

## Planning Services

### Gateway Determination Report

<b>LGA</b>	WINGECARRIBEE
<b>PPA</b>	WINGECARRIBEE SHIRE COUNCIL
<b>NAME</b>	Amend LEP to permit a shop to operate from Lot 90 DP 751253, 18 Spring Street, Moss Vale
<b>NUMBER</b>	PP_2018_WINGE_006_00
<b>LEP TO BE AMENDED</b>	Wingecarribee Local Environment Plan 2010
<b>ADDRESS</b>	18 Spring St, Moss Vale
<b>DESCRIPTION</b>	Lot 90 DP 751253
<b>RECEIVED</b>	23 April 2018
<b>FILE NO.</b>	IRF18/2643
<b>POLITICAL DONATIONS</b>	There are no donations or gifts to disclose and a political donation disclosure is not required
<b>LOBBYIST CODE OF CONDUCT</b>	There have been no meetings or communications with registered lobbyists with respect to this proposal

## INTRODUCTION

### Description of planning proposal

The planning proposal seeks to amend Wingecarribee Local Environment Plan (WLEP) 2010 to permit a shop to operate from Lot 90 DP 751253, 18 Spring Street, Moss Vale. The owners of the site have sought Council approval to operate a charity op shop from the site, however the site is zoned R3 Medium Density Residential and a shop (other than a neighbourhood shop) is prohibited. Council resolved at its meeting 10 May 2017 to support a planning proposal that will enable relocation of a charity op shop to the site.

### Site description

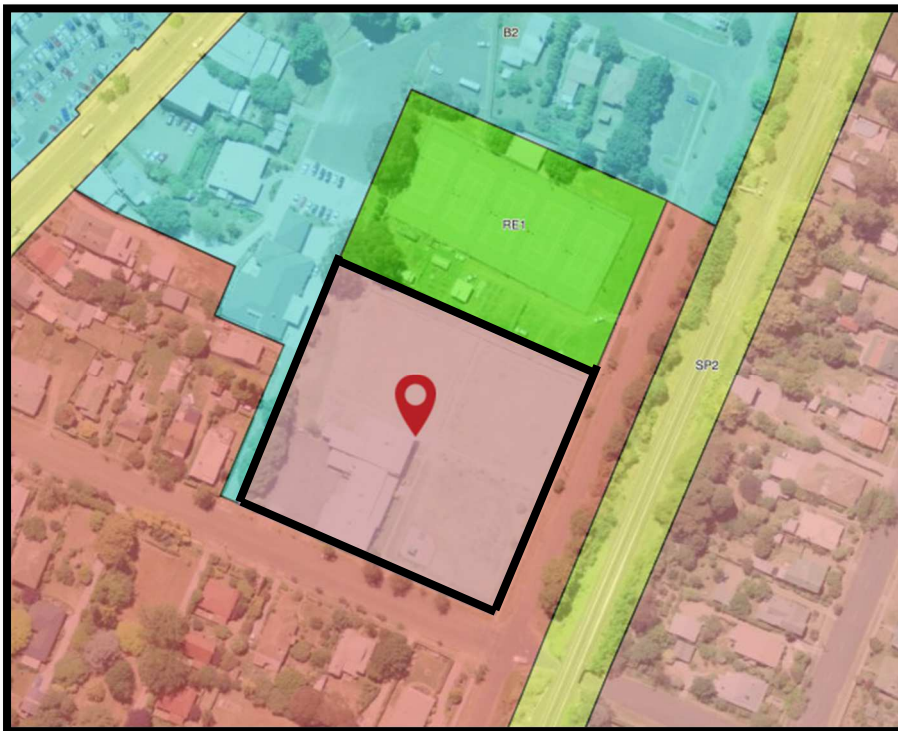
The site has an area of 9,396m<sup>2</sup>, is zoned R3 Medium Density Residential and is occupied by Connect Christian Church. A single storey building exists on the site that is currently utilised for a variety of community uses. In addition, the vacant grounds are often utilised for weekly farmers markets, and monthly community events. The site previously operated as a bowling club.

