



# Planning & Infrastructure

Ms Ann Prendergast  
Acting General Manager  
Wingecarribee Shire Council  
PO Box 141  
MOSS VALE NSW 2577

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|--------------------------|--------|------|
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| S. Stannard              | ✓      |      |
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|                          |        |      |

Our ref: 13/13400-1

**COPY SENT**

Dear Ms Prendergast

**Subject: Request for Pre-Gateway Review – Notification to Council of Determination**

I refer to the request for a Pre-Gateway Review. Details of the proposed instrument are summarised below:

|                   |                                                                                      |
|-------------------|--------------------------------------------------------------------------------------|
| Dept. Ref. No     | PGR_2013_WINGE_003_00                                                                |
| LGA               | Wingecarribee                                                                        |
| LEP to be amended | Wingecarribee Local Environmental Plan 2010                                          |
| Address/Location  | Part Lot 2, DP 1010179, Church Ave, Colo Vale                                        |
| Proposal          | Permit a highway service centre, hotel and motel accommodation, and retail premises. |

Please find attached the advice of the Southern Region Joint Planning Panel (JRPP) with regard to the above request for a Pre-Gateway Review.

I have considered the request for review together with the recommendation of the JRPP. As delegate of the Minister for Planning and Infrastructure, I have determined that the proposed instrument should proceed to Gateway determination.

Please advise if Council is prepared to be the Relevant Planning Authority (RPA) for this matter, and submit a planning proposal within 40 days of the date of this letter. If Council advises it is not prepared to be the RPA or if a planning proposal is not submitted within the 40 days of the date of this letter, an alternate RPA may be appointed to prepare one.

The Department's 'A guide to preparing local environmental plans' provides advice on procedures for the various stages in the independent review process. The guide is available on-line at [www.planning.nsw.gov.au/gateway-process](http://www.planning.nsw.gov.au/gateway-process).

You can check the progress of the request for review on the LEP Tracking System at <http://pgrtracking.planning.nsw.gov.au/PublicList.aspx>.

If you have any questions with regard to this matter, please contact Mr Brett Whitworth, Regional Director, Southern Region of the Department of Planning and Infrastructure on (02) 4224 9450.

Yours sincerely

Neil McGaffin  
A/Deputy Director General  
Planning Operations and Regional Delivery

9.12.13.

Encl. Southern JRPP Pre-Gateway Review recommendations

**Joint Regional Planning Panel  
Pre-Gateway Review**

The Joint Regional Planning Panel (JRPP) has considered the request for a review of the proposed instrument as detailed below.

**The Pre-Gateway Review:**

|                             |                                                     |
|-----------------------------|-----------------------------------------------------|
| <b>Date of Review:</b>      | <b>7-8 November 2013</b>                            |
| <b>Dept. Ref. No:</b>       | <b>2013STH022</b>                                   |
| <b>LGA:</b>                 | Wingecarribee Shire                                 |
| <b>LEP to be Amended:</b>   | Wingecarribee LEP 2010                              |
| <b>Address / Location:</b>  | Part Lot 2 DP 1010179, 1-9 Church Avenue, Colo Vale |
| <b>Proposed Instrument:</b> | PGR_2013_WINGE_003_00                               |

|                           |                                     |                                                                                                                               |
|---------------------------|-------------------------------------|-------------------------------------------------------------------------------------------------------------------------------|
| <b>Reason for review:</b> | <input checked="" type="checkbox"/> | The council has notified the proponent that the request to prepare a planning proposal has not been supported                 |
|                           | <input type="checkbox"/>            | The council has failed to indicate its support 90 days after the proponent submitted a request to prepare a planning proposal |

In considering the request, the JRPP has reviewed all relevant information provided by the proponent as well as the views and position of the department and the relevant local government authority.

Based on this review the JRPP recommends the following:

|                                       |                                                                                         |                                                                                                                               |
|---------------------------------------|-----------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------|
| <b>JRPP<br/>RECOMMENDATION:</b>       | <input checked="" type="checkbox"/>                                                     | The proposed instrument <b>should</b> be submitted for a Gateway determination subject to provision of additional information |
|                                       | <input type="checkbox"/>                                                                | The proposed instrument <b>should not</b> be submitted for a Gateway determination                                            |
| <b>Composition of Recommendation:</b> | <input checked="" type="checkbox"/> Unanimous<br><input type="checkbox"/> Not unanimous | <b>Comments:</b>                                                                                                              |

**JRPP Advice and Justification for Recommendation:**

**1. Request for review**

The Director-General, as Delegate of the Minister for Planning and Infrastructure, requested on 3 October 2013 that the Southern Joint Regional Planning Panel (regional panel) carry out a pre-Gateway review of proposed instrument PGR\_2013\_WINGE\_003\_00 and to prepare advice concerning the merits of the proposal. The request for the review has been made by the proponent TCW Consulting Pty Ltd.

The regional panel constituted for this matter comprised Allen Grimwood (Acting Chair) and Alison McCabe as state appointed members, and Laurel Cheetham and Councillor Duncan Gair appointed by Council to represent the community.

Meetings have been held with TCW Consulting Pty Ltd (the proponent), Wingecarribee Shire Council staff (Council) and representatives of the Department of Planning and Infrastructure (Southern Region) on 7 and 8 November 2013. Departmental representatives attended all meetings as observers and to provide advice.

