

Highway service centre and hotel or motel accommodation on Part of Lot 2, DP 1010179, Colo Vale

Proposal Title : Highway service centre and hotel or motel accommodation on Part of Lot 2, DP 1010179, Colo Vale

Proposal Summary : The proposal seeks to amend Schedule 1 of the Wingecarribee LEP 2010 to permit the development of a highway service centre and hotel or motel accommodation on Lot 2, DP 1010179, 1-9 Church Ave, Colo Vale.

PP Number : PP_2014_WINGE_002_00 Dop File No : 14/01767-1

Proposal Details

Date Planning Proposal Received : 17-Jan-2014 LGA covered : Wingecarribee

Region : Southern RPA : Wingecarribee Shire Council

State Electorate : GOULBURN Section of the Act : 55 - Planning Proposal

LEP Type : Spot Rezoning

Location Details

Street : 1-9 Church Avenue

Suburb : Colo Vale City : Postcode : 2575

Land Parcel : Lot 2, DP 1010179

DoP Planning Officer Contact Details

Contact Name : Meredith McIntyre

Contact Number : 0262297912

Contact Email : meredith.mcintyre@planning.nsw.gov.au

RPA Contact Details

Contact Name : Susan Stannard

Contact Number : 0268480854

Contact Email : susan.stannard@wsc.nsw.gov.au

DoP Project Manager Contact Details

Contact Name : Mark Parker

Contact Number : 0242249468

Contact Email : mark.parker@planning.nsw.gov.au

Land Release Data

Growth Centre : N/A Release Area Name : N/A

Regional / Sub Regional Strategy : Sydney-Canberra Corridor Consistent with Strategy : Yes

Regional Strategy : Regional Strategy

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Colo Vale**

MDP Number :	0	Date of Release :	
Area of Release (Ha) :	0.00	Type of Release (eg Residential / Employment land) :	N/A
No. of Lots :	0	No. of Dwellings (where relevant) :	0
Gross Floor Area :	0	No of Jobs Created :	20

The NSW Government Lobbyists Code of Conduct has been complied with : **Yes**

If No, comment :

Have there been meetings or communications with registered lobbyists? : **No**

If Yes, comment :

Supporting notes

Internal Supporting Notes : This matter is being referred to the LEP Panel instead of being dealt with by the Southern General Manager as the recommendation includes a proposed change to the Council's preferred method of achieving the objective of permitting the highway service centre, etc.

It is also noted that the LEP Panel recently recommended that a similar Wingecarribee planning proposal not use Schedule 1 of the LEP, but rather rezone the subject land to an appropriate business zone. As such, it was considered appropriate to reconsider the JRPP recommendations and amend Council's recommendation by rezoning the site to SP1 Special Activities.

External Supporting Notes : This proposal was initially refused by Wingecarribee Council on the grounds that it was inconsistent with the zone, and with Council's desire to protect the economic viability of the towns and villages of Wingecarribee.

The matter was considered by the Southern Joint Regional Planning Panel (JRPP) which recommended that proposal proceed to a Gateway determination to permit the highway service centre and hotel or motel accommodation on the site, and that a detailed traffic impact analysis be provided that meets the requirements of the Roads and Maritime Services.

Council advised the Department that it would remain the Relevant Planning Authority for this matter and lodged a planning proposal within the required timeframe.

Adequacy Assessment

Statement of the objectives - s55(2)(a)

Is a statement of the objectives provided? **Yes**

Comment : The objective is to amend the Wingecarribee LEP 2010 to enable a development application to be lodged for the purpose of a highway service centre and hotel or motel accommodation on the subject land.

Explanation of provisions provided - s55(2)(b)

Is an explanation of provisions provided? **Yes**

Comment : Council is proposing is to amend Schedule 1 of the Wingecarribee LEP 2010 to allow the

uses on the land and amend the Schedule 1 Map. However, it is recommended that the alternative JRPP recommendation - to rezone the subject land to SP1 Special Activities - be implemented.

Justification - s55 (2)(c)

a) Has Council's strategy been agreed to by the Director General? **Yes**

b) S.117 directions identified by RPA :

* May need the Director General's agreement

1.2 Rural Zones

1.5 Rural Lands

2.1 Environment Protection Zones

3.4 Integrating Land Use and Transport

4.4 Planning for Bushfire Protection

5.1 Implementation of Regional Strategies

5.2 Sydney Drinking Water Catchments

6.1 Approval and Referral Requirements

6.3 Site Specific Provisions

Is the Director General's agreement required? **Yes**

c) Consistent with Standard Instrument (LEPs) Order 2006 : **Yes**

d) Which SEPPs have the RPA identified?

