

cw-CS6 Planning Proposal to reduce the minimum lot size on the site known as 'Darraby' (Lot 3 DP 603903 & Lot 54 DP 1107101) Broughton Street, Moss Vale from 700m² to 500m².

Reference: File No 5901
Responsible Officer: Manager Strategic & Assets

PURPOSE

The purpose of this report is to allow Council to consider preparing a Planning Proposal to change the minimum lot size on the site known as 'Darraby' (Lot 3 DP 603903 and Lot 54 DP 1107101) Broughton Street, Moss Vale from 700m² to 500m², which would have the potential advantage of providing more affordable housing opportunities within the Wingecarribee Shire.

SUMMARY

The 'Darraby' site, Lot 3 DP 603903 and Lot 54 DP 1107101 Broughton Street, Moss Vale is zoned R2 Low Density Residential with a minimum Lot Size of 700m² under the provisions of Wingecarribee Local Environmental Plan 2010 (WLEP).

A land use application LUA12/0202 was recently approved by Council for a 33 lot subdivision as Stage 1 of a potential subdivision of approximately 300 new residential lots. The lots in the approved subdivision complied with the 700m² minimum. A development application is yet to be lodged for the remaining part of the site.

Prior to finalising a subdivision application for the remaining part of the site the developer has requested in a letter dated 16 April 2012 (Attachment 1) that Council consider a proposed Master Plan (Attachment 2) that contains lots under the 700m² minimum.

The Master Plan contains 311 lots inclusive of the previously approved 33.

If Council finds that Master Plan acceptable then it may prepare a Planning Proposal to amend the minimum lot size to 500m², which would once adopted enable a development application to be lodged complying with the minimum lot size consistent with the Master Plan.

AGENDA FOR THE ORDINARY MEETING OF COUNCIL

held in the Council Chamber, Civic Centre, Elizabeth Street, Moss Vale
on Wednesday, 24 October 2012

REPORT DEPUTY GENERAL MANAGER CORPORATE & STRATEGY



Advantages and Benefits of a reduced minimum lot size for the site are:

Advantages

- Greater housing choice in the market
- Increased density of housing close to town centre and transport hubs
- Higher density of lots reduces pressure to accommodate anticipated growth in the region elsewhere in the Shire

Benefits

- Responds to affordability issues in the new housing market providing opportunities for individuals, couples and families who may have previously been priced out of the market.
- Greater number of new residents are closer to the town centre and more likely to utilise existing services and infrastructure
- Demand to expand town boundaries to meet housing market expectations are reduced in the immediate term, preserving agricultural and open space lands.

Whilst Council can proceed with a Planning Proposal to reduce the minimum lot size, there is a further option that does not require a Planning Proposal and the 700m² minimum lot size would remain. That option would be for Council to consider a future subdivision application on the subject site with lots less than the minimum proposed in that application and utilise Council's assumed concurrence to allow an exception to the development standards via Clause 4.6 under WLEP 2010. On 9 May 2008 the then Department of Planning (now Department of Planning and Infrastructure) issued Circular PS 08-003 (Attachment 3) notifying that the Director-General's concurrence can be assumed for any environmental planning instrument that adopts clause 4.6. WLEP 2010 has adopted clause 4.6

Having consideration of both options available, a Planning Proposal is recommended as it creates certainty for the applicant that Council supports the subdivision Master Plan for the site, which can subsequently be included in a Development Control Plan applying to the land. Thus lot sizes and layout, if complying with the adopted Master Plan, should not be a contentious issue for the subdivision application, which could reduce assessment times bringing housing to the market in a timely manner, subject to other Section 79C matters for consideration being satisfactorily addressed.

AGENDA FOR THE ORDINARY MEETING OF COUNCIL

held in the Council Chamber, Civic Centre, Elizabeth Street, Moss Vale
on Wednesday, 24 October 2012

REPORT DEPUTY GENERAL MANAGER CORPORATE & STRATEGY



DESCRIPTION OF PROPOSAL

BACKGROUND

The subject site Lot 3 DP 603903 and Lot 54 DP 1107101 Broughton Street, Moss Vale was zoned R2 Low Density Residential and given a minimum Lot Size of 700m² under the making of WLEP 2010 on 16 June 2012.

A landuse application LUA12/0202 was recently approved by Council for a 33 lot subdivision as Stage 1 of a potential subdivision of approximately 300 new residential lots. The lots in the approved subdivision complied with the 700m² minimum. A subdivision application is yet to be lodged for the remaining part of the site.

