road network is capable of accommodating the minor traffic increase generated by the PP. If additional infrastructure analysis was considered necessary in the form of water and sewer modelling, then this could be a condition of any Gateway approval, to be carried out prior to any formal change to the WLEP2010.

PART 4 – MAPPING

The subject land is situated at the intersection of the LEP map tiles, and identified on two separate maps. The following maps require amendment as indicated below:

Map to be amended	Detail of Amendment
Land Zoning Map Sheets LZN_007H	Amend the WLEP 2010 maps so that the subject land, Lots 25A DP5284 and Lot N DP4860, are within the R2 Low Density Residential zone
Lot Size Map Sheets LSZ_007H	Amend the WLEP 2010 maps so that the subject land, Lots 25A DP5284 and Lot N DP4860, are within the area identified as 700 square metre minimum lot size

PART 5 – COMMUNITY CONSULTATION

Community consultation will occur as directed in the Gateway Determination and in accordance with the Department’s Guide to preparing LEPPs. It is noted that Council normally provides at least 28 days of public exhibition that includes, as relevant, notification by letter/email to adjoining property owners and weekly advertising in the Southern Highland News for the duration of the exhibition period. Copies of the Planning Proposal and relevant documentation are provided on Council’s website, at the Customer Service Counter at the Civic Centre and at all relevant libraries including Council’s Rural Outreach & Delivery Service (ROADS) Mobile Library.

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PART 6 – TIMELINE

It is anticipated that the Planning Proposal will progress in accordance with the following key timeline milestones. It is not possible for the author of the PP to provide indicative dates.

MILESTONE	INDICATIVE DATE
Gateway Determination	
Agency Consultation	
Public Exhibition	
Report to Council on exhibition of Planning Proposal.	
S.59 Documents to DP&E & PCO.	
Approximate completion date	

DELEGATIONS

TO BE COMPLETED BY COUNCIL SHOULD THE PLANNING PROPOSAL PROCEED.

END

ATTACHMENTS TO REPORT

Item 12.4

Planning Proposal Rezone Land at 252-254 Centennial Road Bowral (Centennial Vineyards) from E3 Environmental Management to SP3 Tourist.

Attachment 4

Planning Proposal to rezone land at Centennial Vineyards to SP3 Tourist



Planning Proposal

To amend Wingecarribee Local Environmental Plan 2010 to amend the zoning maps under Wingecarribee Local Environmental Plan 2010 for land at Centennial Vineyards, Bowral from E3 Environmental Management to SP3 Tourist

Prepared for submission to Wingecarribee Shire Council by:

Lee Environmental Planning
33 Holly Street, Bowral
lep.planning@gmail.com

On behalf of: Centennial Vineyards (Windbelt Pty Ltd) **owners of the subject properties**

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Civic Centre, Elizabeth St, Moss Vale, NSW 2577.
PO Box 141, Moss Vale. ABN 49 546 344 354
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12.4 Planning Proposal Rezone Land at 252-254 Centennial Road Bowral
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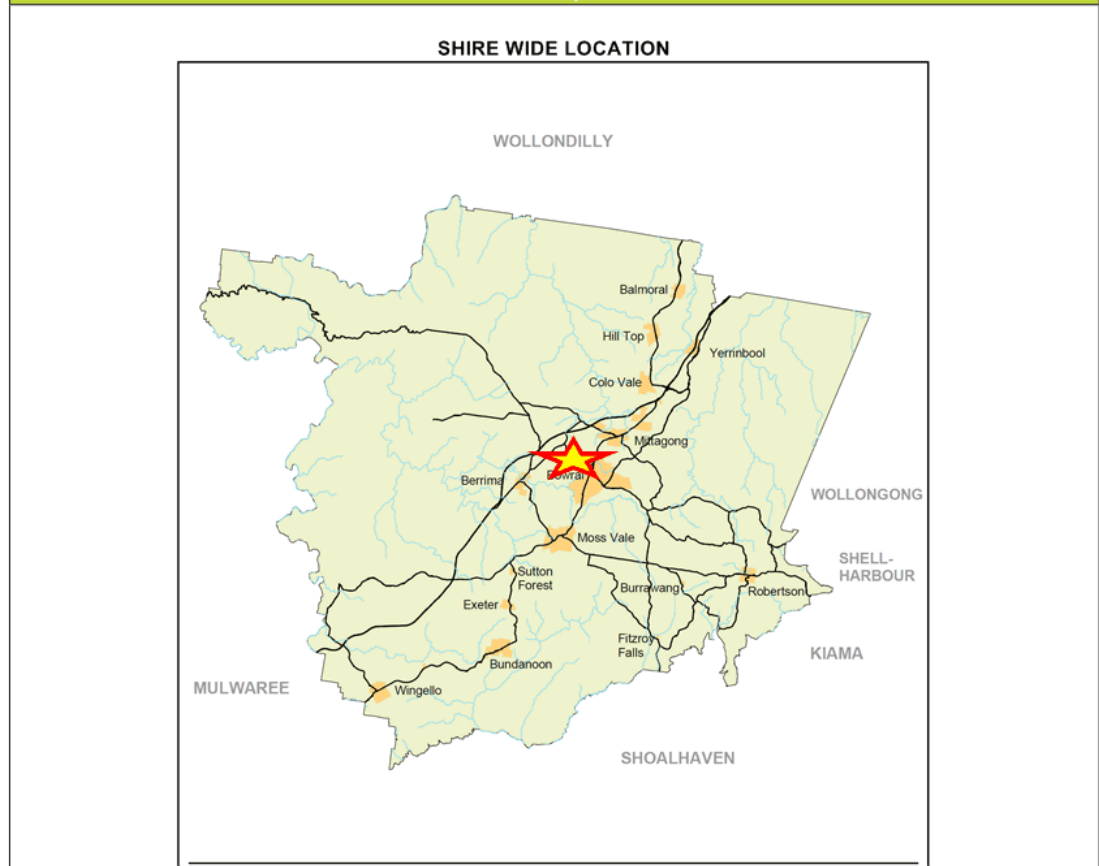
Planning Proposal – amend zoning of land at Centennial Road, Bowral
 Version 1 – For Council Consideration & Determination – (February 2020)

DOCUMENTS WHICH COMPRISE THIS PLANNING PROPOSAL

1	Introduction letter prepared by Lee Environmental Planning

LOCAL GOVERNMENT AREA: WINGECARRIBEE SHIRE COUNCIL

ADDRESS OF LAND : 254 Centennial Road, Bowral



12.4 Planning Proposal Rezone Land at 252-254 Centennial Road Bowral (Centennial Vineyards) from E3 Environmental Management to SP3 Tourist. ATTACHMENT 4 Planning Proposal to rezone land at Centennial Vineyards to SP3 Tourist



Planning Proposal – amend zoning of land at Centennial Road, Bowral
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SITE LOCATION & DESCRIPTION

The site is legally described as follows:

- Lot 1 DP 126196;
- Lot 1 DP 435373;
- Lot 1 DP79802; and
- Lots 1 and Lot 5A DP16192

It has an address of 254 Centennial Road, Bowral.

Collectively the site is known as Centennial Vineyards.

It is situated on Centennial Road, on the western extremity of Bowral township, approximately 3 kilometres west of the town centre and approximately east of Centennial Road’s intersection with the Old Hume Highway.

It is irregular in shape and has a frontage to Centennial Road of approximately 1.3 kilometres. It has a total site area of approximately 125 hectares (Refer to Figures 1 and 2).

