

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



cw-CS5 Planning Proposal to Vary the Minimum Lot Size of Lot 391 DP 737061, Lot 391 Farnborough Drive, Moss Vale and to rezone Lot 201 DP 1095417, 41 Farnborough Drive Moss Vale, to B1 Neighbourhood Centre.

Reference: File No 5901, PN 1756100
Responsible Officer: Manager Strategic and Assets

PURPOSE

The purpose of this report is to present to Council an application to amend Wingecarribee Local Environmental Plan 2010 (WLEP2010) to vary the minimum lot size of Lot 391 DP 737061, Lot 391 Farnborough Drive, Moss Vale and to rezone Lot 201 DP 1095417, 41 Farnborough Drive Moss Vale, from R5 Large Lot Residential to B1 Neighbourhood Centre.

SUMMARY

Lot 391 DP 737061, Lot 391 Farnborough Drive, Moss Vale, (referred to as Lot 391 for the purposes of this report) forms part of the Farnborough Estate, the subdivision of which was approved in 1984. Lot 391 represents Stages 4 & 5 of this approval and permits the creation of 76 lots. The current minimum lot size under WLEP 2010 is 4,000m².

The revised plan seeks to vary the range of lot sizes on Lot 391, from 1,000 m² to over 5,000 m² with one of approximately 10,500m², to achieve a total of 102 lots, 26 more than the 76 initially approved. In so doing, the revised proposal seeks an improved layout in terms of protecting the Endangered Ecological Community (EEC) on the land, creating a 'village green' focus for this subdivision, locating each of three (3) existing dams wholly within its own allotment, and reducing the number of allotments along the northern boundary. The revised plan also proposes the rezoning of Lot 201 DP 1095417, 41 Farnborough Drive Moss Vale, (referred to as Lot 201 for the purposes of this report) for the provision of a small neighbourhood centre.

The matter has been considered by the Local Planning Strategy Steering Committee Sunset Working Group on three (3) occasions. Each time the Working Group has recommended certain modifications which the applicant has subsequently made, resubmitting the revised plan to the Working Group for further consideration. The attached draft plan of subdivision and accompanying documents incorporate the final set of recommendations made by the Working Group.

It is recommended that Council initiate a Planning Proposal under Clause 56 of the Environmental Planning and Assessment Act 1979 (EP&A Act) to amend the minimum lot size of Lot 391 DP 737061, Lot 391 Farnborough Drive, Moss Vale, to allow the draft plan of subdivision to proceed. It is also recommended that Lot 201 DP 1095417, 41 Farnborough Drive, Moss Vale, be rezoned from R5 Large Lot Residential to B1 Neighbourhood Centre.

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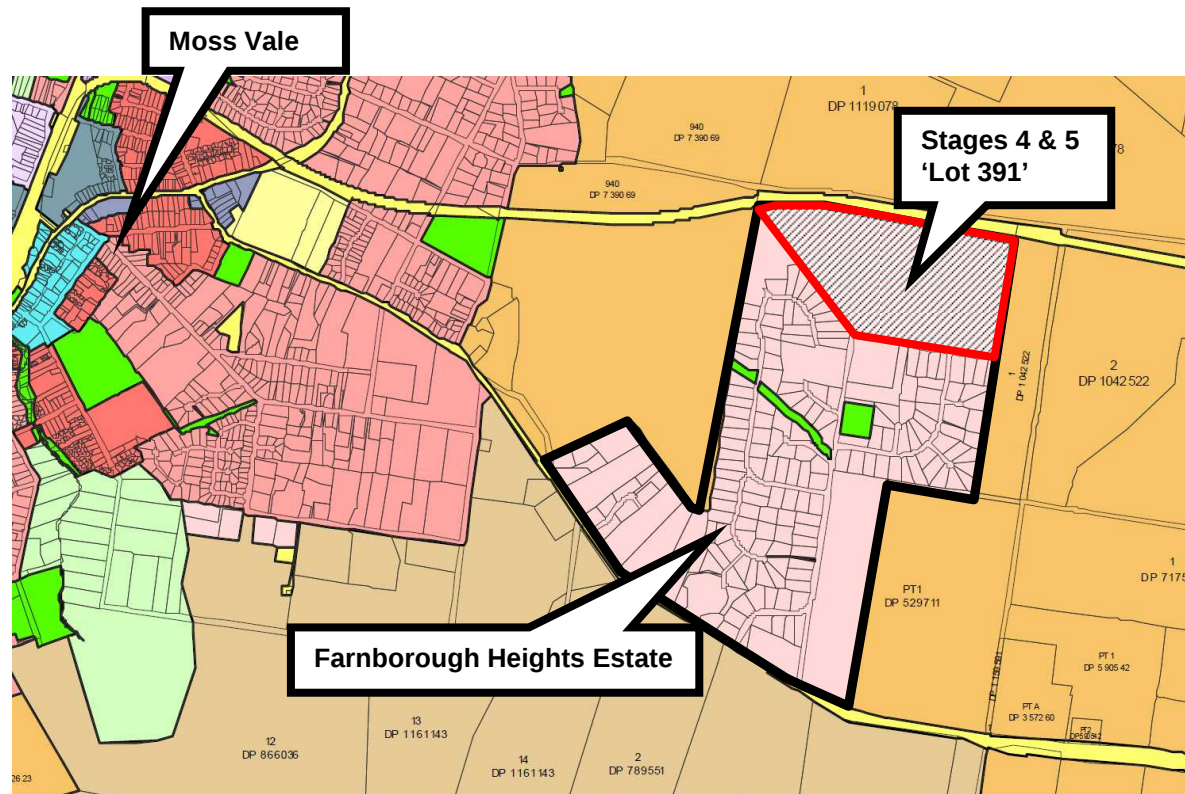
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DESCRIPTION OF PROPOSALS