The applicant has attended two Local Planning Strategy (LPS) Steering Committee meetings to discuss the potential of introducing lots in a Master Plan lower than the current 700m² minimum.

Council visited the site on 8 August 2012 and considered a revised Master Plan (Attachment 2).

DETAILS OF PROPOSAL

Subject Site and Locality

The subject Site is made up of two properties Lot 3 DP 603903 and Lot 54 DP 1107101 Broughton Street, which are located on the south-western corner of the Moss Vale town boundaries as shown in **Figure 1** below:

AGENDA FOR THE ORDINARY MEETING OF COUNCIL

held in the Council Chamber, Civic Centre, Elizabeth Street, Moss Vale
on Wednesday, 24 October 2012

REPORT DEPUTY GENERAL MANAGER CORPORATE & STRATEGY

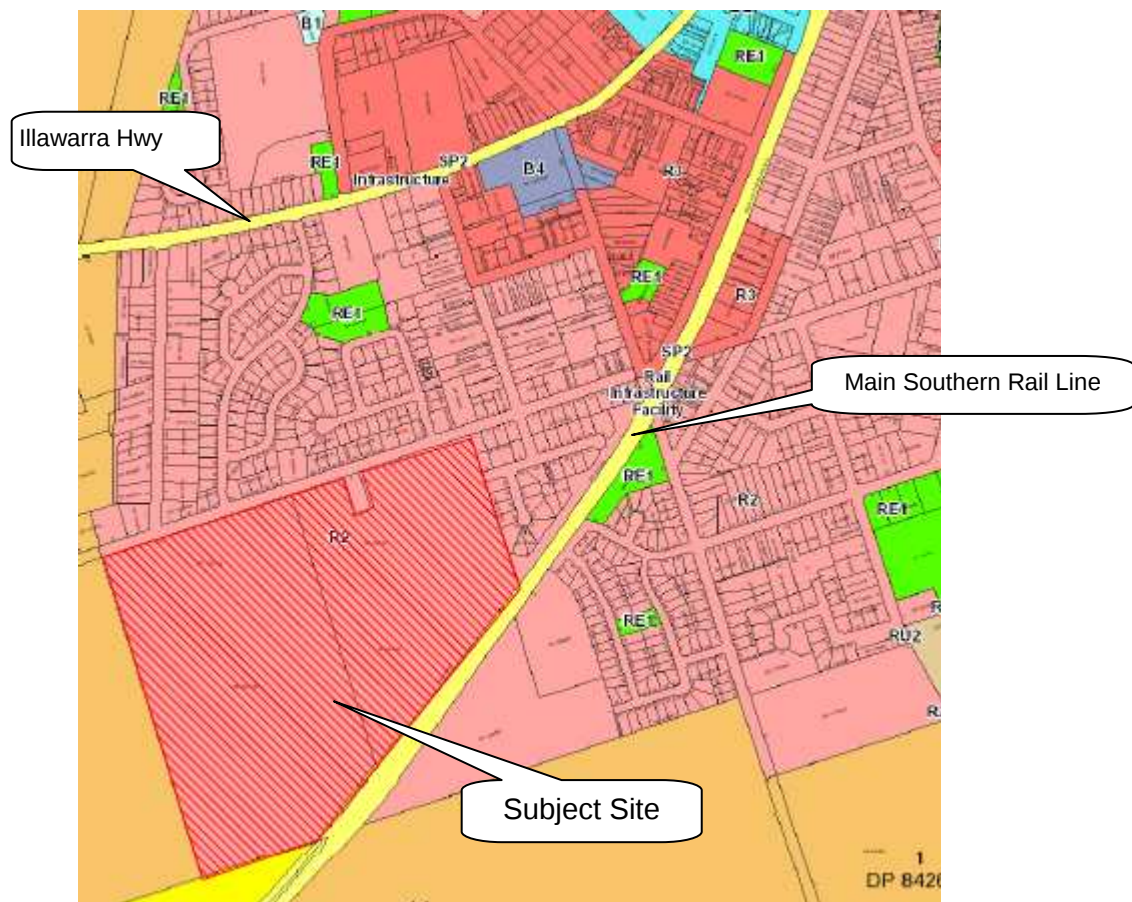


Figure 1 - Zone map showing subject site within Moss Vale Township

The Master Plan (**Attachment 2**) contains the following breakdown of allotments:

Size of Lots	No. of Lots	Percentage (%)
500m ² to 599m ²	59	19%
600m ² to 699m ²	100	33%
700m ² +	147	48%

Current Minimum Lot Size

Figure 2 below is an exert of the WLEP lot size map.