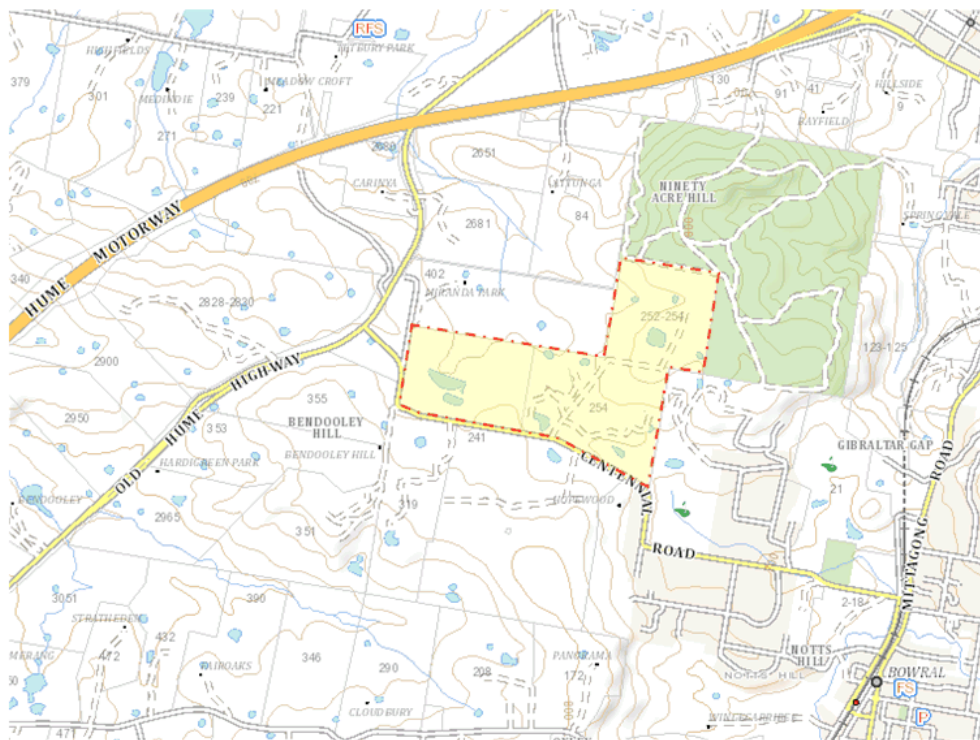


Figure 1: Site locality (Source:Sixmaps)

12.4 Planning Proposal Rezone Land at 252-254 Centennial Road Bowral
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Figure 2: Broad Aerial view of the locality of the subject site (Source: SixMaps)

The winery, cellar door and restaurant are accessed off Centennial Road, up a long tree lined driveway with the buildings sitting behind a screen of native vegetation and a backdrop of vines.

The improvements upon the site are associated with the vineyards, winery, cellar door, restaurant, storage sheds and farm buildings and car park area.

The site has access to all utilities including gas, electricity, town water and sewer.

There is also a residential component to the property, with a primary dwelling house that is not visible from Centennial Road, located north of and discrete from the winery and cellar door. There is also a secondary dwelling that is utilised as a farm managers residence, located towards the main entrance just off Centennial Road.

There are large areas under vine occupying approximately 30 hectares of the site. A large proportion of these vines are visible from the sites lengthy frontage to Centennial Road and they contribute in a significant way to the visual character of the site.

There are also large areas of remnant bushland amounting to approximately 25 hectares or about 20% of the site area. They are scattered across the site, the largest contiguous parcels being located at the northern and western ends of the site. There is a good scattering of native vegetation visible from Centennial Road providing an attractive natural counter balance to the more formalized vineyard plantings and helping to reduce the visual impact of the complex of winery buildings.

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The site has a long history of tourist related activity. Prior to the planting of the vineyard in 1998, the property was known as 'Maple Downs'. It had a trout 'fish out' dam and numerous other dams that were utilised for the propagation of trout. You could catch a trout and the restaurant on site would cook it for your meal.

There was a horse riding school and horse riding trails. There was a previous approval for small scale tourist cabins located within the area to the north east of the winery building where the outdoor concerts have more recently been held. These cabins are not present on site.

The winery is arguably the most well known and substantial within the Southern Highlands. The winery has been the recipient of a 5 Star rating within the James Halliday Wine Companion as far back as 2014. On this score it places Centennial Vineyards in the top echelon of wineries across Australia. The associated Centennial Restaurant is rated within the top 3 outside of Sydney as a function venue.

The site is currently within the E3 Environmental Management zone of the Wingecarribee Local Environmental Plan 2010. Figure 3 is an extract from WLEP2010 Land Zoning Map Sheet LZN_007F, identifying the current zoning of the site as E3 Environmental Management and showing the context relative to the adjoining land to the east and south east that is within the R5 Large Lot Residential zone.

Adjacent are two parcels of RE2 Private Recreation land, the larger parcel closest to Centennial Vineyards being Peppers Craigieburn, a long established tourist development of 100 years standing, while the smaller parcel further to the east and adjoining the golf course, is the site of the Gibraltar Hotel, a major tourist accommodation and functions venue more recently established following Council approval in 2006 as a major redevelopment of the original golf club.

It is clear that Centennial Vineyards sits within an established tourist location, enjoying the dual benefits of proximity to the urban centre of the Shire with a rural character.

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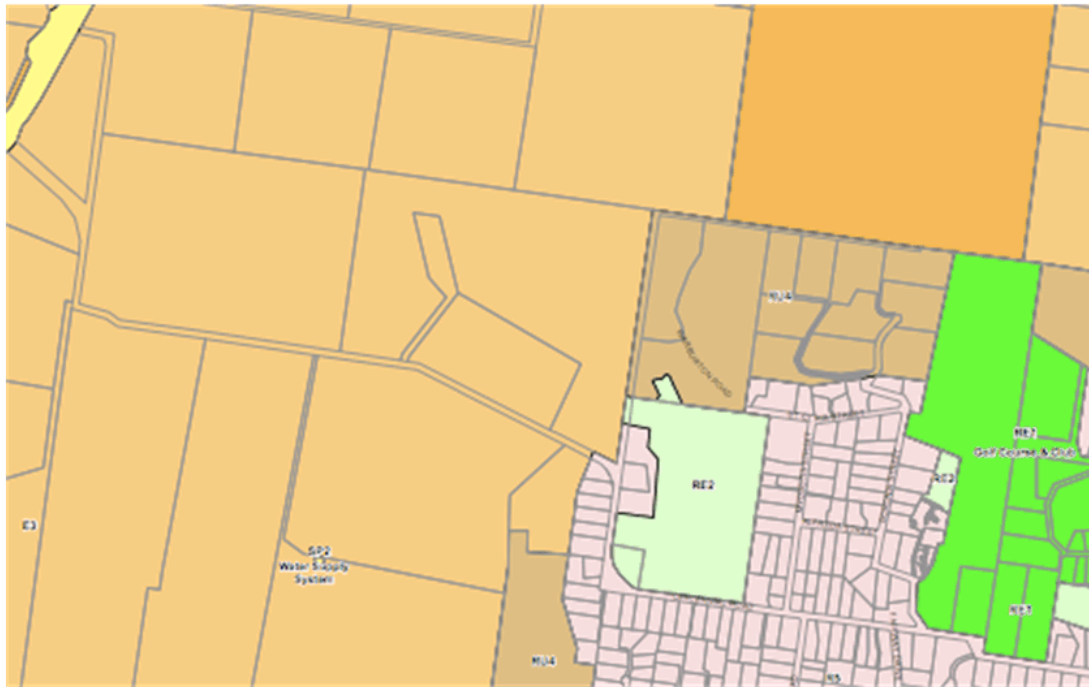


