

DATE OF DECISION	16 January 2018
PANEL MEMBERS	Hon. Pam Allan (Chair), Alison McCabe, Renata Brooks, Carl Peterson, Jim Gilvarry
APOLOGIES	None
DECLARATIONS OF INTEREST	None

REZONING REVIEW

2017STH024 – Wingecarribee - PGR_2017_WINGE_001_00

Lot 1 DP DP819424, Broughton St, Darraby Lodge Moss Vale

The proposal involves the rezoning of the subject land from E3 (Environmental Management) to part R2 (Low Density Residential) Zone and part R5 (Large Lot Residential) Zone, and to apply minimum lot sizes ranging from 450m² to 2000m².

Reason for Review:

- ☒ The council has notified the proponent that the request to prepare a planning proposal has not been supported
- ☐ The council has failed to indicate its support 90 days after the proponent submitted a request to prepare a planning proposal or took too long to submit the proposal after indicating its support

PANEL CONSIDERATION AND DECISION

The Panel considered: the material listed at item 4 and the matters raised and/or observed at meetings and site inspections listed at item 5 in Schedule 1.

Based on this review, the Panel determined that the proposed instrument:

- ☐ **should** be submitted for a Gateway determination because the proposal has demonstrated strategic and site specific merit
- ☒ **should not** be submitted for a Gateway determination because the proposal has
 - ☐ not demonstrated strategic merit
 - ☒ has demonstrated some strategic merit but not site specific merit

The decision was unanimous.

REASONS FOR THE DECISION

The Panel resolves that this proposal should not proceed to Gateway Determination, as it does not adequately demonstrate strategic nor site specific merit.

The Panel notes that the proposal does possess some strategic merit, which is identified as follows:

- A shortfall in residential capacity to meet future needs has been identified in the South East and Tablelands Regional Plan 2036;
- The proposal is consistent with plan directions to extend existing local centres, rather than allowing growth to occur in isolated land releases; and
- The site has been under investigation and is identified for consideration for rezoning all or part of the site in the Wingecarribee Local Planning Strategy – Moss Vale precinct plan.

However, the detriment of the proposal's strategic merit is its inconsistency with the Wingecarribee Local Planning Strategy precinct plan, which documents previous council conclusions that only part of the site is suitable for an increase in density and residential development.

In regard to the site's site-specific merit, the Panel note that the site is constrained by a number of factors, including:

- Its location in a rural landscape context;
- Its location in the visual catchment of a number of significant heritage items;
- The existence of Office of Environment and Heritage (OEH) mapped endangered ecological communities (Tableland Basalt Forest and Southern Highland Shale Woodlands), the latter also being listed under the *Environment Protection and Biodiversity Conservation Act 1999 (Cwth)*
- The limitations on the capacity of Council's existing sewerage and road infrastructure to accommodate new development without significant upgrading.

The current proposal neither recognises nor responds to the constraints of the site. The subdivision layout and lot sizes proposed do not appropriately respond to the sites constraints and context, particularly in relation to the topography and visual prominence of the site and its location at the interface of the residential and rural environment. The proposal fails to provide an appropriate transition to the rural and heritage landscape to the west and south.

In particular:

- It proposes R2 zoning, with a minimum lot size of 450 square metres in a prominent area of the site in the visual catchment of significant heritage items;
- It proposes relocating the current abrupt interface between R2 and E3 zoning without addressing the need for an appropriate transition; and
- It proposes R5 zoning with minimum lot size of 2000 square metres in the portion of the site containing the endangered ecological communities, potentially allowing fragmentation of a potentially significant ecological asset and wildlife corridor.

The Panel acknowledges that Council's residential strategy identifies approximately a third of the site for consideration for residential development, however there does not appear to be a great degree of logic underpinning the area identified. The Panel is of the view that further consideration of the site's context, topography and visual impacts might suggest alternative approaches which could allow a proposal to be developed which is more appropriate.