Reference:

Q = 700m² (brown)

V = 2000m² (red)

AB2 = 40ha (purple)

Note: White = no minimum lot size.

AGENDA FOR THE ORDINARY MEETING OF COUNCIL

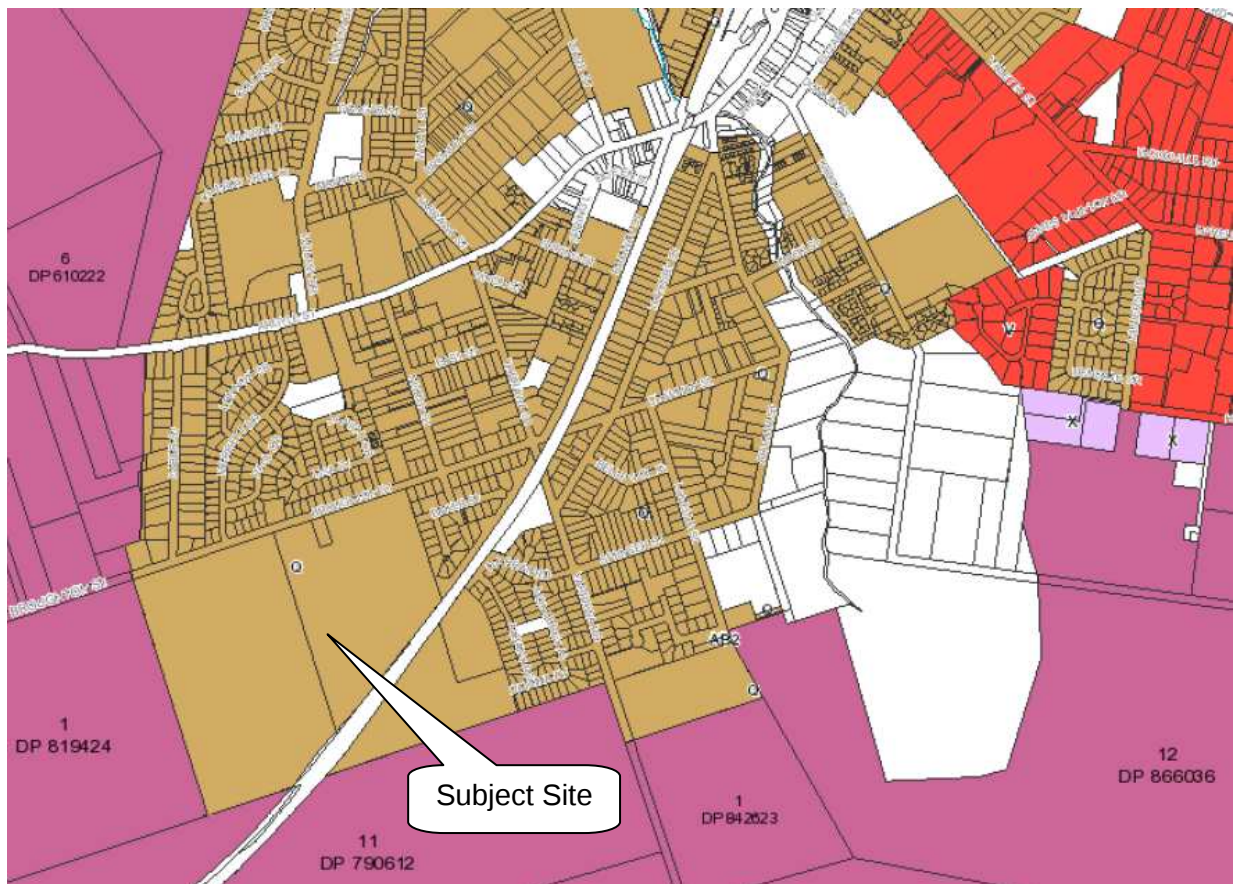
held in the Council Chamber, Civic Centre, Elizabeth Street, Moss Vale
on Wednesday, 24 October 2012

REPORT DEPUTY GENERAL MANAGER CORPORATE & STRATEGY



It can be noted from Figure 2 that the residential areas of Moss Vale consist of two main minimum lots sizes 700m² and 2000m², whilst the surrounding rural lands have a minimum lot size of 40ha.