Figure 3: Extract from WLEP2010 Zoning maps

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Figure 4: View of site from Centennial Road entrance

12.4 Planning Proposal Rezone Land at 252-254 Centennial Road Bowral
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Figure 5: View of main restaurant and cellar door buildings

12.4 Planning Proposal Rezone Land at 252-254 Centennial Road Bowral
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Figure 6: Area of site approved for outdoor concerts in preparation for concert season

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Figure 7: View of site from the western boundary

**12.4 Planning Proposal Rezone Land at 252-254 Centennial Road Bowral
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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 a long established and approved winery, cellar door and restaurant with high tourist visitation
- To provide a zoning for the land that will better facilitate the long term usage of the land including the continuance of the winery, cellar door, restaurant and other associated tourist related activities including outdoor concerts for which it has an established track record and a current Development Application to conduct 4 concerts per season
- To give effect to Councils stated strategic planning aims of planning for tourism opportunities and building a strong local economy with tourism as a major contributor
- Provide a planning regime whereby the land can be developed in an appropriate manner, subject to development approvals, for tourist related activities including food and drink premises, functions, a continuation of outdoor concerts and the potential for tourist style accommodation

The intended statutory planning outcome would be that the land described in the Site Description and Location section of this Planning Proposal, is identified upon the appropriate Zoning Maps of Wingecarribee Local Environmental Plan 2010 as SP3 Tourist.

In relation to the Minimum Lot Size Maps the current maps require a minimum 40 hectares to create any new allotment. It is not intended that the Lot Size map be amended. It is noted that pursuant to Clause 2.6 of the Wingecarribee Local Environmental Plan 2010, subdivision of land would be permissible development within the SP3 Tourist zone and therefore maintenance of the larger lot size at this point in time is considered appropriate, without compromising the potential tourist related development options for the land.

There would be no immediate change to the physical nature of the subject site as a result of the change in zoning. The existing uses would not change in purpose, scale or character. Because all of the existing uses on the site, including the vineyard and winery, would be permissible uses in the SP3 Tourist zone, there would be no future existing use rights established.

If the site is rezoned, then it provides opportunity for tourist related development in the future.

Outcomes of any subsequent development proposals would be subject to the submission and assessment of Development Applications at the appropriate time.

These would be assessed in the first instance for permissibility against the land use tables of the SP3 zone. Permissible land uses include tourist and visitor accommodation, food and drink premises (cafes, restaurants etc), functions and receptions and recreational facilities. Any such development proposals would then be assessed against the zone objectives and then against any relevant development controls Council has in place in the relevant Development Control Plans.

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PART 2: EXPLANATION OF THE PROVISIONS

- To achieve the intended outcomes of the Planning Proposal the following amendments to the WLEP 2010 instrument will be required:

No specific changes required to any particular land use tables or clauses of the WLEP2010 are required.

- To achieve the intended outcomes of the Planning Proposal the following WLEP 2010 maps will require amendment:

Instrument or Map Affected	Detail of Amendment
Land Zoning Map – Sheet LZN_007F	Amend the WLEP2010 maps so that the subject lands as described below are within the SP3 Tourist zone: Lot 1 DP 126196; Lot 1 DP 435373; Lot 1 DP79802; Lots 1 and Lot 5A DP16192.

The preferred amendment to the WLEP2010 as put forward in this Planning Proposal 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 Wingecarribee Local Environmental Plane 2010.

This is considered to be the most efficient way to give effect to the stated objectives and intended outcomes. The SP3 zone has been specifically designed and included into the suite of zoning options available under the Standard LEP template to serve the precise purpose as set out in the intended objectives and outcomes. Council has embraced the SP3 Tourist zone as a means of fulfilling its stated tourist related strategic aims, hence the SP3 Tourist zoning that now applies to at least five other wineries: Bendooley Estate, Mt Ashby, Artemis, Sutton Forest Estate and Southern Highlands Wines.

The zoning change will require an amendment to the Land Zoning maps of the WLEP2010. It is not intended that the Minimum Lot Size Maps be amended to change the minimum lot size for the subdivision of land. While it is reasonable to assume that a 40 hectare minimum lot size that was pertinent to the E3 Environmental Management zone is not necessarily relevant to land within a tourist zone, there is no intention currently to subdivide the land. At a later date and based upon more detailed information about potential development options that may arise under the proposed zoning, this issue can be further explored.

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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 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).

The Local Planning Strategy needs to be given effect by subsequent planning decisions and this Planning Proposal, that requests a rezoning of land that more closely aligns with its long term usage, is consistent with the Strategy and will therefore assist in achieving Council's long term planning objectives.

It is also directly relevant to the work and purpose of the Council's Economic Development and Tourism Advisory Committee that has a primary responsibility of encouraging the local economy and providing opportunity where possible, for the growth of tourist related business.

For Council to be successful in achieving its strategic aims for economic development and tourism within the Shire, there will be a need to recognise opportunities that can contribute to this goal. In this proposal, there is an ideal synergy in building upon a solid base of previous land use that is aligned with tourist visitation to the Shire. Sites that clearly align with the stated criteria of Council for suitable tourism localities need to be identified and encouraged. This is one such opportunity.

It is in this context that this Planning Proposal is put forward as a way to address a situation that is of high priority and of important consequence to the Shire.

It is considered that the Proposal is strictly in accordance with the current Planning Strategy of Council because it is clearly in accordance with the strategic necessity of Council and the site is consistent with the selection criteria Council has adopted on which to judge tourism development locations.

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

Chapter 5 of the Wingecarribee Local Planning Strategy 2015 -2031 dealt with Developing a Prosperous Wingecarribee.

Section 5.5 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.

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These goals recognised that tourism was already a major contributor to the employment opportunities within the Shire. It also recognised that the main transport linkages to Sydney, Canberra and Wollongong provided good access to these markets including for tourist related businesses. Close to 6 million people live within and surrounding these major centres, all within an easy 2 hours drive of the Southern Highlands.

Section 5.6 related to planning for tourism

According to the Strategic Plan, tourism in the Wingecarribee Shire is a major economic driver, contributing an estimated \$220 million in visitor expenditure per annum. This comes about from up to 1.2 million visitors staying 925,000 nights in the region. Tourism has the benefit of contributing to the local economy with a high multiplier effect. As the Strategy states

“Many businesses, including food and drink premises, accommodation premises and retail outlets, benefit from direct spending by consumers from outside the local community, considerably extending the business’s potential ‘reach’. Those businesses in turn reinvest in the local community through sourcing goods and services from the resident population.”

In more recent times as part of the assessment of outdoor concerts at Centennial Vineyards, relevant economic impact information was provided by Leyshon Consulting to highlight the dollar value impacts of visitation to the Shire that occurs when events are held. The headline figures from the Leyshon report were:

- tourism employment in the Shire, both direct and indirect, is approximately 3,200 jobs or 18% of the total employment base and is the fastest growing sector
- each concert of 10,000 people could expect to generate approximately \$2.423M in the Shire economy
- the conduct of the four concerts under DA16/0941 would therefore generate approximately \$10M each year in the Shire economy
- the conduct of the four concerts would boost the direct expenditure in the tourism sector by 4.1% on an annual basis

Council has developed a set of criteria by which to judge prospective SP3 Tourist zone locations. This has been done primarily to ensure that tourism development does not adversely impact on the resident population or the natural environment. Appropriate locations are needed and the scale of development needs to be respectful of surrounding land uses and sensitive environmental issues.