## **2. The planning proposal**

The proposed instrument PGR\_2013\_WINGE\_003\_00 that was submitted for review comprises a Planning Proposal to amend Wingecarribee Local Environmental Plan (LEP) 2010 to permit specific land uses either as additional permitted uses or by way of applying zone SP1 Special Activities to land described as part Lot 2 DP 1010179, 1-9 Church Avenue, Colo Vale.

The proposed land uses as described in section 4.0 Explanation of Provisions of the Planning Proposal comprise a highway service centre, associated retail premises and hotel or motel accommodation. These uses are defined in Wingecarribee LEP 2010 as a highway service centre, retail premises, and hotel or motel accommodation. The land is currently zoned RU4 Rural Small Holdings with a minimum lot size of 2 hectares. The proposed uses are prohibited in this zone.

The land uses are proposed over an area of four hectares located at the north eastern corner of Lot 2 adjacent to the Hume Highway and Church Avenue intersection as outlined in blue in Figure 3 of the Planning Proposal.

The amendment to Wingecarribee LEP 2010 may be carried out by one of the following methods:

- Permit the proposed land uses by inclusion in Schedule 1 Additional permitted uses, or
- Apply the SP1 Special Activities zone to part Lot 2.

The Planning Proposal was lodged with Wingecarribee Shire Council in January 2012. Council had previously resolved in October 2011 to prepare a planning proposal to, amongst other things, prohibit highway service centres in all zones. The amendment to Wingecarribee LEP 2010 was published, however, the prohibition of highway service centres was excluded from the amendment.

The Planning Proposal was reported to Council's Local Planning Strategy Committee Sunset Working Group in August 2012 and again in February 2013. The matter was then put to the meeting of Council held on 17 April 2013 and was deferred to the Local Planning Strategy Steering Committee Working Group and considered again on 15 May 2013. Wingecarribee Shire Council at its meeting of 12 June 2013 resolved to not support the Planning Proposal. The proponent subsequently lodged an application for a pre-Gateway Review.

### **3. Strategic merit assessment**

#### *Site suitability*

The location of the site, being adjacent to a major national highway and freight route, is considered to be strategically appropriate for the development of a highway service centre and motel accommodation that offer services to the travelling public. The site is well located to ensure that fuel, food and accommodation needs are met at regular intervals along the Hume Highway.

However, the regional panel is of the view that the site is not suited to retail uses other than those included within the definition of a highway service centre, i.e. restaurants, cafes and take-away food and drink premises. Retail uses such as shops and supermarkets offer services to the inhabitants of nearby towns and villages, and are more appropriately located within those centres in close proximity to resident populations.

#### *Traffic impacts*

The site is located adjacent to an off ramp from the Hume Highway that provides access to and from the villages of Colo Vale, Hill Top and Yerrinbool. This off-ramp is located less than one kilometre north of an on-ramp from the settlement of Mittagong. This separation distance between the on-ramp and the off ramp to Colo Vale makes traffic impact a threshold issue in considering whether or not the Planning Proposal should proceed to a Gateway determination. Traffic issues such as vehicle weaving in relation to access to both on ramps to Church Avenue, and the eastern offramp, the capacity of the local road network, the level of service of the highway and road signage are matters that need to be addressed to determine whether road safety can be maintained if the development proceeds. The regional panel is of the view that adequate information, including the methodology, findings and assumptions made in any traffic modelling, that meets the requirements of guidelines utilised by Roads and Maritime Services needs to be provided before determining whether the proposal should proceed.

#### *Strategic planning*

The expansion of the village of Colo Vale was considered by Council in Wingecarribee Our Future Strategic Plan 2002. Land known as Wensleydale that is located east of Colo Vale and opposite the site was identified for future urban development in that strategy, however, this land is not mapped as an urban release area in Wingecarribee LEP 2010. The regional panel nevertheless acknowledges the potential for growth in the villages north of Mittagong through infill development and potential future urban expansion to cater for long term demand. It is suggested that Council give further consideration to future development of the northern villages in forthcoming strategic planning exercises having regard to land supply, projected growth rates and housing demand, and the provision of commercial services in these settlements.

#### *Summary*

Subject to the provision of an analysis of traffic impacts that demonstrates that the proposed development will not impact adversely on road safety or the capacity of the local and arterial road network, the regional panel supports the development of a highway service centre and hotel or motel

accommodation. The regional panel does not support the development of retail uses other than those that are ancillary to a highway service centre.

In making recommendations the regional panel believes that, due to location, surrounding land zoning and site attributes, detailed consideration should be given to the following matters during assessment of any future development application for the proposed land uses:

- site access arrangements,
- the landscape setting,
- built form and design,
- adjoining land uses and the need for appropriate transitions and buffers.

#### **4. Recommendation**

The regional panel recommends that:

- (a) Proposed Instrument PGR\_2013\_WINGE\_003\_00 proceeds to a Gateway determination subject to:
  - (i) Permitted land uses being limited to a highway service centre and hotel or motel accommodation, and
  - (ii) A detailed traffic impact analysis being provided that meets the requirements of Roads and Maritime Services as outlined in correspondence to Wingecarribee Shire Council dated 10 June 2011.

Endorsed by:



Allen Grimwood  
Acting Chair  
Southern Joint Regional Planning Panel  
14 November 2013