Figure 2 - Current minimum lot size map of Moss Vale Township



AGENDA FOR THE ORDINARY MEETING OF COUNCIL

held in the Council Chamber, Civic Centre, Elizabeth Street, Moss Vale
on Wednesday, 24 October 2012

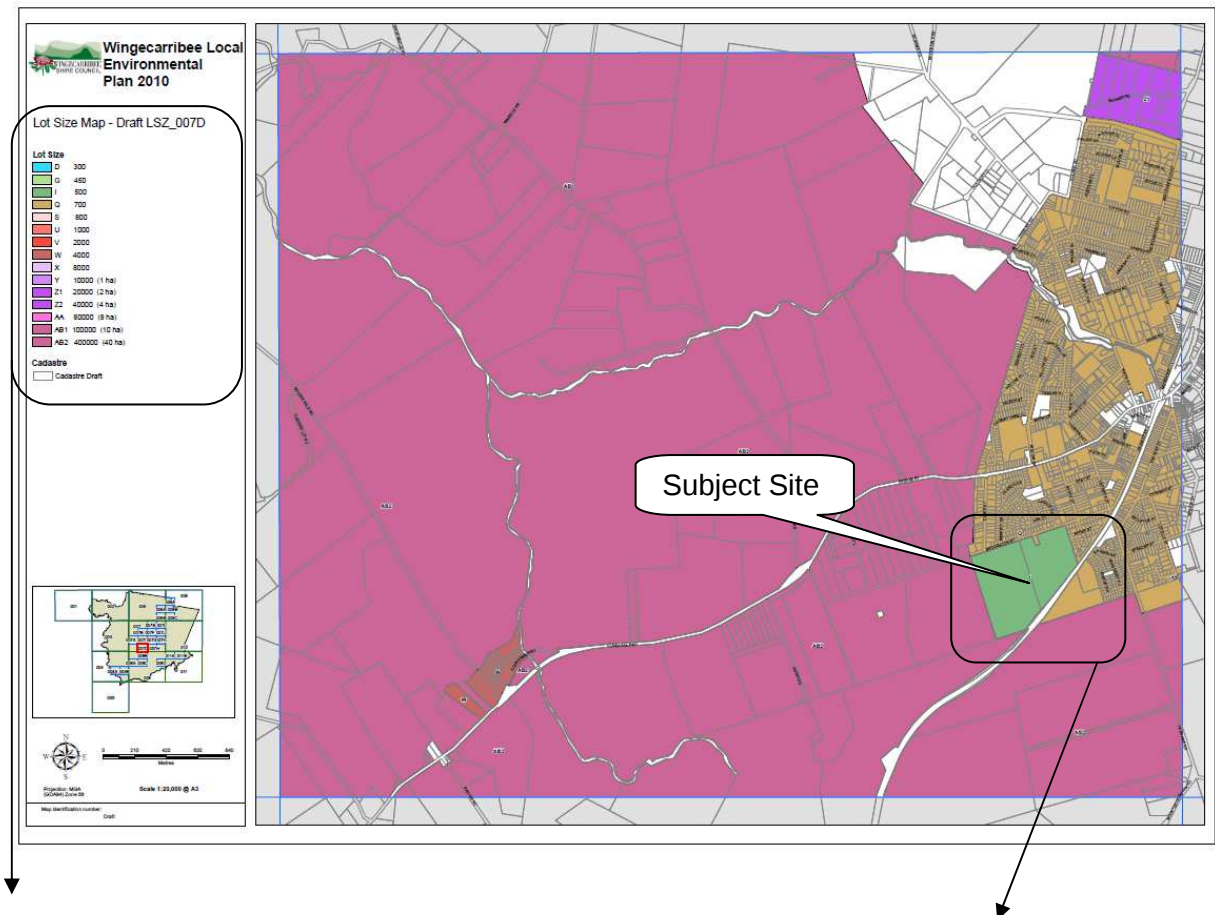
REPORT DEPUTY GENERAL MANAGER CORPORATE & STRATEGY



Proposed Minimum Lot Size

Figure 3 below shows the proposed minimum lot size on the subject site.