Section 5.7 is specific to the SP3 Tourist zone and contains the criteria on which to assess potential tourism locations. These are set out below:

- 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.*

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- 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 through design considerations.*

The subject site is compliant with these criteria to a very high degree. In fact the subject site would compare most favourably with all of the existing tourist zoned locations across the Shire when these criteria are used as the measuring mechanism. This is why a proposed change of the site zoning is considered to be appropriate.

The following comments are relevant to these criteria and demonstrate the sites compliance with them:

1. The site, at approximately 127 hectares, has an area well in excess of the minimum requirement of 20 hectares.
2. Centennial Vineyards has been operating continuously as a vineyard, winery, cellar door and restaurant for in excess of twenty years. A range of ancillary tourist related uses have been hosted, such as outdoor concerts. It is the most recognisable and high profile winery within the Southern Highlands.
3. The site is within 2km of residential areas, being immediately adjacent to the R5 Large Lot Residential area of west Bowral. It is in fact the first non residential property along Centennial Road when heading west out of Bowral. It affords the perfect transition location into the rural areas further west.
4. The site has direct access onto Centennial Road, which is the link road to the Old Hume Highway just 1.5 kilometres to the west, which then allows access either south to Berrima and beyond to the Hume Highway or to the north towards Mittagong and back to Sydney, again via the Hume Highway. Also, Centennial Road is the major collector providing access back into the Shire's major town, Bowral, to the east just 2.5 kilometres away.
5. The site is connected to town water and sewer. The issue of adequacy of existing service provision or required upgrades to Council's water and sewer systems is something for proper consideration of any subsequent development proposals, with the scale of development dictated by the sites capacity to manage these issues. If Council deemed it necessary to provide more information prior to any particular development proposal, it could be made a requirement of the formal consultation and exhibition process after Council has supported the gateway approval. A general overview of service capacity could be prepared.
6. The site is free of any areas of Ecologically Endangered Community (EEC) vegetation that might be impacted by the development proposal. As stated earlier, the site has a significant coverage of native vegetation that currently complements the formal vineyard plantings and is a significant and important component of the visual amenity of the locality. The site however also contains large areas of cleared pasture land. There is ample opportunity on the site to accommodate future development without the need to impact on any native vegetation areas.
7. In relation to Clause 7.4 Natural resources sensitivity – biodiversity, the site is not affected. In relation to Clause 7.5 Natural resources sensitivity – water, there is one Category 2 stream requiring clearance of 30 metres from development and two Category 3 streams requiring 10 metre clearances from development. This level of

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environmental sensitivity is not considered to be significant and is well within the ability of the development application process to manage. Overall, the site is not considered to be environmentally constrained to a degree that would preclude the proposed zoning change and it is not considered that any more detailed reports are necessary at this point in time.

8. The site is identified as being bushfire prone land on the Bushfire Prone Land maps of Council. As would be expected, these bushfire prone areas align with the areas that accommodate the native vegetation on the site. There are large areas of the site that are not within mapped bushfire prone areas. There is clearly ample unconstrained land and therefore opportunity for future development to be located clear of bushfire prone land is plentiful. Further, it will be readily achievable to demonstrate compliance with the requirements of *Planning for Bushfire Protection*. The site is not a known flood affected site.

Section 5.8 of the Local Planning Strategy then goes on to suggest an amendment to the WLEP2010 that would provide a framework around which tourist related development proposals on land within the SP3 Tourist zone could be assessed. This approach would ensure that the appropriate levels of scrutiny are brought to bear upon tourist related development proposals at the Development Application stage. Although this is a logical approach, it has not been done at this point in time.

In lieu of this, the original rezoning criteria were reconsidered as part of the adoption of the Rural Tourism Policy in November 2019. As a result, Council inserted into the Rural Tourism Policy, a pathway framework that can be referenced in any Planning Proposal that seeks a rezoning of land into the SP3 Tourist zone. The following Table makes relevant comments in relation to Centennial Vineyards in the context of the pathway framework.

<p>Council shall not consider a Planning Proposal for the purposes of rezoning land to SP3 Tourist if the subject land is within any Landscape Conservation Area mapped under Wingecarribee Local Environmental Plan 2010.</p>	<p>The land is not within a Landscape Conservation Area</p>
<p>Council shall not consider a Planning Proposal for the purposes of rezoning rural land to SP3 Tourist without supporting evidence which demonstrates to Council’s satisfaction that a tourist facility has been operating on the subject land for at least three (3) years. The intent of this restriction is to limit opportunistic tourism development in rural locations.</p>	<p>Ample evidence exists within Council, including previous development approvals, that support the fact that Centennial Vineyards and winery have been in operation for over 20 years, not to mention the winery restaurant and function centre and the conduct of occasional outdoor concerts. Far from being opportunistic, Centennial should be considered as one of the prime tourist destinations within the Southern Highlands</p>
<p>Council shall not consider a Planning Proposal for the purposes of rezoning land to SP3 Tourist unless accompanied by a Concept Master Plan which:</p> <p>a) indicates the intended extent of the tourist development proposed for the subject site,</p>	<p>There is no current plan to expand upon the existing facilities on the site – winery/cellar door, restaurant/function space and outdoor concert venue.</p> <p>The purpose of the rezoning is to provide a more appropriate zone for long term security and investment purposes.</p>

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<p>and b) is sufficient to allow consideration of the cumulative impacts of each land use type proposed for the site at the strategic planning level including assessments at (4) and (7) below.</p>	<p>Any future development proposals will be subject to the Development Application process. It may in due course be desirable to put forward a 'masterplan' under the provisions of Part 4 Division 4 Sections 4.21 - 4.24 of the Environmental Planning and Assessment Act 1979, although it needs to be pointed out that Council has no statutory powers to enforce those provisions upon a land owner. While it is understandable that Council may wish to 'lock' in future development outcomes, the planning legislation does not allow them to do that and all future development proposals have the opportunity to be judged on their merits through the Development Application process.</p>
<p>Any Planning Proposal for the purposes of rezoning land to SP3 Tourist shall demonstrate to Council's satisfaction that the development will not occur on land that:</p> <ul style="list-style-type: none"> a) contains any mapped Threatened Ecological Community, or b) will not impact on any mapped Threatened Ecological Community. 	<p>As already noted, the rezoning is considered appropriate to recognise already well established tourist facilities. No further development of the site is currently proposed and none can occur without Development Applications being lodged. As noted already, there is approximately 25 hectares of the site that is currently occupied by remnant native vegetation and approximately 5 hectares is occupied by site improvements (winery buildings, sheds, roads, dwellings and gardens and approximately 30 hectares is under vine. This leaves approximately 65 hectares of grazing/farm land/site dams etc. The site does sustain cattle at present. Council should be satisfied that the rezoning will not impact any native vegetation and that there is ample opportunity upon the site for future proposals to be sensitively sighted to avoid impacts. The Biodiversity Conservation Act 2016, in combination with the Environmental Planning and Assessment Act 1979, contains all necessary requirements for the development assessment process to ensure the appropriate outcomes.</p>
<p>Compliance with (4) above shall be by means of a Biodiversity Development Assessment Report (BDAR) prepared by an accredited assessor as required under the <i>Biodiversity Conservation Act 2016</i>. Where a Threatened Ecological Community is indicated on the subject land, the BDAR must demonstrate to Council's satisfaction how the proposal will avoid this area.</p>	<p>See above. This is a Development Application related matter. At this point in time, there is no proposal to further develop the site beyond the scope of what already exists. The rezoning will allow certain temporary arrangements to be considered for permanent approval, to wit, the outdoor concerts, however this has no material impact upon biodiversity issues.</p>

