

## 8.3 Planning Proposal to Rezone Land at Yarrawa Road Moss Vale

Reference:	5901, PN1682600, PN1682500, PN1682400
Report Author:	Senior Strategic Land Use Planner
Authoriser:	Coordinator Strategic Land Use Planning
Link to Community Strategic Plan:	Provide a mixture of housing types that allow residents to meet their housing needs at different stages of their lives and support affordable living

### WPURPOSE

The purpose of this report is to present to Council an assessment of a Planning Proposal to rezone and amend the minimum lot size of three adjoining properties at 121, 131 and 153 Yarrawa Road Moss Vale for the purposes of residential development.

### RECOMMENDATION

***THAT the Planning Proposal to amend Wingecarribee Local Environmental Plan (WLEP) 2010 to rezone and reduce the minimum lot size of land at 121, 131 and 153 Yarrawa Road Moss Vale be DEFERRED pending completion of the Wingecarribee Local Housing Strategy.***

### VOTING ON THE MOTION

Councillors are required to record their votes on this matter.

### REPORT

#### **BACKGROUND**

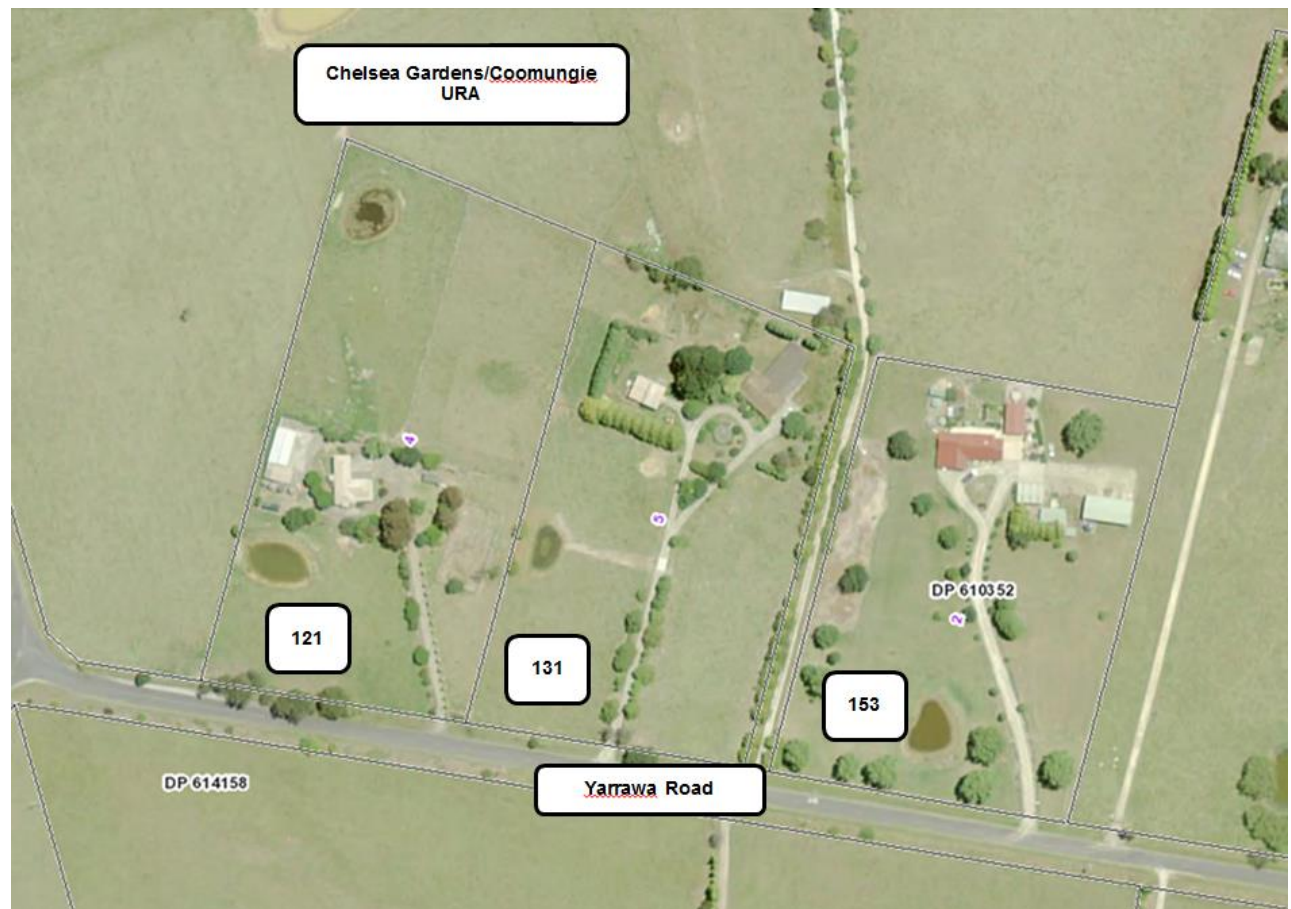
A Planning Proposal to rezone and amend the minimum lot size of three (3) adjacent lots which adjoin the Chelsea Gardens/Coomungie Urban Release Area (URA) was lodged with Council in March 2019 (**Attachment 1**). The land parcels are as follows:

- Lot 4 DP706194, 121 Yarrawa Road, Moss Vale,
- Lot 5 DP706194, 131 Yarrawa Road, Moss Vale, and
- Lot 2 DP610352, 153 Yarrawa Road, Moss Vale.

The location of these sites in relation to Yarrawa Road and the Chelsea Gardens/Coomungie URA is indicated in **Figure 1** below and a more detailed map is shown in **Figure 2** below.



Figure 1 Site Location



**Figure 2 Property Detail**

The subject land is zoned RU2 Rural Landscape with a minimum lot size of 40 hectares. Each lot is an area of some 2 hectares, thereby totalling some six (6) hectares.

A submission to rezone the subject land was considered by Council during the preparation of the Wingecarribee Local Planning Strategy 2015-2031. At its Ordinary Meeting of 24 June 2015 Council resolved THAT:

***Lot 4 DP 706192, 121 Yarrowa Road, Lot 5 DP706192, 131 Yarrowa Road & Lot 2 DP 610352, 153 Yarrowa Road, Moss Vale, remain zoned RU2 under WLEP 2010 AND THAT this zoning be reviewed once the outcome of the Chelsea Gardens/Coomungie Planning Proposal is known.***

The Chelsea Gardens Coomungie Urban Release Area (URA) was finalised by the Department of Planning (the Department) by means of Amendment 43 to Wingecarribee Local Environmental Plan (WLEP) 2010 on 27 October 2017. The amendment resulted in the rezoning of the land as indicated in **Figure 3** below and by the application of a range of minimum lot sizes as indicated in **Figure 4** below.