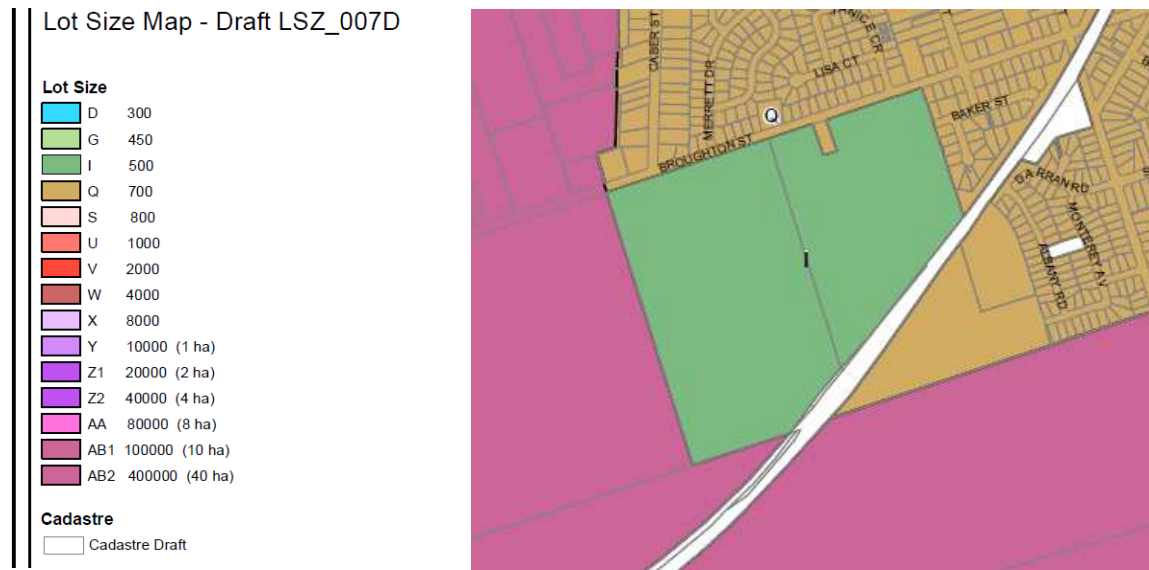
Figure 3 - Proposed minimum lot size map for WLEP 2010



AGENDA FOR THE ORDINARY MEETING OF COUNCIL

held in the Council Chamber, Civic Centre, Elizabeth Street, Moss Vale
on Wednesday, 24 October 2012

REPORT DEPUTY GENERAL MANAGER CORPORATE & STRATEGY



Development Control Plan (DCP)