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<p>If Council determines that the proposed development will likely result in a serious and irreversible impact on any mapped Threatened Ecological Community, Council will not support the Planning Proposal.</p>	<p>See comments above</p>
<p>Any Planning Proposal for the purposes of rezoning land to SP3 Tourist shall demonstrate to Council's satisfaction that any mapped High Value Agricultural Land on the subject land shall avoided in any proposed development.</p>	<p>As stated, there is no development proposed as part of the Planning Proposal – the site already accommodates tourist related uses. The Rural Lands Development Control Plan provides a broad based map of the agricultural land classifications across the Shire. The subject site is within a Class 3 area, with the high value Class 2 lands being restricted to the eastern portion of the Shire.</p>
<p>Should a property contain either High Value Environmental Land or High Value Agricultural Land, this may result in only a portion of the subject land being considered by Council for rezoning to SP3 Tourist.</p>	<p>See previous comments. The site has a large site area and currently 30 hectares are under vine, which has proven to be a successful use of agricultural land. There is no plan to cease the use of land for agricultural purposes.</p>
<p>Any land supported for rezoning to SP3 Tourist in accordance with (7) above would also have a minimum lot size applied to it to ensure that only one principal dwelling, and one secondary dwelling, as permitted in the zone, could be constructed on the rezoned area. The purpose of this is to prevent further subdivision of the site for residential development.</p>	<p>As already noted, the Planning Proposal does not contemplate any change to the existing 40 hectare minimum lot size.</p>
<p>Any Planning Proposal for the purposes of rezoning land to SP3 Tourist involving a Function Centre shall demonstrate to Council's satisfaction compliance with the following provisions, the intent of which is to ensure that any Function Centre is sensitively located and designed so it does not adversely impact on the ecological values, agricultural production, natural resources, or visual, scenic, environmental or residential amenity values of the land. The provisions are:</p> <p>(a) the development will complement the rural or environmental attributes of the land and its surrounds, and</p> <p>(b) the development will not</p>	<p>The Centennial Vineyards Restaurant is a long established and well recognised venue that operates as a restaurant that is suitable for functions such as weddings, wine dinners, book launches and the like.</p> <p>The Planning Proposal will not change this. All existing infrastructure is in place and no changes to nay built form is proposed.</p> <p>The location is suitable and this element of the Centennial Vineyards has operated for many years without adverse impacts arising.</p>

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<p>adversely affect the agricultural productivity of adjoining land, and</p> <p>(c) the development will not adversely affect neighbour amenity, and</p> <p>(d) the development is, or will be, serviced by adequate access roads taking into account the scale of the development, and</p> <p>(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</p> <p>(f) the location of the development does not impact on any environmentally sensitive land identified on the site, and</p> <p>(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</p> <p>(h) the potential impacts of bushfire and/or flood have been addressed, and</p> <p>(i) the development will not create a land use conflict due to noise, traffic, privacy, visual and other amenity impacts, and</p> <p>(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:</p> <p style="padding-left: 20px;">(i) measures to remove any threat of serious or irreversible environmental damage, and</p> <p style="padding-left: 20px;">(ii) mechanisms for monitoring and reviewing the effect of the development on the neighbour amenity including noise and traffic impacts, and</p> <p style="padding-left: 20px;">(iii) any other matter deemed relevant by the consent authority.</p>	
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The alternative way to achieve the objectives and intended outcomes of the Planning Proposal is through the Development Application process. This pathway has been followed up to now to secure the existing approvals for the winery, cellar door and restaurant. There have been limited development consents issued for the temporary use of the site for events (concerts), the latest being Development Application 16/0491. The mechanism for this, Clause 2.8 Temporary Use of Land under the WLEP2010, has its limitations and is not considered to be a viable planning pathway on which to make any long term planning or business decisions. Continuing reliance upon temporary consents is not considered to be appropriate or sustainable and this is a view that Council also holds and has made it clear that Clause 2.8 should be limited in its application.

Further, a considerable component of any tourism location must be the opportunity for a broader range of tourist and visitor accommodation over and above farm stay and bed and breakfast. Increased tourist accommodation opportunities cannot be achieved without a change in zoning.

The third alternative is for Council to expand the range of permissible land uses within the E3 Environmental Management zone to include a broader range of tourist related activities or uses. To be effective this would need to include at the least, function centres and a broader range of tourist accommodation types.

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.'*

The adoption of the Rural Tourism Policy has reinforced this regime for the E3 Environmental Management zone which has not been considered for an extended range of tourist related ventures as the other rural zones have. This is an issue that Council will in due course need to reconsider, given that the E3 zone is 50% of the Shires, rural land and is within those locations where tourist related development will be most attractive.

Given the above, the submitted Planning Proposal that requests the Centennial Vineyards site be rezoned from E3 Environmental Management to SP3 Tourist, is clearly the best and most appropriate means of achieving both the owners and Council's strategic objectives and intended outcomes.

Having said this however, no assumptions should be made as to any particular development outcomes arising from a change in the land use zoning. In the first instance, the tourist zone simply aligns more closely with the current use of the land than does the E3 Environmental Management zone and any further development of the site is contingent upon the assessment and determination of Development Applications.

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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 Planning Proposal is consistent with the South East and Tablelands Regional Plan that has superseded the Sydney Canberra Corridor Regional Strategy 2006-31.

In broad terms, the Regional Plan, as did its predecessor, seeks to cater for continued growth within the region, without impacting adversely upon the character of the region.

This Planning Proposal achieves this by providing an opportunity for existing and potential tourism development upon the land that is ideally situated in accordance with Council's adopted assessment criteria. Any future development can maintain consistency with the predominant rural character of the locality and within the capacity of the land to accommodate tourism development.

Set out in Chapter 1 of the Regional Plan is Goal 1, being a connected and prosperous economy. Tourism is specifically identified as a priority growth area within the Region.

To give effect to the broader goal, Direction 9 of this Chapter is to grow tourism in the region. It follows that to do so, opportunities for tourist development are needed.

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

In relation to rural lands, the Corridor Strategy required 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 either the current or previous State government Strategy.

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

The relevant local strategy is the recently adopted Wingecarribee Local Planning Strategy 2015 - 2031.

It is considered that the Planning Proposal is consistent with the local planning strategy for Wingecarribee Shire.

As noted earlier, Council has given strong indications that it favours the rezoning process to create new SP3 Tourist locations 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 and now the Rural Tourism Policy both identify criteria on which to base consideration of proposed SP3 Tourist zonings and these were discussed earlier.

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The Centennial Vineyards site compares favourably against these criteria and against all other existing SP3 Tourism zones across the Shire when these criteria are considered.