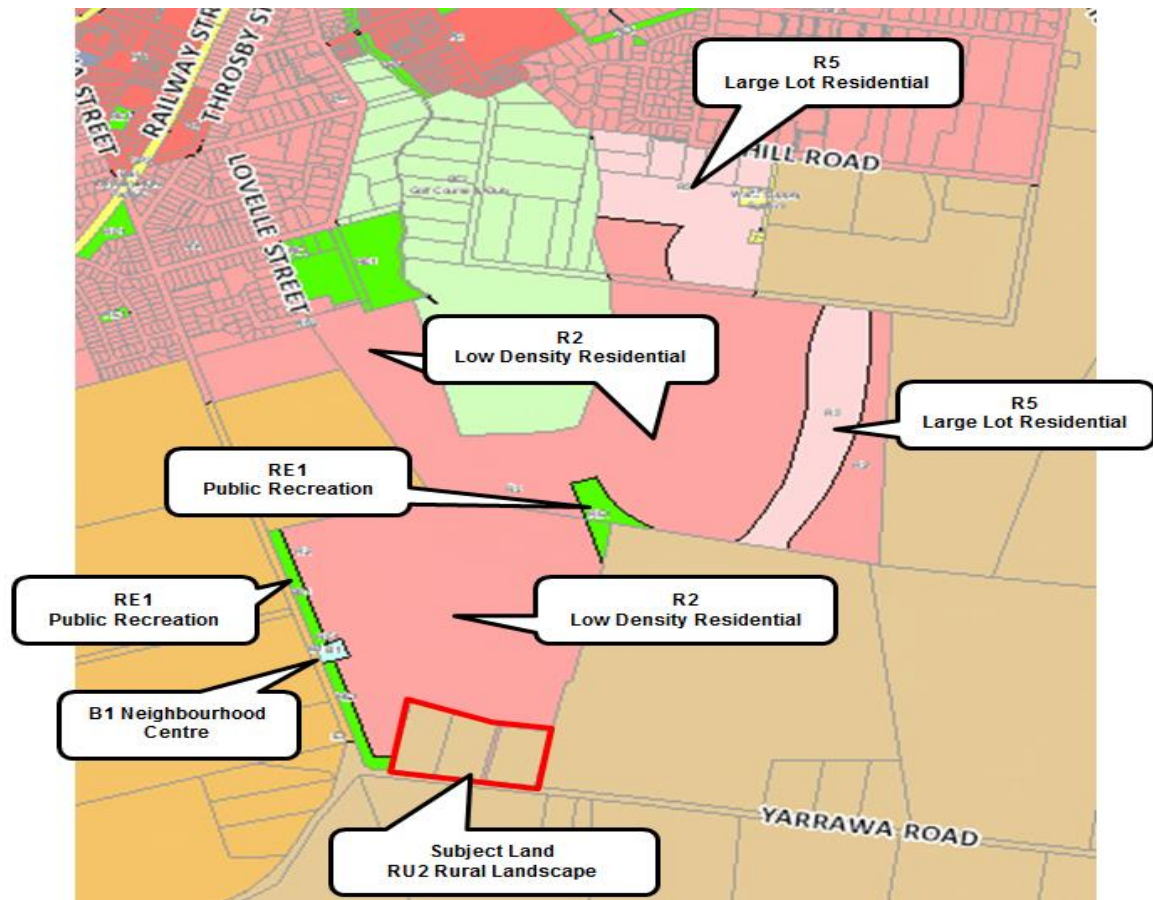


Figure 3 Zoning

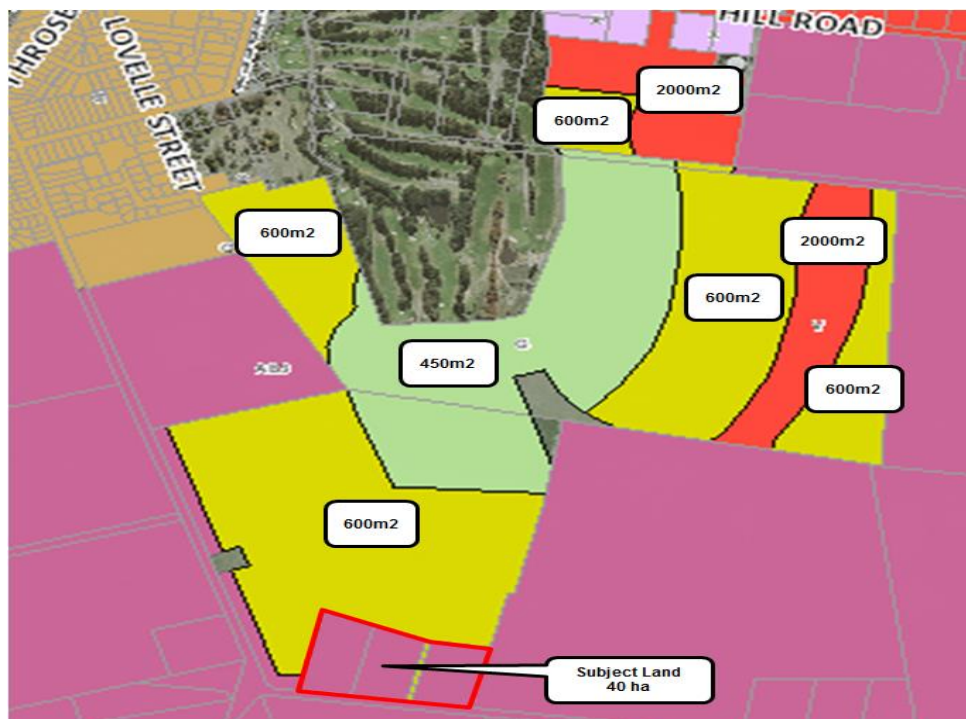


Figure 4 Minimum Lot Size

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Council did not support the Planning Proposal to amend the Chelsea Gardens/Coomungie URA land, resolving, *inter alia*, at its Ordinary Meeting of 14 August 2013:

1. ***THAT the Planning Proposal to amend WLEP 2010 to rezone and reduce the minimum lot size of Lot 12 DP 866036, Chelsea Gardens, 32 Lovelle Street, Moss Vale and Lot 3 DP 706194, Coomungie, 141 Yarrawa Road, Moss Vale, not be supported at this point in time for reasons outlined in the report.***
2. ***THAT Council prepares a planning proposal to remove Chelsea Gardens, 32 Lovelle Street, Moss Vale and Lot 3 DP 706194, Coomungie, 141 Yarrawa Road, Moss Vale, from Urban Release sites in the Wingecarribee LEP 2010.***

However, following review by the Southern Joint Regional Planning Panel (JRPP) through the Department, Council received advice on 9 December 2013 that the JRPP review recommended that the Planning Proposal proceed. The resulting Gateway Determination was issued by the Department on 24 March 2014 and included the direction that, “*consistent with the JRPP recommendation, the owners of land south of Coomungie and north east of Chelsea Gardens are also to be consulted on this planning proposal and invited to register their interest in having their land investigated for urban development*”.

Throughout the administration of the Planning Proposal Council continued to not support the Chelsea Gardens-Coomungie URA or any potential extension to it through the inclusion of additional adjoining lots. Council did however, consult with adjoining property owners and registered their interest in being considered for future urban development.

The current Planning Proposal seeks to progress this matter.

### **REPORT**

The Planning Proposal seeks to amend the subject land to apply a zone of R2 Low Density Residential and a minimum lot size of 600m<sup>2</sup>. These controls are consistent with those applying to the URA on its southern boundary with the subject land.

Council recognises the merit in applying the same standards as those for the adjoining URA land should the proposed amendments to the subject be supported, although it would also appear appropriate to continue the RE1 Public Recreation zone along the frontage to Yarrawa Road as in the URA zoning. These controls are estimated to yield a potential of some 70 lots.

While the subject land appears to be a logical extension of the URA, there are significant limitations in the existing infrastructure networks in Moss Vale, and major infrastructure upgrades are required to accommodate the development of the URA.

These significant infrastructure constraints underpin Council's ongoing concerns with the Planning Proposal to amend the Chelsea Gardens/Coomungie URA and are proving to be warranted as the URA development progresses.

As more detailed infrastructure planning has occurred, it has become increasingly apparent that Council's initial concerns regarding the infrastructure implications of rezoning the URA land, particularly with regard to traffic, as well as limitations in water and sewer capacity, were well founded.

The Planning Proposal itself recognises that the proposal “*could only proceed to the development stage if adequate servicing and infrastructure can be provided for the site and the development of it. This Planning Proposal should be considered now so that Council is in a position to gauge the adequacy of the infrastructure planning for the locality. It would*

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*not be feasible to attempt to provide all urban services to the subject land without the development proceeding around it... At a strategic level, the conclusion is that if 1200 dwellings can be planned for at Chelsea Gardens Coomungie, then 1270 dwellings can be planned for."*

Given the now known limitations in the infrastructure networks, it is considered premature to rezone land that may or may not be able to be serviced in the future. It is therefore recommended that the Planning Proposal be deferred, to allow Council to complete the more detailed infrastructure analysis associated with the URA, which will provide certainty in the future provision of infrastructure required to support the development.

Council is mindful of the JRPP's recommendation, supported by the Department of Planning, that land adjoining the Chelsea Gardens/Coomungie URA be considered in identifying potential land to meet the Shire's future housing needs. Council has already communicated with immediately adjoining land owners to ascertain their interest in future residential development as directed by the Department when issuing the Gateway Determination for the Chelsea Gardens/Coomungie URA.

However, at this time, the subject land does not form part of the URA, nor do the lots on the northern boundary with the URA which the JRPP also recognised for potential development and Council believes it would unwise at this time to rezone any further land without a clear understanding of how the current significant infrastructure deficits are to be addressed.

It is only because the subject had already been considered during preparation of the Wingecarribee Local Planning Strategy 2015-2031 and has been identified by the Department of Planning for potential future residential development, that Council is considering this Planning Proposal. However Council is now obliged, under the provisions of the *Environmental Planning and Assessment Act 1979*, to prepare a Local Housing Strategy and a Local Strategic Planning Statement both due for completion by July 2020.

The purpose of the Local Housing Strategy is to establish Council's vision for the provision of housing, in consultation with the community, and to detail how and where housing should be provided, taking into account local demographics, current housing supply and demand and site specific constraints. It is the intention of Council to consider the development potential of all land in the immediate vicinity of the Chelsea Gardens/Coomungie URA as part of that Strategy.