SEPP No 1—Development Standards

SEPP No 33—Hazardous and Offensive Development

SEPP No 44—Koala Habitat Protection

SEPP No 55—Remediation of Land

SEPP No 64—Advertising and Signage

SEPP (Exempt and Complying Development Codes) 2008

SEPP (Infrastructure) 2007

SEPP (Rural Lands) 2008

Drinking Water Catchments Regional Environmental Plan No. 1

e) List any other matters that need to be considered :

Section 117 Directions:

1.2 Rural Zones - Council identified this Direction as applying, however, it does not apply as it states a planning proposal must not rezone land from a rural zone to a residential, business, industrial, village or tourist zone. The proposal does not involve the rezoning of the subject land.

1.5 Rural Lands - This Direction requires a planning proposal to be consistent with the Rural Planning Principles in the SEPP (Rural Lands) 2008. The proposal applies to land that has an approval for small lot (2ha) subdivision. Council has identified that the proposal is inconsistent with the Direction. However, it is not considered inconsistent with the principles in the SEPP as it proposes development over a very small part of the rural small holding land and would be consistent with the principle that relates to balancing social, economic and environmental interests. It could also be considered of minor significance.

2.1 Environment Protection Zones - applies as a planning proposal that applies to land identified for environment protection purposes in the LEP must not reduce the environmental protection standards applying to that land. Council has identified some endangered ecological community in the south western part of the Lot as the reason for this Direction applying to the proposal, however, Council's LEP natural resource sensitive map does not identify any significant vegetation applying to the site. However it does identify riparian corridors isolated from the development footprint. It therefore, could be considered of minor significance.

3.4 Integrated Land Use and Transport - This Direction applies when a planning proposal will create, alter or remove a zone or a provision relating to urban land. The proposal is to be consistent with the aims, objectives and principles of the guidelines and policy identified in the Direction. Council identified that this proposal would be justifiably inconsistent with this Direction, however, it is considered that the proposal would not be inconsistent with these guidelines and policy as neither specifically relates

to a highway service centre or a highway-related hotel or motel accommodation.

4.4 Planning for Bushfire Protection - applies to a planning proposal that will affect, or is in proximity to land mapped as bushfire prone land. The southern part of the Lot is affected by bushfire prone land and whilst the subject land is not directly affected, it is considered in proximity to bushfire prone land. The Direction requires consultation with the Rural Fire Service prior to exhibition, which will be required as a condition of the Gateway determination. This proposal will then be consistent with this Direction.

5.1 Implementation of Regional Strategies - requires a planning proposal to be consistent with, in this case, the Sydney-Canberra Corridor Regional Strategy. Whilst Council has concerns about the appropriateness of the proposed development at the subject location, it is not considered inconsistent with the Regional Strategy and therefore the Direction.

5.2 Sydney Drinking Water Catchment - requires consultation with the Sydney Catchment Authority (SCA) prior to lodging a planning proposal for a Gateway determination. At this point in time, Council has not provided a response from the SCA and therefore, the proposal is inconsistent with this Direction. However, it is justifiably inconsistent as Council has advised that the SCA comments have been sought and will be forwarded when available. The SCA has previously advised that consultation during public exhibition in certain circumstances, such as this, is appropriate.

6.1 Approval and Referral Requirements - the proposal is consistent with this Direction as it does not propose any concurrence, consultation or referral of a Minister or public authority as part of the planning proposal. Therefore, this Direction is not applicable.

6.3 Site Specific Provisions - the proposal is consistent with this Direction as it allows the land use on the subject land without imposing any development standards or requirements in addition those in the LEP.

RECOMMENDATION: The Director General can be satisfied that the planning proposal is consistent with:

1. Directions 4.4 and 5.2 when the Council has consulted with the NSW Rural Fire Service and the SCA respectively; and
2. all other relevant Directions or that any inconsistencies are of minor significance.

Council has identified that SEPP 1 Development Standards, SEPP 33 Hazardous and Offensive Development, SEPP 44 Koala Habitat Protection, SEPP 64 Advertising and Signage, and SEPP (Exempt and Complying Development Codes) 2008 all apply to the proposal, but all of these SEPPs only apply when a development application is lodged. As such, they do not apply when considering a planning proposal.

Have inconsistencies with items a), b) and d) being adequately justified? **Yes**

If No, explain :

Mapping Provided - s55(2)(d)

Is mapping provided? **Yes**

Comment : **Appropriate mapping has been provided suitable for public exhibition. Final maps would be required that are consistent with the Department's 'Standard technical requirements for LEP maps' when the proposal is forwarded for finalisation.**

Community consultation - s55(2)(e)

Has community consultation been proposed? **Yes**

Comment : **Council has proposed a 28 day exhibition period which is appropriate.**

Additional Director General's requirements

Are there any additional Director General's requirements? **No**

If Yes, reasons :

Overall adequacy of the proposal

Does the proposal meet the adequacy criteria? **Yes**

If No, comment : **Council's planning proposal is considered adequate.**

Proposal Assessment

Principal LEP:

Due Date :

Comments in
relation to Principal
LEP :

Wingecarribee LEP 2010 notified in June 2010.