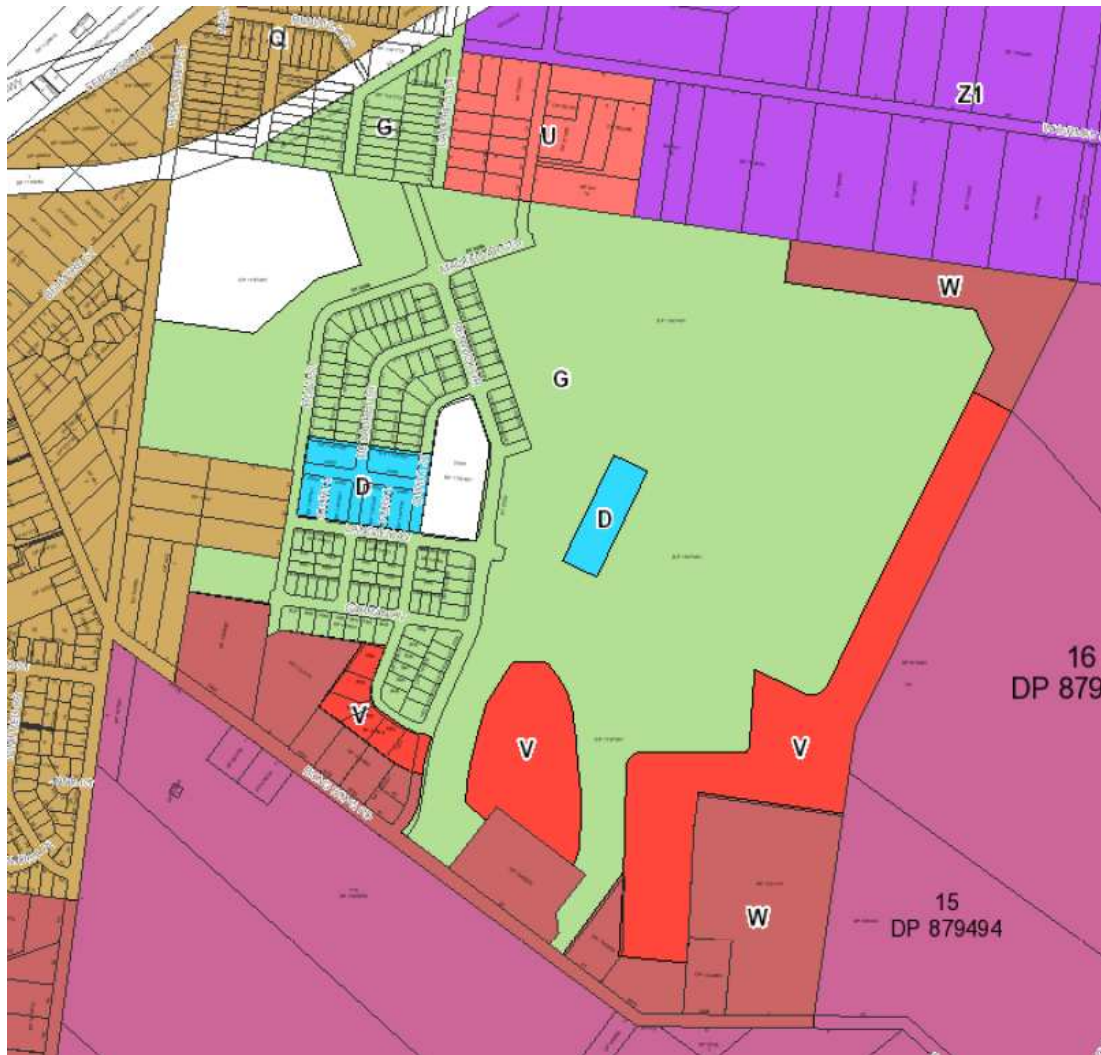
The site is subject to the provisions of the Moss Vale Town Plan DCP. The Moss Vale DCP however does not contain any site specific controls for the subject site. It is recommended that should Council resolve to proceed with a Planning Proposal to reduce the minimum lot size that precinct controls for the subject site be drafted for Council's consideration and include the Master Plan (Attachment 2). The DCP provisions, including the Master Plan (Attachment 2) will then work in conjunction with the WLEP 2010 to guide the roads, parks and lot layouts. Similar controls are contained in the Mittagong Town DCP for the Renwick release area, which has a significant part of the development controlled by a minimum lot size of 450m², as shown below in **Figure 4**.

Figure 4 - Renwick Minimum Lot Sizes

AGENDA FOR THE ORDINARY MEETING OF COUNCIL

held in the Council Chamber, Civic Centre, Elizabeth Street, Moss Vale
on Wednesday, 24 October 2012

REPORT DEPUTY GENERAL MANAGER CORPORATE & STRATEGY



Reference:

D = 300m² (blue)

G = 450m² (green)

Q = 700m² (brown)

V = 2000m² (red)

W = 4000m² (red/brown)

AB2 = 40ha (purple)

WLEP 2010 - Clause 4.6 Exceptions to development standards

This clause in the WLEP (Attachment 4) allows Council to consider a request from an applicant to contravene a development standard, such as minimum lot sizes. Council may grant such a request as long as the applicant demonstrates and Council is satisfied that:

- i. That compliance with the development standard is unreasonable or unnecessary in the circumstances of the case,
- ii. That there are sufficient environmental planning grounds to justify contravening the development standard, and

AGENDA FOR THE ORDINARY MEETING OF COUNCIL

held in the Council Chamber, Civic Centre, Elizabeth Street, Moss Vale
on Wednesday, 24 October 2012

REPORT DEPUTY GENERAL MANAGER CORPORATE & STRATEGY



- iii. The proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for the development within the zone in which the development is proposed to be carried out.

Planning Circular PS 08-003 issued 2008 (Attachment 3) by the then Department of Planning (now Department of Planning and Infrastructure) informs Council that the Director-General's concurrence can be assumed for the use of Clause 4.6. Thus Council has authority to use clause 4.6 without seeking concurrence from the Director-General as required in Clause 4.6(4)(b).

Therefore it is a further option for Council to consider should it not be agreeable to reducing the minimum lot size maps via a Planning Proposal. If that were the case the applicant could then address the requirements of clause 4.6 with any future application for the subdivision of the site, given Council discretion to vary the minimum lot size for that particular application.