Figure 1. Site Map



(Source: NSW Department of Planning and Environment Planning Portal (May 2018))

Figure 2. Land Use Zoning Map



Source: NSW Department of Planning and Environment Planning Portal (May 2018)

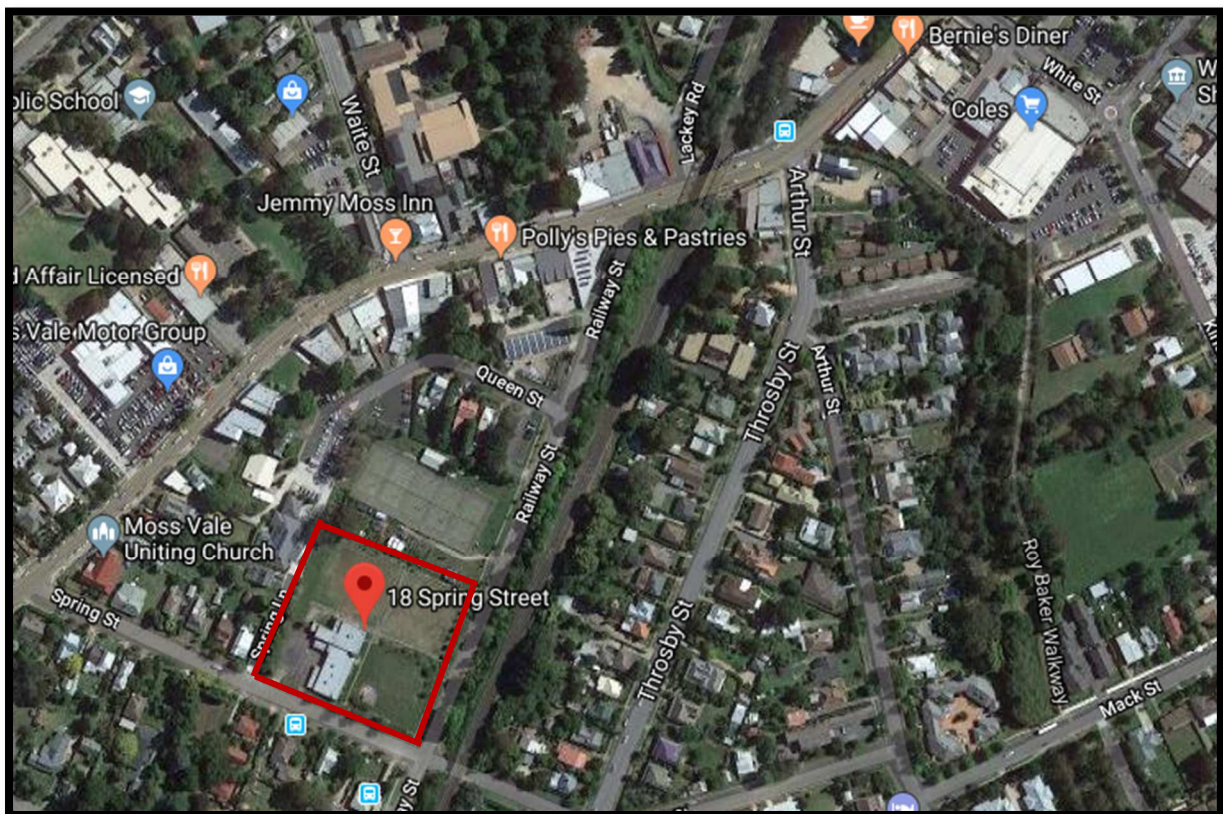


## Surrounding area

The site adjoins land that is zoned RE1 Public Recreation to the north, that is occupied by community tennis courts and a community garden. To the east, is land zoned B2 Local Centre, that includes Moss Vale Community Centre and a number of food shops /restaurants and small retail shops. To the south of the site is low density residential development zoned R3 Medium Density Residential and to the east is the railway line and low density residential development zoned R2 Low Density Residential.

The land is located within the Argyle Street/Browley Street Conservation Area and is within close proximity to the Moss Vale Town Centre. The site is well utilised by the community and located close to nearby services and transport.

Figure 3. Surrounding Locality



Source: Google Maps (May 2018)

## Summary of recommendation

It is recommended that the planning proposal should proceed as submitted.

