

Farnborough Drive, Moss Vale - amend Lot Size Map and rezone land to B1

Proposal Title : **Farnborough Drive, Moss Vale - amend Lot Size Map and rezone land to B1**

Proposal Summary : **Amend Lot Size Map for Lot 391, DP 737061, Farnborough Drive, Moss Vale to various sizes and rezone Lot 201, DP 1095417, Farnborough Drive, Moss Vale from R5 Large Lot Residential to B1 Neighbourhood Centre.**

PP Number : **PP_2013_WINGE_005_00** Dop File No : **13/06092-1**

Proposal Details

Date Planning Proposal Received : **02-Apr-2013** LGA covered : **Wingecarribee**

Region : **Southern** RPA : **Wingecarribee Shire Council**

State Electorate : **GOULBURN** Section of the Act : **55 - Planning Proposal**

LEP Type : **Spot Rezoning**

Location Details

Street : **Farnborough Drive**

Suburb : City : **Moss Vale** Postcode : **2577**

Land Parcel : **Lot 391, DP 737061**

Street : **Farnborough Drive**

Suburb : City : **Moss Vale** Postcode : **2577**

Land Parcel : **Lot 201, DP 1095417**

DoP Planning Officer Contact Details

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RPA Contact Details

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DoP Project Manager Contact Details

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Land Release Data

Growth Centre :	N/A	Release Area Name :	N/A
Regional / Sub Regional Strategy :	Sydney-Canberra Corridor Regional Strategy	Consistent with Strategy :	Yes
MDP Number :		Date of Release :	
Area of Release (Ha) :		Type of Release (eg Residential / Employment land) :	
No. of Lots :	102	No. of Dwellings (where relevant) :	102
Gross Floor Area :	0	No of Jobs Created :	0
The NSW Government Lobbyists Code of Conduct has been complied with : Yes			
If No, comment :			
Have there been meetings or communications with registered lobbyists? : No			
If Yes, comment :			

Supporting notes

Internal Supporting
Notes :

External Supporting
Notes : **Part one of this proposal is to amend the Lot Size Map for a 35ha area currently zoned R5 Large Lot Residential, being the last stage of a rural residential estate east of Moss Vale. The subject land had approval in 1982 for a subdivision and an updated approval for part of the site in 1993. Both approvals propose a standard subdivision layout to the current minimum of 4,000sqm per lot. The planning proposal introduces a range of lot sizes specifically designed to maintain lot yield but provide some protection for the known endangered ecological community on the site.**

Part 2 of the proposal involves an associated rezoning of existing R5 zoned land to B1 Neighbourhood Centre to support the rural residential estate with some commercial activity.

Adequacy Assessment

Statement of the objectives - s55(2)(a)

Is a statement of the objectives provided? **Yes**

Comment : **Council's objective for Part one of the proposal is to "lock in" a subdivision outcome for the site.**

The proposal will also provide for some limited commercial activity within the estate.

Explanation of provisions provided - s55(2)(b)

Is an explanation of provisions provided? **Yes**

Comment : **This is clear and supported by indicative mapping.**

Justification - s55 (2)(c)

a) Has Council's strategy been agreed to by the Director General? **Yes**

b) S.117 directions identified by RPA :

* May need the Director General's agreement

1.1 Business and Industrial Zones

2.1 Environment Protection Zones

3.1 Residential Zones

3.4 Integrating Land Use and Transport

4.4 Planning for Bushfire Protection

5.1 Implementation of Regional Strategies

5.2 Sydney Drinking Water Catchments

6.1 Approval and Referral Requirements

6.2 Reserving Land for Public Purposes

6.3 Site Specific Provisions

Is the Director General's agreement required? **No**

c) Consistent with Standard Instrument (LEPs) Order 2006 : **Yes**

d) Which SEPPs have the RPA identified?

SEPP No 44—Koala Habitat Protection

SEPP (Housing for Seniors or People with a Disability) 2004

Drinking Water Catchments Regional Environmental Plan No. 1

SEPP (Affordable Rental Housing) 2009

e) List any other matters that need to be considered :

Have inconsistencies with items a), b) and d) being adequately justified? **Yes**

If No, explain :

The Council is yet to consult with the NSW Rural Fire Service, as required by s117 Direction 4.4 Planning for Bushfire Protection and as such, it is unclear if the proposal is consistent or justifiably inconsistent. This will need to be determined once the RFS's comments have been obtained.