The site is a well recognised location within the Shire being one of the largest and highest profile wineries in the Southern Highlands. Through the cellar door and the Centennial Restaurant it has a well deserved reputation as a place for tourists to visit while in the Southern Highlands. The use of the site as an outdoor concert venue has introduced many thousands to the winery and the Southern Highlands more broadly and these are set to recommence later this year with a consent in place to allow concerts for the next 5 years,

These permanent and temporary uses perfectly align with Council's strategic goal of boosting tourism across the Shire. As noted earlier, the site is also in close proximity to two other major tourist destinations of the Southern Highlands, being Peppers Craigieburn and the Gibraltar Hotel.

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

SEPP	Relevance to Planning Proposal
No.1 Development Standards	<u>NOT RELEVANT</u> The SEPP was replaced by Clause 4.6 of Wingecarribee Local Environmental Plan 2010 as the mechanism for any variation to development standards. With no development proposed, there is no requested variations to any development standards
No.14 Coastal Wetlands	<u>NOT RELEVANT</u> There are no Coastal Wetlands within the Shire.
No.19 Bushland in Urban Areas	<u>NOT RELEVANT</u> The SEPP does not apply to Wingecarribee Shire.
No.21 Caravan Parks	<u>CONSISTENT</u> Potentially applicable to future development at Development Application stage, however it is noted that caravan parks are not permissible in the prevailing RU2 Rural Landscape zone or in the proposed E4 Environmental Living zone
No.26 Littoral Rainforests	<u>Repealed in April 2018 and replaced SEPP (Coastal Management) 2018.</u>
No.30 Intensive Agriculture	<u>Repealed in February 2019</u>
No.33 Hazardous and Offensive Development	<u>CONSISTENT</u> Potentially applicable to future development at Development Application stage, however it is noted that industries of the type covered by the Policy are not permissible in the proposed SP3 Tourist

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No.36 Manufactured Home Estates	<p><u>CONSISTENT</u></p> <p>This Policy applies to land within Wingecarribee Shire. It is noted that caravan parks are permissible in the proposed SP3 Tourist zone as a form of tourist and visitor accommodation under the provisions of WLEP2010. Therefore this Policy has potential applicability to future development proposals, although Schedule 2 of the Policy does allow Council to exclude land within a water catchment</p>
No.44 Koala Habitat Protection	<p><u>CONSISTENT</u></p> <p>This Policy applies to land within the Wingecarribee Shire. However the Policy requires Council to be satisfied of certain matters prior to issuing consent to Development Applications, not Planning Proposals. Clause 16 does allow for the preparation of local environmental studies, which could be required as part of any Gateway determination. In this case, if Council was on the view that further information was required to provide more certainty around potential koala habitat, it could be brought forward as part of the formal public exhibition process of an LEP amendment. It should be noted that the site is already developed for a range of uses and any future tourism development will require a Development Application that will need to address not only this Policy but all matters contained within Council's planning instrument including the proposed amendment to WLEP2010 that will provide a framework for consideration of DAs within the SP3 zone.</p>
No. 47 Moore Park Showground	<p><u>NOT RELEVANT</u></p> <p>The SEPP does not apply to Wingecarribee Shire.</p>
No.50 Canal Estate Development	<p><u>NOT RELEVANT</u></p> <p>The SEPP does not apply to Wingecarribee Shire</p>
No.52 Farm Dams and Other Works in Land and Water Management Plan Areas	<p><u>NOT RELEVANT</u></p> <p>The SEPP does not apply to Wingecarribee Shire.</p>
No.55 Remediation of Land	<p><u>CONSISTENT</u></p> <p>This Policy applies to land within the Wingecarribee Shire. Clause 6 requires the planning authority to consider whether the land is contaminated and/or whether the land can be made suitable for the intended purpose. The land is not within a class of land identified within Clause 6 subclause (4) and there is nothing in the history of the site to suggest that land contamination will be present to an extent that would jeopardise the future use of the</p>

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	land. Initial contamination assessments can be required either as part of a Gateway determination or as part of subsequent Development Applications if that was deemed necessary.
No. 62 Sustainable Aquaculture	<u>CONSISTENT</u> Not applicable to the form of development that is permissible within the proposed zones under the provisions of WLEP2010
No.64 Advertising and Signage	<u>CONSISTENT</u> This policy applies to land within the Wingecarribee Shire. However, the provisions relate to the assessment of Development Applications and can be properly administered if relevant applications are made in the future.
No.65 Design Quality of Residential Apartment Development	<u>CONSISTENT</u> This Policy applies to land within Wingecarribee Shire. However it is noted that residential flat buildings and other building types covered by the policy, are not permissible in the proposed SP3 Tourist zone
No.70 Affordable Housing (Revised Schemes)	<u>NOT RELEVANT</u> The SEPP does not apply to Wingecarribee Shire.
No.71 Coastal Protection	<u>NOT RELEVANT</u> The SEPP does not apply to Wingecarribee Shire.
Affordable Rental Housing 2009	<u>CONSISTENT</u> This Policy applies to land within Wingecarribee Shire but not to the SP3 Tourism zone or the types of residential development that are permissible within the SP3 zone. The PP is not inconsistent with the Policy.
Building Sustainability Index: Basix 2004	<u>CONSISTENT</u> Related to the development/ building phase for Basix required development only
Educational Establishments and Child Care Facilities 2017	<u>CONSISTENT</u> This Policy applies to land within Wingecarribee Shire. However, the Policy is focused on the development application process. It is

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	<p>not relevant to the SP3 Tourism zone.</p> <p>There is nothing in the Planning Proposal that seeks to override the State policy.</p>
Exempt and Complying Development Codes 2008	<p><u>CONSISTENT</u></p> <p>This Policy applies to land within Wingecarribee Shire and will be applicable in the usual way</p>
Housing for Seniors or People with a Disability 2004	<p><u>CONSISTENT</u></p> <p>This Policy applies to land within Wingecarribee Shire. The Planning Proposal is not inconsistent with the Policy.</p> <p>The SP3 Tourism zone does not permit seniors housing. The zone would not be considered as land zoned primarily for urban purposes and seniors housing would therefore remain prohibited under the State Policy. The site is not adjacent to land zoned primarily for urban purposes.</p>
Infrastructure 2007	<p><u>CONSISTENT</u></p> <p>This Policy applies to land within Wingecarribee Shire. However it is focused upon the development application phase.</p> <p>However it is focused upon the development application phase. Development for tourism related development may be of a scale to trigger referral to the RMS as Traffic Generating Development under Clause 104 Schedule 3. This would be dealt with as part of the Development Application process. The PP is not inconsistent with the Policy.</p> <p>A Gateway determination may require more detailed assessment as part of the formal exhibition process or the matter could be dealt with as part of the Development Application process. The PP is not inconsistent with the Policy.</p>
Integration and Repeals 2016	<p><u>NOT RELEVANT</u></p> <p>The SEPP does not apply to Wingecarribee Shire.</p>
Kosciuszko National Park - Alpine Resorts 2007	<p><u>NOT RELEVANT</u></p> <p>The SEPP does not apply to Wingecarribee Shire.</p>
Kurnell Peninsula 1989	<p><u>NOT RELEVANT</u></p> <p>The SEPP does not apply to Wingecarribee Shire.</p>

