

## Planning Services

### Gateway Determination Report

<b>LGA</b>	WINGECARRIBEE
<b>PPA</b>	WINGECARRIBEE SHIRE COUNCIL
<b>NAME</b>	Rezone one lot from IN2 Light Industrial to R2 Low Density Residential, with a minimum lot size of 700m2 (7 dwellings)
<b>NUMBER</b>	PP_2018_WINGE_005_00
<b>LEP TO BE AMENDED</b>	Wingecarribee Local Environment Plan 2010
<b>ADDRESS</b>	22 Parkes Road, Moss Vale
<b>DESCRIPTION</b>	Lot 2 DP 1049909
<b>RECEIVED</b>	23 April 2018
<b>FILE NO.</b>	IRF18/2616
<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 rezone the site from IN2 Light Industrial to R2 Low Density Residential, with a minimum lot size of 700m2, and amend both the Land Zoning Map and Lot Size Map under Wingecarribee Local Environment Plan 2010. The planning proposal potentially provides for 7 dwellings on the site.

### Site description

The site has an area of 5,400m2 and comprises the western most portion of an area zoned IN2 Light Industrial along Lackey Road and Parkes Road, Moss Vale. The subject site is approximately 1km from the Moss Vale town centre and 600m north of a pedestrian overbridge which provides additional access to the town centre.

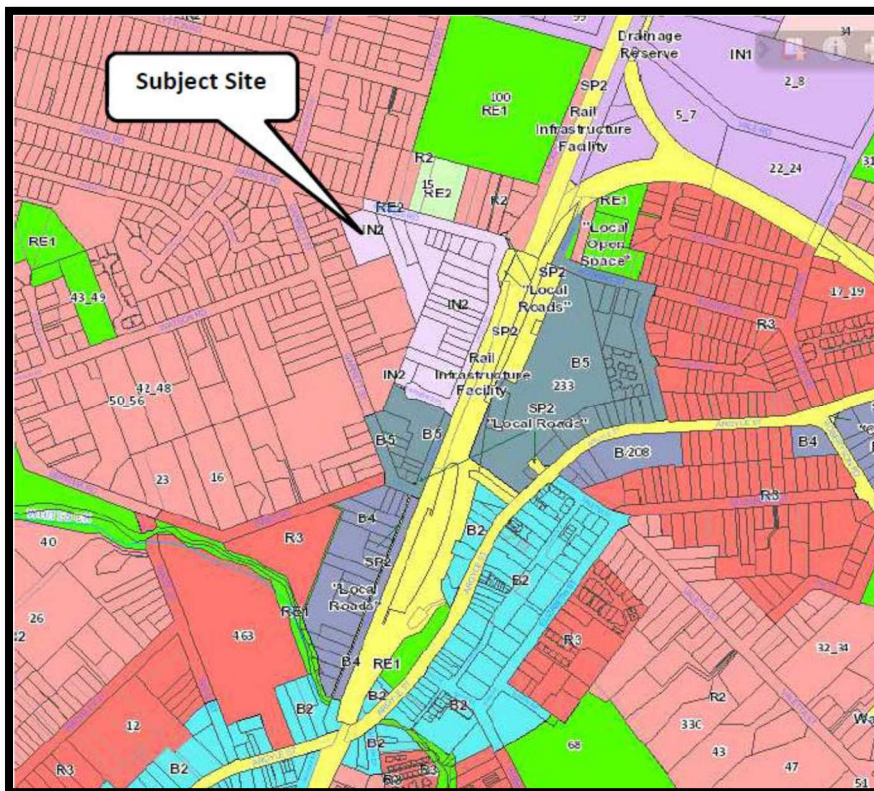
The long operating business on the site "Highland Sand and Gravel" has relocated and Council seeks to rezone the site to provide for additional residential uses, due to its proximity to services and transport, and compatibility with adjoining land uses.

Figure 1. Site Map



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

Figure 2. Land Use Zoning Map



Source: Wingecarribee Planning Proposal (April, 2018)



## Surrounding area

The site is bounded in the north, west and south west by land zoned R2 Low Density Residential. Land to the immediate east is also zoned IN2 Light Industrial and further to the east (across the railway line) is zoned B5 Business Development.

The locality has a mixed character, adjoining the site to the south (with access off Garrett Street) is an Auto After-Sales premises, with the remainder of adjoining and nearby sites on Garrett Street comprising of low density residential development. Opposite the site on Parkes Road, both a gymnasium and basketball courts exist alongside low density residential development.

Figure 3. Surrounding Locality



Source: Google Maps (May, 2018)

## Summary of recommendation

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

## PROPOSAL

### Objectives or intended outcomes

The objective of the planning proposal is to:

Rezone the site from IN2 Light Industrial to R2 Low Density Residential, with a minimum lot size of 700m<sup>2</sup>.

## **Explanation of provisions**

The proposed LEP amendments are clearly identified and explained in Council's Planning Proposal. The land is currently zoned as IN2 Light Industrial. The following amendments to Wingecarribee LEP 2010, are required:

1. Amend the Land Zoning Map LZN\_007D to change the subject land from IN2 Light Industrial to R2 Low Density Residential; and
2. Amend the Lot Size Map LSZ\_007D to apply a minimum lot size of 700m2 to the subject land.