In addition s117 Direction 5.2 Sydney Drinking Water Catchments requires consultation with the Sydney Catchment Authority.

Mapping Provided - s55(2)(d)

Is mapping provided? **Yes**

Comment :

Indicative mapping has been provided with the proposal. This will be suitable for public exhibition, but amendments to the LEP Maps will need to be undertaken prior to finalisation of the planning proposal.

Community consultation - s55(2)(e)

Has community consultation been proposed? **Yes**

Comment :

Council has proposed a 28 day exhibition period which is considered appropriate.

Additional Director General's requirements

Are there any additional Director General's requirements? **No**

If Yes, reasons :

Overall adequacy of the proposal

Does the proposal meet the adequacy criteria? **Yes**

If No, comment :

Council has provided sufficient information to enable an appropriate assessment to be undertaken.

Council has not provided a detailed discussion around options for achieving the desired outcome.

Other options include:

(1) Rezone the land to R2 Low Density Residential rather than retain the R5 Large Lot Residential Zone. The proposed density is similar to areas currently zoned R2. Clause 4.6 of the LEP could then be used to amend the minimum lot sizes to achieve the desired outcome.

The practice of "locking in" subdivision plans prior to the lodgement of a development application (and thus limiting development control options for the site) could potentially be inconsistent with s117 Direction 6.3 Site Specific Provisions.

(2) Another option is the introduction of a lot averaging provision for the R5 Zone that would allow Council to achieve a similar outcome without the need to amend the Lot Size Map.

RECOMMENDATION: Encourage Council to consider other options that are more flexible.

Proposal Assessment

Principal LEP:

Due Date :

Comments in relation to Principal LEP :

Council's Principal LEP was made in 2010.

Assessment Criteria

Need for planning proposal :

The planning proposal is partly driven by Council attempting to protect the endangered ecological community on the subject land. The proposed amendments to the Lot Size Map (and the accompanying subdivision plan) will increase the density of parts of the site and provide for an additional 26 lots over the currently approved subdivision plan (from 1982/1993).

However, the substantial area of Southern Highlands Shale Woodland will be afforded some level of protection with this proposal that it would otherwise not receive.

Consistency with strategic planning framework :

The proposal is not changing the zoning of the land and much of the proposed changes to the minimum lot size are consistent with other rural residential areas.

Council believes that increasing the density of the site will meet the identified demand in Council's recent Housing and Demographic Study.

It will not be inconsistent with Council's strategic planning framework.

Environmental social economic impacts :

Part one of the proposal will have a potentially significant impact on a known endangered ecological community and a range of threatened fauna species (mainly birds), due to the required clearing of native vegetation and the associated impacts of residential development adjoining nature reserves (eg. domestic animals, urban activities, exotic plant species, noise and so on).

Council has not yet consulted with the Office of Environment and Heritage.

The increased lot yield on the site (from 76 to 102) is not expected to generate adverse impacts on local services and facilities.

Part two of the proposal involves the rezoning of a small portion of land to B1 Neighbourhood Centre. This will provide a range of social benefits to the local community within the estate and surrounding rural area.

Assessment Process

Proposal type : **Routine** Community Consultation Period : **28 Days**

Timeframe to make LEP : **9 Month** Delegation : **RPA**

Public Authority **Hawkesbury - Nepean Catchment Management Authority**
 Consultation - 56(2)(d) **Office of Environment and Heritage**
NSW Rural Fire Service

Is Public Hearing by the PAC required? **No**

(2)(a) Should the matter proceed ? **Yes**

If no, provide reasons : **The major issue with this proposal is that there is a current approved subdivision plan (albeit from 1982) that the applicant is within its rights to development. The proposed amendments to the LEP will provide some level of protection to the endangered ecological community on the site as well as an incentive (of an additional 26 lots) for the applicant to undertake this protection.**

Council has requested to use its delegations to complete this proposal. This is supported.

Resubmission - s56(2)(b) : **No**

If Yes, reasons :

Identify any additional studies, if required. :

If Other, provide reasons :

No further studies required. A flora and fauna study was prepared and accompanies the proposal.

