

20 November 2017

Ms Ann Martin
NSW Department of Planning & Environment
PO Box 5475
WOLLONGONG NSW 2520

Dear Ms Martin

Re: Gateway Request Supporting Planning Proposal to rezone 140 Nowra Road Moss Vale (Mt Ashby) from E3 Environmental Management to SP3 Tourist

At its Ordinary Meeting of Wednesday 11 October 2017, Council considered a Planning Proposal as described above and resolved to support it proceeding to a Gateway Determination. A copy of the Planning Proposal, Report to Council and the Resolution are enclosed.

The Planning Proposal was referred to WaterNSW. Their assessment was that there would be low risk to water quality from the proposed development. It is noted that any future Application for development consent would need to meet the 'NORBE' (Neutral or Beneficial Effect) test prior to any approval. A copy of the WaterNSW response is also enclosed.

The Planning Proposal seeks to rezone the property to SP3 Tourist to reflect current approved uses, to facilitate continued use of the vineyard and cellar door premises and to provide the opportunity to seek approval to further develop the tourist potential of the site for food and drink premises, functions and accommodation.

In considering the Planning Proposal Council noted the following:

- 1) there is an existing consent (DA03/1879) for the use of the site for, *inter alia*, a cellar door and food preparation room. More recently, a three (3) year development consent (DA15/1138) was issued for functions, a new farm building and alterations and additions to an existing cellar door.
- 2) there are currently seven (7) SP3 Tourist zones across the Shire as indicated in the report to Council, two (2) of which are located in the vicinity of the subject site.
- 3) The Wingecarribee Local Planning Strategy 2015-2031, adopted by Council on 23 March 2016 and conditionally endorsed by the Department of Planning and Environment on 15 May 2017, sets out key criteria against which any future application for rezoning to SP3 Tourist will be assessed, namely:

- Covers an area of at least 20 Hectares
- Has been operating as a tourist establishment for three (3) years
- Is within 2km of residential development
- Is adjacent to or near major access road
- Has access to adequate water and sewerage infrastructure (not necessarily reticulated)
- Is free of extensive Endangered Ecological Community (EEC)
- Is free of significant bushfire or flood threat which cannot be addressed through design considerations
- Is free of any other environmentally sensitive constraints.

The subject site meets all requirements except for reticulated water and sewerage infrastructure and minor bushfire affectation on a portion of the eastern boundary consistent with remnant Endangered Ecological Community (EEC) of National and State significance (Southern Highlands Shale Woodland) on the adjoining property.

- 4) The SP3 Tourist zone permits a range of development, with Council consent. Council has always made a clear distinction between permissibility and approval, emphasising that just because a land use may be permissible in a zone that does not necessarily mean it will be approved for a particular site. The requirement for an individual Development Application would remain to assess the ongoing use of the land for current and any proposed development. The provision of SP3 Tourist controls within the Rural Lands Development Control Plan confirms that Council fully appreciates that the SP3 zone is generally located in a rural context and that consideration of the potential for land use conflicts needs to be given high priority in assessing and determining such applications. Development Control Plans, consistently applied, continue to play an important supporting role in providing specific land use controls for the assessment of Development Applications relating to SP3 Tourist zoned land including controls for the provision of Function Centres in a rural context.

Council's assessment concluded that there is sufficient strategic merit to proceed with the Planning Proposal. The Mt Ashby site meets the key criteria set down in the Local Planning Strategy by which all other SP3 Tourist zones in the Shire have been supported. The SP3 Tourist zone, rather than the current E3 Environmental Management zone, better reflects the current range of tourism related development approved under WLEP 1989 occurring on the site and would enable the ongoing use of the site for purposes which already have consent on a temporary basis. In assessing any such future land uses, provisions contained within the Rural Lands DCP will apply and are deemed relevant and appropriate for the consideration of any such future use on the site.

It is noted that the Planning Proposal refers to the Sydney Canberra Corridor Regional Strategy which has now been superseded by the South East and Tablelands Regional Plan. Council considers that the Planning Proposal remains consistent with the new Regional Plan.

Council now submits the Planning Proposal and associated documentation for a Gateway Determination. A Delegation Request Evaluation Form has also been included.

An indicative timeline for the processing of the Planning Proposal follows.

MILESTONE	INDICATIVE DATE
Gateway Determination	Nov-Dec 2017
Agency Consultation	Dec 2017-Jan 2018
Public Exhibition	February 2018
Report to Council on exhibition of Planning Proposal.	March 2018
S.59 Documents to DP&E & PCO.	March-April 2018
Approximate completion date	April 2018

Community consultation will occur as directed in the Gateway Determination. Council normally provides at least 28 days of public exhibition which 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.

Agency referrals will occur as directed in the Gateway Determination. Council has already referred the Planning Proposal to WaterNSW and their response is enclosed.

The Strategic Planning staff member responsible for this Planning Proposal is Susan Stannard. Contact details are at the top of this letter.

Yours sincerely



Susan Stannard
Senior Strategic Land use Planner

Encl:

- 1. Planning Proposal*
- 2. Report to Council 11 October 2017*
- 3. Resolution of Council 11 October 2017*
- 4. Response from WaterNSW*
- 5. Delegation Request Evaluation Form*