## PROPOSAL

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### Objectives or intended outcomes

The objective of the planning proposal is to amend Wingecarribee Local Environment Plan 2010 to permit a shop to operate from Lot 90 DP 751253, 18 Spring Street, Moss Vale.

### Explanation of provisions

The proposed LEP amendments are clearly identified and explained in Council's Planning Proposal. The land is currently zoned as R3 Medium Density Residential. The following amendments to Wingecarribee LEP 2010, are required:

1. Amend Schedule 1 Additional Permitted Uses to include:  
*20A Use of certain land at Spring Street, Moss Vale*  
*(1) This clause applies to land at 18 Spring Street, Moss Vale being Lot 90 DP 751235.*  
*(2) Development for the purposes of a shop is permitted with consent.*
2. Amend the Local Clauses Map, Schedule 1 (CL1\_007B) to include the subject site as item 20A.

### Mapping

The mapping amendment to Wingecarribee LEP 2010 that forms part of this proposal is described above. The description of the proposal and the site map provided within the proposal are considered sufficient for the purposes of public consultation.

## NEED FOR THE PLANNING PROPOSAL

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The planning proposal is not derivative of a strategic planning study or report, on a local or regional scale. Instead, the need for the planning proposal was prompted by the proponent's request to Council to operate a charity op shop from the site.

The site aligns with a zone boundary between R3 Medium Density Residential and B2 Local Centre as identified under WLEP 2010, with a variety of commercial premises located nearby on the Illawarra Highway. As the site is zoned R3 Medium Density Residential, a charity op shop is prohibited.

Council resolved at its meeting 10 May 2017 to support a planning proposal that will enable the operation of a charity op shop on the site. To allow a charity op shop to operate from the site, amendments must be made to WLEP 2010. Council has proposed to amend Schedule 1 and the Local Clauses Map, to identify that a shop is permissible with consent on the site. Council prefers this approach to rezoning the site for business purposes as this would allow a range of commercial uses that Council does not support.

Council has stated that the proposed operation of a charity op shop on site is consistent with surrounding land uses, and compatible with nearby community service uses, and has the capacity to provide increased social support to the local community.

The need for the planning proposal, as identified by Council, is supported. The planning proposal process is the only method of enabling the operation of a shop on the site.

## **STRATEGIC ASSESSMENT**

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### **Regional - South East and Tablelands Regional Plan 2017**

The planning proposal is consistent with Goal 3 'Healthy and Connected Communities' of the South East and Tablelands Regional Plan, in particular Direction 22 *Build socially inclusive, safe and healthy communities*.

The proposed operation of a charity op shop enables direct provision of a community service, in a locality that is well situated to do so in terms of access and in that it is currently well utilised by the community in terms of attending community farmers markets and community garden activities.

### **Local – Wingecarribee Community Strategic Plan 2017**

The planning proposal is consistent with Council's Local Community Strategic Plan, and aligns closely the following objectives;

- Work collaboratively to address social disadvantage
- Plan and deliver appropriate and accessible local services to the community
- Actively foster a spirit of participation and volunteering

The planning proposal is an appropriate example of utilising an accessible site that is located close to existing residential development, services and transport, that has the capacity to operate a charitable community driven business with positive social and environmental outcomes for the local community.

## **Section 9.1 Ministerial Directions**

The following Ministerial Directions are applicable to the planning proposal; 2.3 Heritage Conservation and 3.1 Residential Zones.

### **Ministerial Direction 2.3 Heritage Conservation**

The objective of Direction 2.3 is to conserve items, areas, objects and places of environmental heritage significance and indigenous significance. The site is identified within the Argyle / Browley Street Conservation Area under WLEP 2010. Council has advised that the proposed shop on the site will not impact on the heritage conservation significance of the precinct. It is noted that the proposed charity op shop is to operate out of the existing community facilities building on the site, and that building works are not required. The internal use of the existing building on site is unlikely to generate any adverse impacts on the significance on the Argyle / Browley Street Conservation Area.

### Recommendation

The planning proposal is considered to be consistent with the objective of Ministerial Direction 2.3 Heritage Conservation, and will not impact on the visual significance of the Argyle / Browley Street Conservation Area.