Section 79C Evaluation – Matters for consideration - general

Section 79C of the Environmental Planning and Assessment Act 1979 contains matters that Council must consider when assessing a development application, such as (but not limited to) environment constraints, LEPs, DCPs and the public interest. Thus they do not have any effect in respect of consideration of a Planning Proposal. Council will take Section 79C matters into consideration when assessing a development application on the site for the remainder of the subdivision.

Relevant State Legislation

The Planning Proposal to reduce the minimum lot size on the subject site would not be contrary to any State Planning Legislation.

Relevant Commonwealth Legislation

The Planning Proposal to reduce the minimum lot size on the subject site would not be contrary to any Federal Legislation.

CONSULTATION

External Referrals

Should Council resolve to prepare a Planning Proposal, it will need to be assessed by the Department of Planning and Infrastructure (DP&I) through the Gateway Determination Process. One of the outcomes from the Gateway determination is that the DP&I will advise what public consultation should occur.

Neighbour Notification (or Advertising)/Public Participation

Under Clause 57 of the Environmental Planning and Assessment Act 1979, community consultation will occur as set out in the Gateway Determination.

AGENDA FOR THE ORDINARY MEETING OF COUNCIL

held in the Council Chamber, Civic Centre, Elizabeth Street, Moss Vale
on Wednesday, 24 October 2012

REPORT DEPUTY GENERAL MANAGER CORPORATE & STRATEGY



SUSTAINABILITY ASSESSMENT

- **Environment**

Potential environmental impacts from subdivision of the subject property will be assessed under the provisions of Section 79C of the EPA Act as part of the development application process. The subject site has previously been considered suitable for residential development, hence the zoning of the land as R2 Low Density Residential under WLEP 2010. Further, a higher density of lots will reduce pressure to accommodate anticipated growth in the region elsewhere in the Shire

- **Social**

There are several social advantages and benefits of a reduced minimum lot size for the site, including greater housing choice in the market, especially affordable housing, which creates opportunities for new residents to be in close proximity to existing services such as transport, medical, retail and commercial; and mixed communities containing single person households, families and retirees etc.

- **Broader Economic Implications**

A reduced minimum lot size for the subject site could have a beneficial economic benefit, as it will provide a more diverse range of housing within the current town boundaries placing new residents close to transport hubs, health services, plus commercial and retail outlets.

- **Culture**

The Planning Proposal will not have any foreseen negative impacts on the Aboriginal Culture and non Aboriginal Culture of the Wingecarribee Shire. There is Aboriginal heritage identified on the site, however this proposal will not impact on the identified Aboriginal significance.

- **Governance**

Amendments to WLEP 2010 occur through a process set out in the Environmental Planning and Assessment Act 1979 and as determined by the Department of Planning and Infrastructure through the Gateway process.

RELATIONSHIP TO CORPORATE PLANS

The Planning Proposal to reduce the minimum lot sizes on the subject site meets the goals of the Wingecarribee Community Strategic Plan 2031 in the following ways:

Goal 2.4 Wingecarribee fosters a diverse, creative and vibrant community:

2.4.1 Proactively value, attract and hold a diverse population of young people, families, cultures and socio-economic backgrounds to the Shire to ensure a balanced community.

AGENDA FOR THE ORDINARY MEETING OF COUNCIL

held in the Council Chamber, Civic Centre, Elizabeth Street, Moss Vale
on Wednesday, 24 October 2012

REPORT DEPUTY GENERAL MANAGER CORPORATE & STRATEGY



- 2.4.2 *Identify and measure social trends and issues to enable formal and informal development of appropriate leadership, knowledge, skills and early responsiveness.*

The proposed Master Plan (Attachment 2), the subject of the Planning Proposal, meets the above goals as a diverse range of lot sizes will meet the needs of a diverse population base providing them with new housing options and opportunities that may not have previously existed.

Goal 3.4 Wingecarribee housing options are diverse:

- 3.4.1 *Provide housing types that match projected demographic and household needs in appropriate locations*
- 3.4.2 *Provide housing options in all towns and villages that will enable residents to age in their communities*
- 3.4.3 *Provide for a higher density of development within towns of Mittagong, Bowral, Moss Vale and Bundanoon*
- 3.4.4 *Promote 'universal design' in housing to enable people of all ages and abilities to live independently*

Goal 3.4 is the most relevant to reducing the minimum lot size on the subject site through the

Planning Proposal process. The greater the variety of lots made available, the greater is Council's ability to match the projected demographic and household needs of the Shire. The subject site is considered to be an appropriate location as it is within the defined town boundary and close to existing services and the town centre. Smaller lots will also enable people to age within their community as they will have the option to down size to property that requires less maintenance, yet is not 'Senior's housing' enabling independence. Thus providing diversity of residents in a community rather than creating enclaves of particular groups of persons. The reduced lot sizes will also provide a higher density of development in Moss Vale (3.4.3).