Identify any internal consultations, if required :

No internal consultation required

Is the provision and funding of state infrastructure relevant to this plan? **No**

If Yes, reasons :

Documents

Document File Name	DocumentType Name	Is Public
1. Planning Proposal - Farnborough Moss Vale by David Matthews FINAL.pdf	Proposal	Yes
2 - Council Report 24 October 2012.pdf	Proposal	Yes
3 - Council Resolution 24 October 2012.pdf	Proposal	Yes
1a - Lot_391_Connectivity_Map.pdf	Map	Yes
1b - Asset Protection Zones Map.pdf	Map	Yes
1c - Vegetation and Contour Map.pdf	Map	Yes
1 - Johnston & Travers Reports - part 1.pdf	Study	Yes
1 - Johnston & Travers Reports - part 2.pdf	Study	Yes
4 - SCA Comments Farnborough.pdf	Proposal	Yes
6(a) - Farnborough Locational LSZ Map scanned.pdf	Map	Yes
6(b) - Master Plan of Subdivision.pdf	Map	Yes
6(c) - EEC Map.pdf	Map	Yes
6(d) - Bushfire Map.pdf	Map	Yes

Planning Team Recommendation

Preparation of the planning proposal supported at this stage : **Recommended with Conditions**

S.117 directions:

- 1.1 Business and Industrial Zones
- 2.1 Environment Protection Zones
- 3.1 Residential Zones
- 3.4 Integrating Land Use and Transport
- 4.4 Planning for Bushfire Protection
- 5.1 Implementation of Regional Strategies
- 5.2 Sydney Drinking Water Catchments
- 6.1 Approval and Referral Requirements
- 6.2 Reserving Land for Public Purposes
- 6.3 Site Specific Provisions

Additional Information : It is recommended that the delegate of the Minister for Planning and Infrastructure determine under section 56(2) of the EP&A Act, that an amendment to the Wingecarribee LEP 2010 to amend the Lot Size Map for Lot 391, DP 737061 and to rezone Lot 201, DP 1095417 from R5 Large Lot Residential to B1 Neighbourhood Centre should proceed subject to the following conditions:

1. Community consultation will be required under sections 56(2)(c) and 57 of the Environmental Planning and Assessment Act 1979 ("EP&A Act") as follows:
 - (a) the planning proposal must be made publicly available for 28 days; and
 - (b) the relevant planning authority must comply with the notice requirements for public exhibition of planning proposals and the specifications for material that must be made publicly available along with planning proposals as identified in A guide to Preparing Local Environmental Plans (Department of Planning 2012).
2. Consultation is required with the following public authorities under section 56(2)(d) of the EP&A Act:
 - Office of Environment and Heritage
 - Hawkesbury Nepean Catchment Management Authority
 - NSW Rural Fire Service

Each public authority is to be provided with a copy of the planning proposal and any relevant supporting material. Each public authority is to be given at least 21 days to comment on the proposal, or to indicate that they will require additional time to comment on the proposal. Public authorities may request additional information or additional matters to be addressed in the planning proposal.
3. No public hearing is required to be held into the matter under section 56(2)(e) of the EP&A Act. This does not discharge Council from any obligation it may otherwise have to conduct a public hearing.
4. The timeframe for completing the LEP is to be 9 months from the week following the date of the Gateway determination.
5. Council is authorised to use its delegation to complete the LEP following public consultation.
6. SECTION 117 DIRECTIONS - It is recommended that:
 - (a) Council will need to consult with the NSW Rural Fire Service prior to public consultation and take into account any comments it receives. When this consultation is completed the Director-General can then be satisfied that the planning proposal is consistent with s117 Direction 4.4 Planning for Bushfire Protection;
 - (b) The Director General can be satisfied that the planning proposal is consistent with all other relevant s117 Directions or that any inconsistencies are only of minor significance; and

(c) no further consultation or referral is required in relation to s117 Directions.

7. Council is encouraged to consider other options that provide greater flexibility for development outcomes. These could include:

(a) Rezoning the land to R2 Low Density Residential and use clause 4.6 of the LEP to amend the minimum lot sizes to achieve the desired outcome; and

(b) Introduction of a lot averaging provision for the R5 Zone that would allow Council to achieve a similar outcome without the need to amend the Lot Size Map.

Council is encouraged to discuss options further with the Southern Regional Planning Team.

Supporting Reasons:

The proposed subdivision plan to be implemented through the amendments to the Lot Size Map provides a far better outcome than the current subdivision plan for the endangered ecological community.

Signature:



Printed Name:

MARK PARKER
Local Planning Manager

Date:

21st May 2013