## **Mapping**

Mapping amendments are proposed to Wingecarribee LEP 2010 as 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 recent relocation of the previous sand and gravel business from the site.

The site aligns with a zone boundary between R2 Residential Low Density and IN2 Light Industrial as identified under Wingecarribee Local Environment Plan 2010. Consideration of extending the R2 Residential Low Density zoning to include the site occurred when Council revised the previous Wingecarribee Local Environment Plan 1989. Council has advised that the decision to maintain the existing IN2 Light Industrial zoning for the site was largely based on the site's then land use, being a sand and gravel business. With the recent change in land use, Council has sought to review the zoning of the site, taking into consideration surrounding land uses and compatibility.

The need for the planning proposal, as identified by Council, is supported. The planning proposal process is the only method of achieving residential development on the site.

## **STRATEGIC ASSESSMENT**

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

The planning proposal is consistent with a number of directions set out under Goal 4 'Environmentally sustainable housing choices' of the South East and Tablelands Regional Plan:

- deliver greater housing supply and choice;
- focus housing growth in locations that maximise infrastructure and services; and
- deliver more opportunities for affordable housing.

It is acknowledged that the planning proposal is of minor nature, and that the rezoning of the site is in keeping with the above-mentioned directions of the Regional Plan, in

that it has the capacity to offer increased housing supply and choice, in a locality that can utilise existing infrastructure and services.

## **Local – Wingecarribee Local Planning Strategy 2015-2031**

The planning proposal is consistent with Council's Local Planning Strategy, particularly 'Chapter 4: Meeting Our Housing Needs', that identifies the delivery of new housing through infill development as a key priority. The planning proposal is an appropriate example of infill development, in that it is located close to existing residential development, services and transport.

### **Section 9.1 Ministerial Directions**

The following Ministerial Directions are applicable to the planning proposal; 1.1 Business and Industrial zones, 3.1 Residential Zones and 5.2 Sydney Drinking Water Catchment.

#### **Ministerial Direction 1.1 Business and Industrial zones**

The objectives of this direction are to; *'encourage employment growth in suitable locations, protect employment land in business and industrial zones and to support the viability of identified strategic centres'*. This direction applies as the planning proposal will affect land within an existing industrial zone.

In this case, the proposed R2 Residential Low Density zoning is considered to achieve a higher level of compatibility with surrounding residential development opposed to the existing IN2 Light Industrial zoning. The previous use associated with the IN2 Light Industrial zoning, a sand and gravel business, has now relocated to a site within Moss Vale Enterprise Zone. The site is now vacant and is not identified as being located within a strategic centre with regard to industrial land use.

The planning proposal is inconsistent with Ministerial Direction 1.1 as it does not retain industrial land. The inconsistency, in this circumstance is considered to be of minor significance as the site is relatively small (5,400m<sup>2</sup>) and there are alternative industrial lands available in the locality.

#### **Recommendation**

The planning proposal is considered to be inconsistent with the objective of Ministerial Direction 1.1 Business and Industrial zones, however this inconsistency is of minor significance and the rezoning of the site from industrial to residential land use is compatible with surrounding land uses.

#### **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 planning proposal seeks to rezone the land from IN2 Light Industrial to R2 Low Density Residential zoning. The proponent has identified the potential to deliver 7 dwellings on the site. The proposed R2 Low Density Residential zoning provides capacity for increased variety and choice of housing types. Given that the site is located within reasonable distance to the town centre, it is considered appropriate that a R2 Low Density zone is applied to the site.

#### Recommendation

The planning proposal is considered to be consistent with the objective of Ministerial Direction 3.1 Residential Zones, and will provide an increased range of housing type and choice within the Moss Vale locality.

#### Ministerial Direction 5.2 Sydney Drinking Water Catchment

The site is identified as being located within the Sydney drinking water catchment area. Council have advised that the planning proposal will not adversely impact on water quality in the catchment area, nor disturb land and water capability in this area.

The proposal is considered consistent with Ministerial Direction 5.2, subject to the required consultation under section 3.34 (2)(d) of the Act with The Sydney Catchment Authority.

### **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.

State Environmental Planning Policy 55 – Remediation of land is relevant due to the previous use of the site. Council has advised that this matter will be considered further through the assessment of a development application.

## **SITE-SPECIFIC ASSESSMENT**

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### **Social**

The planning proposal can provide for increased housing type and choice, which may generate a positive impact on housing affordability on a local scale. The planning proposal is unlikely to generate any adverse social impacts.

### **Environmental**

The planning proposal will not generate adverse impacts on critical habitat, threatened species or ecological communities or their habitats due to the disturbed nature of the site. Any future use of land will consider environmental impacts as part of the development assessment process.

### **Economic**

The provision of additional housing within the Moss Vale locality that utilises land in a manner that has the capacity to provide an expanded choice of housing, with close proximity to town centre services is expected to be of a beneficial economic impact to the Moss Vale township.



## **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 prior to making the plan.

## **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 Wingecarribee LEP 2010 is minor in nature, consistent with the strategic planning for the region.

## **CONCLUSION**

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The planning proposal seeks to rezone one parcel of light industrial land to low density residential land to enable low scale residential development. Overall, the planning proposal is likely to provide positive local social and economic impacts 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 of 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 rezone the site from IN2 Light Industrial to R2 Low Density Residential, with a minimum lot size of 700m<sup>2</sup> 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.



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23 May 2018

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