### Ministerial Direction 3.1 Residential Zones

The objectives of this Ministerial Direction are:

- a) to encourage a variety and choice of housing types to provide for existing and future housing needs,*
- b) to make efficient use of existing infrastructure and services and ensure that new housing has appropriate access to infrastructure and services, and*
- c) to minimise the impact of residential development on the environment and resource lands.*

The site is zoned R3 Medium Density Residential, despite currently operating as a community facility and previously operating as a Bowling Club for a number of years. Upon Council's exhibition of its Local Planning Strategy, submissions were received seeking to utilise the existing community facilities building onsite for the purposes of a charity op shop. Council resolved 10 May 2017 to support this concept and lodge a planning proposal to enable the operation of a shop from the site.

In response to the inconsistency with regard to a proposed shop being located within a residential zone, Council has advised that the proposed shop is consistent with surrounding current uses which include volunteering, food services co-op, and a senior citizens centre. The proposed charity op shop has the potential to improve local recycling and reusing of resources, in addition to providing a service of charitable nature. The inconsistency with the existing zoning for the site and objectives with the ministerial direction, in this circumstance, is considered to be of minor significance and worthy of support.

The proposal does not preclude the use of the site for residential purposes.

### Recommendation

The Secretary's delegate can be satisfied that the inconsistency with Ministerial Direction 3.1 Residential Zones is of minor significance.

### **State environmental planning policies**

State Environmental Planning Policy (Sydney Drinking Water Catchment) 2011 applies. The planning proposal is consistent with the outcomes of the Strategic Land and Capability Assessment (Sydney Catchment Authority) and the SEPP. The planning proposal is considered to have neutral effect on water quality and provides for development that is compatible with providing healthy water catchments.

## **SITE-SPECIFIC ASSESSMENT**

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### **Social**

The planning proposal can provide for increased utilisation of the existing building on the site, and in doing so can offer a charitable service that can assist with recycling and reusing of clothing and general household products. The planning proposal is likely to generate positive social impacts on a local scale.

### **Environmental**

The planning proposal will not generate adverse impacts on critical habitat, threatened species or ecological communities or their habitats.

### **Economic**

The provision of a charity op shop is unlikely to have any adverse impacts on the local economy. For members of the community that are experiencing economic hardship, the proposed shop will be beneficial, particularly being located with close proximity to town centre services.

## **CONSULTATION**

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### **Community**

Council proposes to exhibit the planning proposal for 28 days as it is considered to be of low impact in nature. Public notification of the exhibition will include local newspaper notifications, notice on Council's website and hard copies will be available at Council's administration buildings.

It is considered that the proposed community consultation arrangements for the planning proposal are appropriate.

### **Agencies**

It is recommended that consultation is required with the Sydney Catchment Authority under section 3.42(2)(d) of the Environmental Planning and Assessment Act and to comply with the requirements of Ministerial Direction 5.2 Sydney Drinking Water.

## **TIME FRAME**

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Council has sought a 4 month timeframe to finalise and notify the plan. It is recommended that a 9 month timeframe be approved, in the case that any unforeseen delays occur.

## **LOCAL PLAN-MAKING AUTHORITY**

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Council is seeking delegation to make the plan and this is supported as the proposed amendment to WLEP 2010 is minor in nature, consistent with the strategic planning for the region.



## CONCLUSION

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The planning proposal seeks to amend WLEP 2010 to enable the operation of a charity op shop from the existing building on the site. Overall, the planning proposal is likely to provide positive local social and economic benefits and is considered to be of merit.

The planning proposal is considered adequate for a Gateway determination with conditions.

## RECOMMENDATION

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It is recommended that the delegate of the Secretary:

As delegate of the Minister for Planning, determines under section 3.34(2) of the *Environmental Planning and Assessment Act 1979* (EP&A Act), that an amendment to Wingecarribee Local Environment Plan 2010 to Amend LEP to permit a shop to operate from Lot 90 DP 751253, 18 Spring Street, Moss Vale should proceed, subject to the following conditions:

1. The planning proposal should be made available for community consultation for a minimum of 28 days.
2. Consultation is required with the following public authorities:
  - Sydney Catchment Authority
3. The time frame for completing the LEP is to be nine months from the date of the Gateway determination.
4. Given the nature of the planning proposal, Council should be the local plan-making authority.



24/05/18

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25 May 2018

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