BUDGET IMPLICATIONS

The Planning Proposal does not propose any budget implications for Council as it will be carried out by Council Staff and the Department of Planning does not impose fees on the Gateway Process. However, the applicant will have to pay a fee to Council should Council resolve to proceed with a Planning Proposal. Further the creation of smaller lots should the Planning Proposal proceed will not have an adverse impact on the forecast income from Council's Section 94 Plans or Section 64 Development Servicing Plans.

AGENDA FOR THE ORDINARY MEETING OF COUNCIL

held in the Council Chamber, Civic Centre, Elizabeth Street, Moss Vale
on Wednesday, 24 October 2012

REPORT DEPUTY GENERAL MANAGER CORPORATE & STRATEGY



RELATED COUNCIL POLICY

There are no related Council Policies other than those discussed in this report related to the proposal.

OPTIONS

Two options are available to Council:

Option 1: Proceed with the Planning Proposal to reduce the minimum lot size from 700m² to 500m²; and proceed to amend the Moss Vale Town Plan DCP to include a Master Plan (Attachment 2) of the proposed subdivision including precinct specific provisions similar to those imposed for Renwick.

Comment: This is the preferred option as it will provide certainty to both Council and the developer of how the subdivision should proceed by containing all relevant controls in the WLEP 2010 and Moss Vale Town DCP. Further, it would also meet the Goal statements of Goal 3.4 in the Wingecarribee Community Strategic Plan 2031.

Option 2: Not proceed with the Planning Proposal, which leaves the option open for the developer to request Council to consider Clause 4.6 of WLEP to vary the minimum lot size development standard with any future development applications on the site.

Comment: This is not the preferred option as no Master Plan can be adopted for the precinct and included in the Moss Vale DCP, thus resulting in no certainty between Council and the developer. This would be contrary to meeting Goal 3.4 of the Wingecarribee Community Strategic Plan 2031, as Council's planning policies would not be meeting the need of encouraging diverse housing options, providing for higher densities or enabling people of all ages to live independently.

ATTACHMENTS

There are four (4) attachments to this report (as follows):

- | | |
|---------------|--|
| Attachment 1: | Letter from Darraby Pty Ltd requesting Council consider a Master Plan and planning proposal to reduce the minimum lot size on Lot 3 DP 603903 and Lot 54 DP 1107101 in WLEP. |
| Attachment 2: | Master Plan of proposed subdivision |
| Attachment 3: | Planning Circular PS 08-003 Issued 9 May 2008 |
| Attachment 4: | Copy of Clause 4.6 from WLEP 2010 |

AGENDA FOR THE ORDINARY MEETING OF COUNCIL

held in the Council Chamber, Civic Centre, Elizabeth Street, Moss Vale
on Wednesday, 24 October 2012

REPORT DEPUTY GENERAL MANAGER CORPORATE & STRATEGY



RECOMMENDATION

1. **THAT** in accordance with Section 55 of the Environmental Planning and Assessment Act 1979, Council resolves to prepare and lodge with NSW Department of Planning and Infrastructure, a Planning Proposal to amend the minimum Lot Size from 700m² to 500m² under Wingecarribee Local Environmental Plan 2010 on Lot 3 DP 603903 and Lot 54 DP 1107101 Broughton Street, Moss Vale.
 2. **THAT** the Moss Vale Town Plan – Development Control Plan be amended to include precinct provisions for Lot 3 DP 603903 and Lot 54 DP 1107101 Broughton Street, Moss Vale similar to those guiding the ‘Renwick’ precinct in the Mittagong Town Plan – Development Control Plan and **THAT** Attachment 2 be included as the Master Plan of subdivision for Lot 3 DP 603903 and Lot 54 DP 1107101 Broughton Street, Moss Vale in the Moss Vale Town Plan – Development Control Plan.
 3. **THAT** the Amended Development Control Plan in Item 2 be placed on Public Exhibition with the Planning Proposal in Item 1, should the Gateway Determination support the Planning Proposal.
 4. **THAT** the Applicant be advised of Council’s determination
-