The Local Housing Strategy will subsequently underpin Council's 20 year vision to be articulated in the Local Strategic Planning Statement due for completion by July 2020 as required under the provisions of the *Environmental Planning and Assessment Act 1979*.

Even without these strategic documents, it would seem necessary to pause at this point and undertake further investigation as to how future water, sewer and road infrastructure are to be provided across the Shire.

It is therefore concluded that assessing an individual Planning Proposal in isolation of these strategic processes risks compromising the outcomes of both the Local Housing Strategy and the Local Strategic Planning Statement. It is recommended therefore that Council complete at least the Local Housing Strategy before reviewing this Proposal again within the context of the outcomes from that Strategy as to where future housing should best be located to ensure that the necessary infrastructure to support it can be provided in a timely manner.

It is recommended that the Planning Proposal BE DEFERRED PENDING COMPLETION OF THE WINGECARRIBEE LOCAL HOUSING STRATEGY.

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## **IMPACT ON COUNCIL'S FIT FOR THE FUTURE IMPROVEMENT PLAN**

There are no implications for Council's Fit for the Future Plan resulting from this report.

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## **COMMUNICATION AND CONSULTATION**

### **Community Engagement**

An extensive community engagement programme is being developed to support preparation of both the Local Housing Strategy and the Local Strategic Planning Statement. This consultation will strongly inform the outcomes of those strategic studies.

### **Internal Communication and Consultation**

In reviewing the Planning Proposal, preliminary internal consultation was undertaken with assets regarding water and sewer infrastructure.

### **External Communication and Consultation**

No external consultation has occurred at this stage.

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## **SUSTAINABILITY ASSESSMENT**

- **Environment**

Consideration of the Proposal within the context of the Local Housing Strategy and the Local Strategic Planning Statement will ensure that environmental sensitivities are addressed.

- **Social**

Consideration of the Proposal within the context of the Local Housing Strategy and the Local Strategic Planning Statement will ensure that the future housing needs of the community at all stages of life are appropriately considered and addressed.

- **Broader Economic Implications**

Consideration of the Proposal within the context of the Local Housing Strategy and the Local Strategic Planning Statement will ensure that these strategies offer certainty for both the community and for investors seeking to make sound economic decisions within a reliable strategic framework.

- **Culture**

There are no cultural issues in relation to this report.

- **Governance**

The Proposal has been considered in accordance with guidelines provided by the Department of Planning.

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## **COUNCIL BUDGET IMPLICATIONS**

There are no budget implications associated with this report.



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#### RELATED COUNCIL POLICY

There are no other Council related policies associated with this report.

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#### OPTIONS

The options available to Council are:

##### Option 1

Support the recommendation to this report that the Planning Proposal to amend Wingecarribee Local Environmental Plan (WLEP) 2010 to rezone and reduce the minimum lot size of land at 121, 131 and 153 Yarrawa Road Moss Vale, be deferred pending completion of the Wingecarribee Local Housing Strategy.

##### Option 2

Resolve to progress the Planning Proposal to amend Wingecarribee Local Environmental Plan (WLEP) 2010 to rezone and reduce the minimum lot size of land at 121, 131 and 153 Yarrawa Road Moss Vale to a Gateway Determination.

##### Option 3

Resolve to not support the Planning Proposal to amend Wingecarribee Local Environmental Plan (WLEP) 2010 to rezone and reduce the minimum lot size of land at 121, 131 and 153 Yarrawa Road Moss Vale.

Option 1 is the recommended option to this report.

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#### CONCLUSION

The Planning Proposal has been assessed and a recommendation made taking into account the fact that sewer capacity and road infrastructure which would service the development are effectively at capacity with little immediate opportunity for the situation to improve.

In addition, two major strategic land use planning documents need to be delivered by Council before 1 July 2020 as required under the provisions of the *Environmental Planning and Assessment Act 1979*. A primary intent of these documents is to address Council's future housing needs over the next twenty years.

It is therefore concluded that it would be premature at this stage to determine this Proposal without reference to these important strategic documents as well as further investigation as to how future water, sewer and road infrastructure are to be provided across the Shire.

It is considered that it would be preferable to complete at least the Local Housing Strategy before reviewing this Proposal again.

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#### ATTACHMENTS

1. Planning Proposal - Yarrawa Road Moss Vale