

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

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.

Panel Recommendation

Recommendation Date : **31-May-2013**

Gateway Recommendation : **Passed with Conditions**

Panel

The planning proposal should proceed subject to the following conditions:

Recommendation :

1. Community consultation is 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 a minimum of 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 section 5.5.2 of A Guide to Preparing LEPs (Department of Planning & Infrastructure 2013).

2. Consultation is required with the following public authorities under section 56(2)(d) of the EP&A Act and/or to comply with the requirements of relevant S117 Directions:

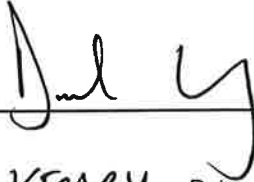
- Office of Environment and Heritage
- NSW Rural Fire Service (S117 Direction 4.4 Planning for Bushfire Protection)
- Hawkesbury - Nepean Catchment Management Authority (S117 Direction 5.2 Sydney Drinking Water Catchments)

Each public authority is to be provided with a copy of the planning proposal and any relevant supporting material, and given at least 21 days to comment on the proposal.

3. A public hearing is not required to be held into the matter by any person or body 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 (for example, in response to a submission or if reclassifying land).

4. The timeframe for completing the LEP is to be 9 months from the week following the date of the Gateway determination.

Signature:



Printed Name:

DANIEL KENNEY

Date:

5/6/13