Assessment Criteria

Need for planning
proposal :

This proposal was considered as a Pre-Gateway Review by the Southern Joint Regional Planning Panel (JRPP). It recommended that a planning proposal be prepared and submitted for a Gateway determination.

The location of proposed service centre and accommodation was considered strategically justifiable by the JRPP as it is adjacent to the national Hume Highway. The JRPP also found that retail uses (originally proposed by the applicant) were not considered suitable for this location as these uses are more appropriately located within towns or villages in close proximity to the communities they are intended to serve. As such, Council has not included retail uses in this planning proposal.

Council considered three options for enacting the objective (to permit a highway service centre and hotel or motel accommodation on the site).

In addition to amending Schedule 1, Council considered rezoning part of the site to SP1 Special Activities or rezone part of the site to a zone that permits both types of development. Council did not support the latter as this would also then permit a range of other land uses that may not be considered suitable to the site or the locality.

Rezoning the site to SP1 Special Activities was also not supported by Council as this zone would normally only apply to the highway service centre land use and not hotel or motel accommodation. Council did concede that rezoning to SP1 would have an advantage of clearly delineating the area of land that can be developed. However, mapping the site on the Schedule 1 Map also clearly delineates the area to be developed.

Council prefers the amendment of Schedule 1 as it would clearly identify the land uses supported by the JRPP and the land affected. Council also notes that the highway service centre at Sally's Corner, Sutton Forest is located on land zoned E3 Environmental Management and permitted through Schedule 1 of the LEP.

It is noted that the LEP Panel recently made a recommendation on a similar Wingecarribee planning proposal where a request to amend Schedule 1 to permit a service station and motel etc, was amended by the Panel to require Council to rezone the site to a suitable business zone. As such, it is recommended that this planning proposal be amended from Council's request to amend Schedule 1 to permit the uses to rezone the subject land to SP1 Special Activities and clearly permit 'highway service centres and hotel and motel accommodation' on the site. Rezoning the site to SP1 has a similar effect to amending

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Consistency with strategic planning framework :

Schedule 1. It would not be appropriate in this instance to rezone the site to a business zone, as the JRPP found that other retailing activities (the applicant proposed to include a supermarket on the site) would be an inappropriate location for such uses as they should be provided in the nearby towns and villages.

Council identified that Section 6 Regional Transport and Section 8 Natural Environment of the Sydney to Canberra Corridor Regional Strategy applies to the proposal.

Chapter 5 of the Regional Strategy also identifies the Hume Highway as a key piece of infrastructure and economic investment in the Region. The proposal is likely to be a key employer of young people in the northern part of the Shire, due to the nature of highway service centre land uses (eg. fast food chains). This is not incompatible with the focus of the Regional Strategy.

The Regional Strategy does have an action that LEPs are to limit inappropriate adjoining development and access points off the Hume Highway, (etc). This proposal is not considered to be inconsistent with this action.

Council does not consider the proposal to be consistent with the local strategy 'Wingecarribee Our Future Strategic Plan'.

Environmental social economic impacts :

There is potential for environmental impacts on riparian areas, however, it is considered that the proposal will maintain appropriate buffers from the identified riparian corridor as only a small portion of the site appropriately located away from the corridor will be affected by the proposal.

The JRPP considered there to be detrimental social and economic impacts from the proposed retail uses (being a supermarket) as part of the proposal. As such, the planning proposal no longer proposes retail uses and is limited to a highway service centre and hotel or motel accommodation on the site.

The JRPP also noted the positive social and economic benefits of the proposal by providing appropriately located rest stops, refreshments and accommodation to the travelling public.

Assessment Process

Proposal type : **Routine** Community Consultation Period : **28 Days**

Timeframe to make LEP : **9 months** Delegation : **RPA**

Public Authority Consultation - 56(2)(d) : **Sydney Catchment Authority
Transport for NSW - Roads and Maritime Services**

Is Public Hearing by the PAC required? **No**

(2)(a) Should the matter proceed ? **Yes**

If no, provide reasons : **The matter is appropriate to proceed and will be implementing the recommendations of the Southern JRPP.**

Resubmission - s56(2)(b) : **No**

If Yes, reasons :

Identify any additional studies, if required. :

Other - provide details below

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If Other, provide reasons :

The Southern JRPP recommended that a "detailed traffic analysis be provided that meets the requirements of the Roads and Maritime Services as outlined in correspondence to Wingecarribee Shire Council dated 10 June 2011."

This analysis should be completed and available prior to Council publicly exhibiting the planning proposal.