BACKGROUND

The Farnborough Heights Estate is located on the eastern side of Moss Vale, accessed from Farnborough Drive off the Illawarra Highway.



Location and Zoning Map

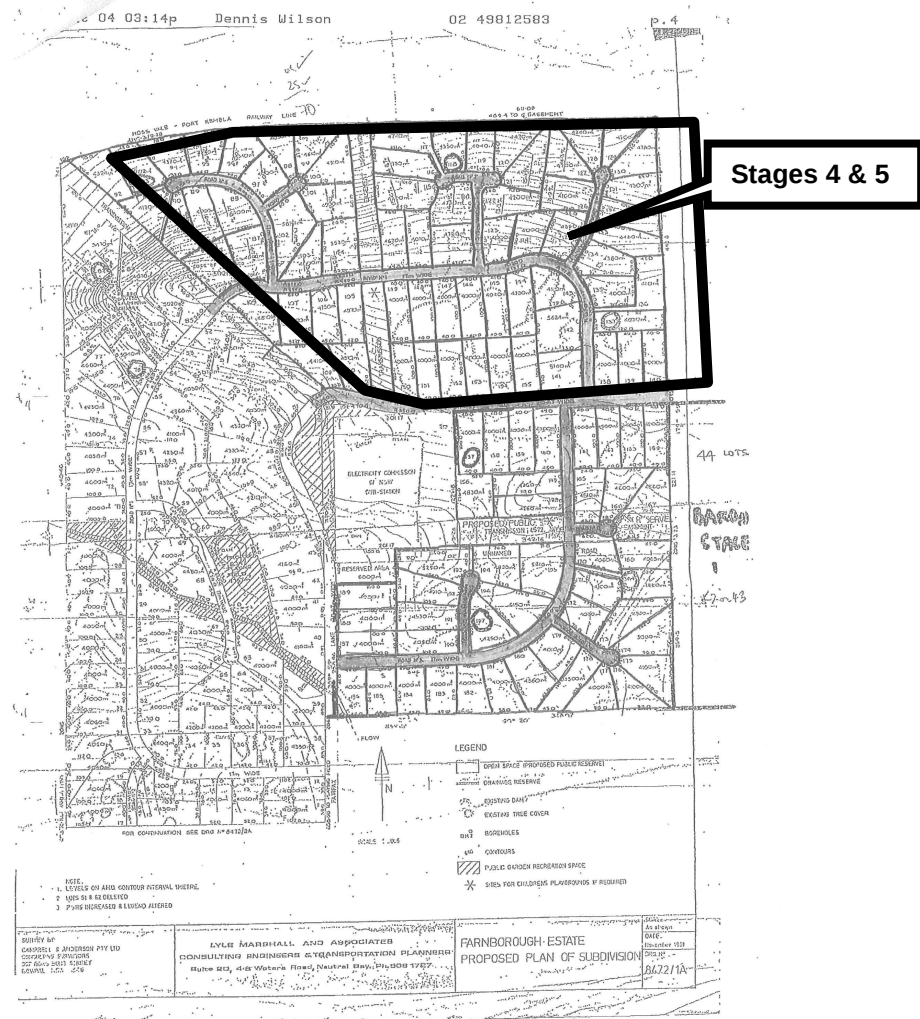
The area is zoned R5 Large Lot Residential under WLEP 2010 with a minimum lot size of 4,000m², except for two areas zoned RE1 Public Recreation, one of which is a drainage reserve and the other a public reserve.