The site is in a visually prominent and sensitive location on the edge of town, and therefore requires a proposal underpinned by a more robust analysis, particularly in respect to ecology, visual impacts, points of transition to rural landscape, and integration with adjoining residential and rural zones. The site needs to be investigated from these four perspectives to identify potential developable areas appropriate for rezoning that responds to its constraints and context. The current proposal lacks this analysis.

With respect to the limitations of the existing infrastructure Council's advice of 12 January 2018 advises that the existing sewerage and road infrastructure are at capacity and unable to service additional development until such time as significant capital works have been implemented.





In particular:

- The Moss Vale STP is at capacity and requires significant upgrading to address a number of regulatory compliance issues prior to approving additional connections to the Moss Vale sewerage system.
- Existing limitations with the capacity of Argyle Street (Illawarra Highway) is causing considerable traffic congestion which require the implementation of the Moss Vale Bypass Project and significant upgrading of Argyle Street.
- Council's preliminary assessment of the scope of works required to address these infrastructure constraints is estimated to cost in the order of \$75M, with associated sources of funding yet to be identified.

In conclusion, the Panel is of the view that the current proposal is not adequately justified in the context of the site ecology, visual impact, topography and transition between residential and rural. In addition, it

appears that Council's existing sewerage and road infrastructure are inadequate to service additional development pending the implementation of a significant program of capital works to address these constraints.

Hence, the Panel does not support submission of the proposal in its current form for Gateway review.

PANEL MEMBERS	
 Hon. Pam Allan (Chair)	 Alison McCabe
 Renata Brooks	<i>Approved by email 5/2/18 at 6:23 am.</i> Jim Gilvarry
 Carl Peterson	

SCHEDULE 1		
1	PANEL REF – LGA – DEPARTMENT REF - ADDRESS	2017STH024 – Wingecarribee - PGR_2017_WINGE_001_00 Lot 1 DP DP819424, Broughton St, Darraby Lodge Moss Vale
2	LEP TO BE AMENDED	Wingecarribee Local Environmental Plan 2010
3	PROPOSED INSTRUMENT	The proposal involves the rezoning of the subject land from E3 (Environmental Management) to R2 (Low Density Residential) Zone, and to apply minimum lot sizes ranging from 450m2 to 2000m2.
4	MATERIAL CONSIDERED BY THE PANEL	<ul style="list-style-type: none"> • Rezoning review request documentation • Briefing report from Department of Planning and Environment • Council Advice dated 12 January 2018 • South East Tablelands Regional Plan 2036 • Wingecarribee Local Planning Strategy 2015-2031 – Moss Vale Precinct Plan
5	MEETINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none"> • Site inspection: 19 October 2017 <ul style="list-style-type: none"> ○ Panel members in attendance: Hon. Pam Allan (Chair), Alison McCabe, Renata Brooks, Carl Peterson, Jim Galvarry ○ Department of Planning and Environment (DPE) staff in attendance: Nathan Forster • Briefing meeting with Department of Planning and Environment (DPE): 20 October 2017 and 16 January 2018 <ul style="list-style-type: none"> ○ Panel members in attendance: Hon. Pam Allan (Chair), Alison McCabe, Renata Brooks, Carl Peterson, Jim Galvarry ○ DPE staff in attendance: Graham Towers, Nathan Forster • Briefing meeting with Council: 20 October 2017 <ul style="list-style-type: none"> ○ Panel members in attendance: Hon. Pam Allan (Chair), Alison McCabe, Renata Brooks, Carl Peterson, Jim Galvarry ○ DPE staff in attendance: Nathan Forster ○ Council representatives in attendance: Nick Wilton, Susan Stannard • Briefing meeting with Proponent: 16 January 2018 <ul style="list-style-type: none"> ○ Panel members in attendance: Hon. Pam Allan (Chair), Alison McCabe, Renata Brooks, Carl Peterson, Jim Galvarry ○ DPE staff in attendance: Graham Towers, Nathan Forster ○ Proponent representatives in attendance: Michael Brown, John McDonald, Kerry Marshall