Identify any internal consultations, if required :

No internal consultation required

Is the provision and funding of state infrastructure relevant to this plan? No

If Yes, reasons :

Documents

Document File Name	DocumentType Name	Is Public
Planning Proposal - Colo Vale.pdf	Proposal	Yes
DPI&I letter to Council and JRPP Submission.pdf	Proposal	Yes
RTA Comments 10_06_2011 - Colo Vale.pdf	Proposal	Yes
JBA Colo Vale planning proposal.pdf	Proposal	Yes
Council Report 12 June 2013 - Colo Vale.pdf	Proposal	Yes
Council Resolution 12 June 2013 - Colo Vale.pdf	Proposal	Yes
Delegation form - Colo Vale.doc	Proposal	Yes

Planning Team Recommendation

Preparation of the planning proposal supported at this stage : **Recommended with Conditions**

S.117 directions:

- 1.2 Rural Zones
- 1.5 Rural Lands
- 2.1 Environment Protection Zones
- 3.4 Integrating Land Use and Transport
- 4.4 Planning for Bushfire Protection
- 5.1 Implementation of Regional Strategies
- 5.2 Sydney Drinking Water Catchments
- 6.1 Approval and Referral Requirements
- 6.3 Site Specific Provisions

Additional Information : It is **RECOMMENDED** that the Deputy Director General, as delegate of the Minister for Planning and Infrastructure, determine under section 56(2) of the EP&A Act that an amendment to the Wingecarribee LEP 2010 to permit the development of a highway service centre and hotel or motel accommodation on part of Lot 2, DP 1010179, Church Ave, Colo Vale should proceed subject to the following conditions:

1. The amendment of Schedule 1 of the Wingecarribee LEP 2010 to permit the proposal is not supported. Instead, the relevant planning authority is to rezone the subject land to SP1 Special Activities noting that 'Highway service centres' and 'Hotel and motel accommodation' are to be permitted with consent.

2. Community consultation is required under sections 56(2)(c) and 57 of the Environmental Planning and Assessment Act 1979 ("EP&A Act") as follows:

(a) the planning proposal must be made publicly available for 28 days; and
(b) the relevant planning authority must comply with the notice requirements for public exhibition of planning proposals and the specifications for material that must be made publicly available along with planning proposals as identified in section 5.5.2 of 'A guide to preparing local environmental plans (Department of Planning and Infrastructure, 2013)'.

3. Consultation is required with the following public authorities under section 56(2)(d) of

the EP&A Act:

- Roads and Maritime Services (prior to community consultation)
- NSW Rural Fire Service (prior to community consultation s117 4.4)
- Sydney Catchment Authority (SCA s117 5.2)

Each public authority is to be provided with a copy of the planning proposal and any relevant supporting material. Each public authority is to be given at least 21 days to comment on the proposal, or to indicate that they will require additional time to comment on the proposal. Public authorities may request additional information or additional matters to be addressed in the planning proposal.

4. A detailed traffic impact analysis is to be prepared to assist Council in its consultation with the Roads and Maritime Services that meets the requirements of the Roads and Maritime Services as outlined in the RMS letter to the Wingecarribee Shire Council dated 10 June 2011.

5. No public hearing is required to be held into the matter under section 56(2)(e) of the EP&A Act. This does not discharge Council from any obligation it may otherwise have to conduct a public hearing (for example in response to a submission or if reclassifying land).

6. The timeframe for completing the LEP is to be 9 months from the week following the date of the Gateway determination.

7. Council be authorised to use the Minister's plan making delegation under sections 59(2),(3)&(4) of the Environmental Planning and Assessment Act 1979.

8. SECTION 117 DIRECTIONS - It is recommended that:

(a) The Director General can be satisfied that the planning proposal is consistent with s117 Direction 1.5 Rural Lands, 3.4 Integrated Land Use and Transport, 4.4 Planning for Bushfire Protection, 5.1 Regional Strategies and 6.3 Site Specific Provisions;

(b) The Director General can be satisfied that the planning proposal will be consistent with s117 Directions 4.4 Planning for Bushfire Protection and 5.2 Sydney Drinking Water Catchments when Council has consulted with the NSW Rural Fire Service and SCA respectively;

(c) The Director General can be satisfied that the planning proposal is consistent with all other relevant s117 Directions or that any inconsistencies are of minor significance; and

(d) No further consultation or referral is required in relation to s117 Directions while the planning proposal remains in its current form.

9. The planning proposal is considered to be consistent with all relevant SEPPs.

Supporting Reasons :

The planning proposal implements the recommendations of the Southern JRPP's assessment undertaken as part of a Pre-Gateway Review. There are no outstanding issues of concern.

Signature:



Printed Name:

MARK PARKER
Local Planning Manager

Date:

7th February 2014