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Mining, Petroleum Production and Extractive Industries 2007	<p><u>CONSISTENT</u></p> <p>This Policy applies to land within Wingecarribee Shire. However it does not contain provisions that require any specific provisions within PPs. The policy is focused on the Development Application phase and is unlikely to be relevant to future development upon the subject land.</p>
Miscellaneous Consent Provisions 2007	<p><u>CONSISTENT</u></p> <p>This Policy applies to land within Wingecarribee Shire however has no particular relevance to this PP</p>
Penrith Lakes Scheme 1989	<p><u>NOT RELEVANT</u></p> <p>The SEPP does not apply to Wingecarribee Shire.</p>
Rural Lands 2008	<p><u>JUSTIFIABLY INCONSISTENT</u></p> <p>This Policy applies to land within Wingecarribee Shire. The land is not State Significant agricultural land. It applies to land within the E3 zone that is considered an environment protection zone. The Policy seeks to minimize rural land fragmentation.</p> <p>Under section 117 of the Act, the Minister has directed that councils exercise their functions relating to local environmental plans in accordance with the Rural Planning Principles. In regard to the principles it should be noted that the land is not high class agricultural land but its agricultural use is not being discontinued so it will continue to be a contributor to the rural economy of the Shire.</p>
State and Regional Development 2011	<p><u>CONSISTENT</u></p> <p>This Policy applies to land within Wingecarribee Shire however the PP does not involve land or a scale of development that is relevant to the Policy. If any future development was proposed of such a scale, then the relevance of the Policy will be assessed at that time</p>
State Significant Precincts 2005	<p><u>CONSISTENT</u></p> <p>This Policy applies to the State and therefore to land within Wingecarribee Shire however the PP does not involve land or a scale of development that is relevant to the Policy</p>

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<p>Sydney Drinking Water Catchment 2011</p>	<p><u>CONSISTENT</u></p> <p>The Wingecarribee Shire is within the area covered by the Policy. The key purpose of the Policy is to ensure water quality impacts are properly assessed as part of development proposals. Any Gateway determination could require further more detailed water quality assessment to be part of the formal exhibition process or such assessment could be held over until the development application phase, which would be more logical.</p> <p>The PP is not inconsistent with the Policy and there is no reason to suspect that future residential development cannot satisfy the Neutral or Beneficial Effects Test under the Policy.</p> <p>NB: Referral to WaterNSW will occur in accordance with the Gateway Determination.</p>
<p>Sydney Region Growth Centres 2006</p>	<p><u>NOT RELEVANT</u></p> <p>The SEPP does not apply to Wingecarribee Shire.</p>
<p>Three Ports 2013</p>	<p><u>NOT RELEVANT</u> – The SEPP does not apply to Wingecarribee Shire.</p>
<p>Urban Renewal 2010</p>	<p><u>NOT RELEVANT</u></p> <p>Although the SEPP applies to the State, the site is not within an identified potential precinct for the purposes of the SEPP.</p>
<p>Vegetation in Non-Rural Areas 2017</p>	<p><u>NOT RELEVANT</u></p> <p>The SEPP does not apply to Wingecarribee Shire.</p>
<p>Western Sydney Employment Area 2009</p>	<p><u>NOT RELEVANT</u></p> <p>The SEPP does not apply to Wingecarribee Shire.</p>
<p>Western Sydney Parklands</p>	<p><u>NOT RELEVANT</u></p> <p>The SEPP does not apply to Wingecarribee Shire.</p>

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6. Is the Planning Proposal consistent with applicable S 9.1 Directions?

The Planning Proposal has been assessed against applicable Directions issued by the Minister for Planning under section 9.1 of the *Environmental Planning & Assessment Act 1979*. These assessments are reproduced below. Directions not applicable to Wingecarribee Shire have been excluded.

1. Employment & Resources	Assessment
1.1 Business & Industrial Zones	<p>NOT RELEVANT</p> <p>The Planning Proposal does not involve business or industrial zones</p>
1.2 Rural Zones	<p>NOT INCONSISTENT</p> <p>The objective of this Direction is to protect the agricultural production value of rural land.</p> <p>Although the current use of the site is a rural use (vineyards/grazing), the land is not within a rural zone.</p> <p>The E3 Environmental Management zone is an environment protection zone. Therefore the requirement within this Direction that rural land not be rezoned to a tourist zone, is not strictly applicable.</p> <p>The Direction, as it applies to Wingecarribee Shire, says that a planning proposal must not rezone land from a rural to a residential zone. However, the Direction can be varied. In this case, the Planning Proposal is seeking to rezone the land to SP3 Tourist, which is clearly not a residential zone.</p> <p>The land is not a high class of agricultural land.</p> <p>The PP does not, as a matter of course, reduce the availability of rural land. The land that is used for agricultural purposes will continue to be used that way.</p> <p>It is considered that there are reasonable grounds to accept that the Planning Proposal is not inconsistent with the Direction in this case.</p>
1.2 Mining, Petroleum Production & Extractive Industries	<p>NOT RELEVANT</p> <p>The Planning Proposal does not involve any considerations of mining, petroleum production or extractive industries</p>

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1. Employment & Resources	Assessment
1.4 Oyster Aquaculture	NOT RELEVANT The Planning Proposal does not involve any considerations of oyster aquaculture
1.5 Rural Lands	NOT RELEVANT This planning direction does not apply to the Wingecarribee Shire

2. Environment & Heritage	Assessment
2.1 Environment Protection Zones	CONSISTENT 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 unduly affected by either of these issues. See previous comments. The proposed change of zone would not alter the requirement for any development proposal to properly consider the environmental issues of water quality, native vegetation and bushfire hazard. The PP is not inconsistent with the Direction.
2.2 Coastal Management	NOT RELEVANT This planning direction does not apply to the Wingecarribee Shire
2.3 Heritage Conservation	NOT RELEVANT The land is not a listed item of heritage within Schedule 5 of the WLEP2010. It is not in immediate proximity to any other listed items. It is not within any Heritage Conservation Area. NB: Referral to Office of Environment & Heritage will

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2. Environment & Heritage	Assessment
	occur in accordance with the Gateway Determination if required.
2.4 Recreation Vehicle Areas	<p>NOT RELEVANT</p> <p>This planning proposal does not apply to the type of development relevant to the planning direction</p>
2.5 E2 & E3 zones in Far North Coast LEPs	<p>NOT RELEVANT</p> <p>This planning direction does not apply to the Wingecarribee Shire</p>
3. Housing, Infrastructure & Urban Development	Assessment
3.1 Residential Zones	<p>NOT RELEVANT</p> <p>The Planning Proposal does not involve residential zones or residential development.</p> <p>This is consistent with the Direction.</p>
3.2 Caravan Parks & Manufactured Home Estates	<p>CONSISTENT</p> <p>Caravan parks are permissible within the proposed SP3 zone of the WLEP2010. The PP is therefore consistent with the Direction.</p>
3.3 Home Occupations	<p>CONSISTENT</p> <p>The planning proposal does not seek to introduce any different provisions into WLEP2010 than currently exist in relation to home occupations which are permissible without consent</p>
3.3 Integrating Land Use & Transport	<p>CONSISTENT</p> <p>This Direction seeks to promote public transport use. This Direction has limited applicability within the Shire as compared to the importance of this issue within higher density urban areas. Notwithstanding this, the subject site for the PP is in close proximity to the main centre of Bowral and compares favourably with all other identified tourism zoned areas in the Shire.</p>
3.5 Development near Licensed Aerodromes	<p>CONSISTENT</p> <p>The land is not in proximity to any licensed aerodrome or regulated airport.</p>

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3. Housing, Infrastructure & Urban Development	Assessment
3.6 Shooting Ranges	<p><u>NOT RELEVANT</u></p> <p>This planning proposal does not apply to the type of development relevant to the planning direction</p>

4. Hazard & Risk	Assessment
4.1 Acid Sulphate Soils	<p><u>NOT RELEVANT</u></p> <p>The Wingecarrabee Shire is not recognised as containing land susceptible to acid sulphate soils</p>
4.2 Mine Subsidence & Unstable Land	<p><u>NOT RELEVANT</u></p> <p>The land is not within a Mine Subsidence District nor as it been declared as unstable land</p>
4.3 Flood Prone Land	<p><u>CONSISTENT</u></p> <p>The land is not flood prone land. There are some Category 3 water courses traversing the site. Detailed subdivision design, subject to the process of development assessment will ensure no inconsistency with the planning direction.</p>
4.4 Planning for Bushfire Protection	<p><u>CONSISTENT</u></p> <p>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 and the extent of existing development upon the site. The area of the site that is currently occupied and utilised as vineyards, winery cellar door and restaurant has already minimised the bushfire threat. Access to the site is directly onto Centennial Road with options to both the east or west if a path of evacuation was required. The PP does not at this stage contemplate any further building upon the site. 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.</p>

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5. Regional Planning	Assessment
5.1 Implementation of Regional Strategies	<p><u>CONSISTENT</u></p> <p>The Sydney – Canberra Corridor Regional Strategy (the South East and Tablelands Regional Strategy 2036) is in place and therefore relevant. The PP is not inconsistent with the broad intent of the Regional Strategy</p>
5.2 Sydney Drinking Water Catchments	<p><u>CONSISTENT</u></p> <p>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.</p> <p>Any development proposal would need to demonstrate a neutral or beneficial effect on water quality as a result of the development.</p> <p>The PP is not inconsistent with the Direction</p> <p>Regardless of the zoning, any future development of the land will need to satisfy both storm water management and effluent disposal.</p> <p>The PP is not inconsistent with the Direction</p> <p>NB: Referral to WaterNSW can occur in accordance with any Gateway Determination.</p>
5.3 – 5.9	<p><u>NOT RELEVANT TO THIS PROPOSAL</u></p>
5.10 Implementation of Regional Plans	<p><u>CONSISTENT</u></p> <p>The proposal will assist in providing additional tourism opportunities within the Shire</p>
6. Local Plan Making	Assessment
6.1 Approval & Referral Requirements	<p><u>CONSISTENT</u></p> <p>A Planning Proposal that simply seeks to change the zoning of land is not inconsistent with the Direction</p>
6.2 Reserving Land for Public Purposes	<p><u>CONSISTENT</u></p> <p>The planning proposal does not seek to reduce any existing public recreation zoning</p>

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6. Local Plan Making	Assessment
6.3 Site Specific Provisions	<p>CONSISTENT</p> <p>The Planning Proposal does not propose site specific provisions.</p> <p>Future development proposals for any type of development that is permissible within the SP3 Tourist zone can be assessed under the provisions of Section 4.15 of the Environmental Planning and Assessment Act 1979.</p> <p>Council's site selection criteria that seeks to enforce the lodgement of a concept master plan is inconsistent with this planning direction and as a result is of no effect.</p>

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?

No. The land contains areas of native vegetation but has not been identified as containing any critical habitat or threatened species populations or ecological communities. As noted earlier, the site is large enough to contain areas of formal vineyard plantings, native vegetation and more open grazing land. There are also the various groupings of winery buildings and farm buildings.

Any future development proposals will need to take into account the standard range of planning and environmental issues, including potential habitat and ecological community issues. Any development proposal will be judged on how sensitive it is to these issues. There are ample opportunities on site for future development to be well clear of any identified ecological sensitivities.

It is unlikely that there will be any significant impact upon critical habitat or threatened species, populations or ecological communities.

The site is predominately cleared grazing land with no significant native vegetation. The land is not mapped as containing biodiversity values under the Biodiversity Values Map prepared by the NSW Office of Environment and Heritage, that is a resource available in consideration of the Biodiversity Conservation Act 2016.

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

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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, over a long period of time. 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 critical issues such as effluent disposal, acoustics, bushfire, traffic etc.

The range of issues to be managed within a future development scenario would include:

- stormwater flows on site, retention and treatment and connection with downstream systems
- traffic and access, assessing potential impact from any development
- general utility services such as water and effluent disposal
- suitable building locations for buildings upon the land

At this point in time, Council should be confident that the issues associated with future development of the site can be considered and can be managed effectively.

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

There would be minimal social impacts associated with the Planning Proposal outside of the positives of increased local employment. It is therefore 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. This is recognised within the State regional plan that promotes tourism development for the region.

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 and is supported through the Council's own Economic Development and Tourism Advisory Committee.

It is considered that the Planning Proposal will have a positive social and/or economic effect that is supportive of Council's strategic planning goals as they relate to the provision of housing across the Shire.

The Planning Proposal will assist in ensuring development of the land is undertaken with a positive economic return. In terms of tourist development, there are three benefits.

Section D – State and Commonwealth Interests

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

In this case, the Planning Proposal will rezone land, but future development could only proceed through the Development Application stage if adequate servicing and infrastructure can be provided for the site and the development of it.

The site is accessed off Centennial Road which is a public road of suitable standard. Centennial Road links directly back to the main town of Bowral to the east and to the Old Hume Highway to the west.

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.

The Gateway process allows for and recognises the need for broader management and coordination, including the need for agency consultation. If consideration of this Proposal concluded that there was inadequate public infrastructure capacity ever to be available, then the Gateway process would allow termination of the Proposal at that point.

The Planning Agreement regime also provides the mechanism for the negotiation of appropriate infrastructure and material public benefits.

PART 4 – MAPPING

The following map(s) will require amendment as indicated below:

The Planning Proposal will be given effect by a change to the WLEP2010 Land Zoning and Lot Size Maps.

Sheets LSZ_007F will need to be amended by identifying the subject land as being within the SP3 Tourist zone.

No other WLEP2010 maps are required to be amended.

PART 5 – AGENCY REFERRALS & COMMUNITY CONSULTATION

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Agency referrals will occur as required in the Gateway Determination and will include at least referral to Water NSW. Referrals usually also include NSW Rural Fire Service and, if relevant, Office of Environment & Heritage.

Community consultation will occur as directed in the Gateway Determination and in accordance with the *Department's Guide to Preparing LEPs*. It is noted that Council normally provides at least 28 days of public exhibition that includes, as relevant, notification by letter/email to adjoining property owners and weekly advertising in the Southern Highland News for the duration of the exhibition period.

The principal place of exhibition is the Customer Service Counter at the Civic Centre. The Planning Proposal and relevant documentation are also located on Council's website, and at relevant libraries including Council's Rural Outreach & Delivery Service (ROADS) Mobile Library. Over 3,000 email notifications are sent to E-News subscribers.

PART 6 – TIMELINE

It is anticipated that the Planning Proposal will progress in accordance with the following key timeline milestones:

MILESTONE	ACTUAL (INDICATIVE) DATES
Receipt of proponent's Planning Proposal by Council	
Resolution of Council to proceed to a Gateway Determination	
Submission of Planning proposal for Gateway Determination	
Issue of Gateway Determination	
Agency Consultation(s)	
Public Exhibition dates	
Report to Council on exhibition of Planning Proposal.	
Draft Opinion Request to PCO	
Approximate completion date	

DELEGATIONS

Council seeks delegation for the processing of this Planning Proposal. A copy of the Delegation Request Form is attached.