The current plan of subdivision, approved in 1984, permits a total of 223 residential lots across the entire Farnborough Heights Estate. To date, 147 residential lots have been created, leaving 76 lots still to be developed in an area identified as Stages 4 & 5 (being Lot 391 DP 737061.)

A copy of the current Farnborough Estate Approval follows indicating the approved layout for Stages 4 & 5.

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Current Subdivision Plan, approved 1984.

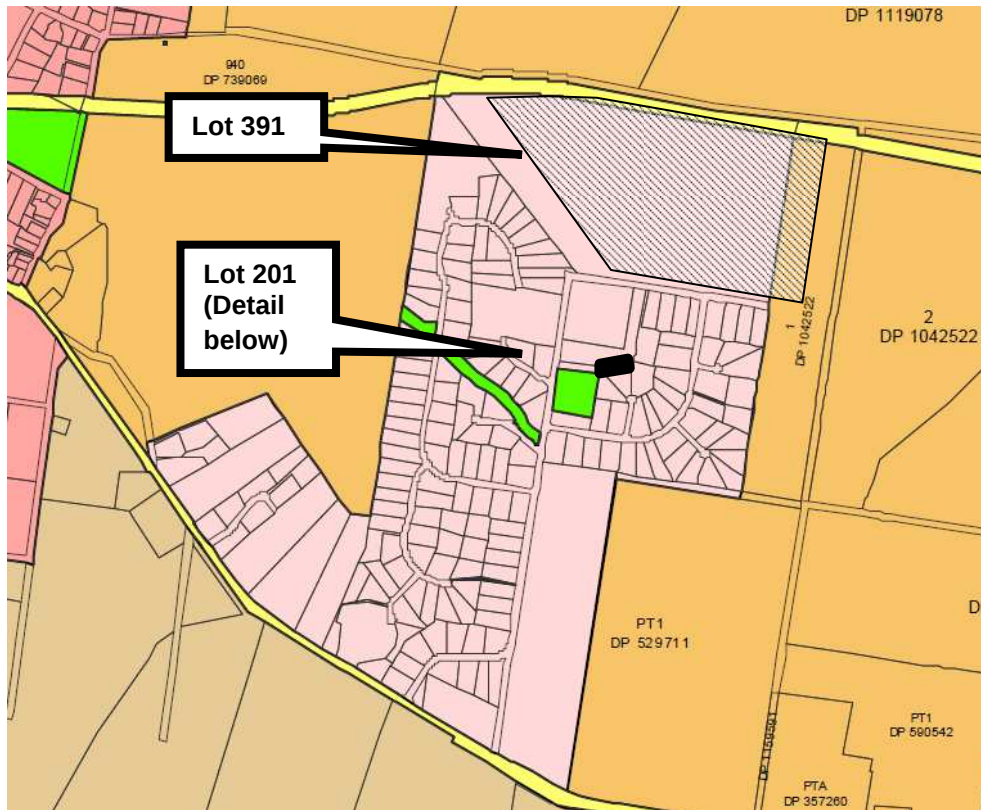
An application was received by Council in March 2012 (ATTACHMENT 1) to amend the minimum lot size of Lot 391 to permit a revised subdivision plan to be considered as a replacement for the approved plan.

The Application also proposed the rezoning of Lot 201 DP 1095417 to permit “a new neighbourhood centre made up of a cluster of small shops servicing the local community and adjoining a new car park.” The application also makes reference to the possibility of Lot 201 being used as a Child Care Centre. Lot 201 is located within the Farnborough Estate, but to the south of Lot 391, adjacent to the public reserve, as indicated on the maps below, and covers an area of 2,235m².

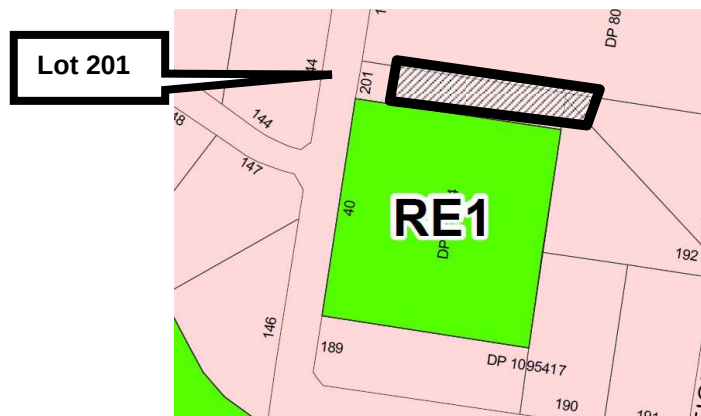
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Location of Lot 201 in relation to Lot 391.



Detail of Proposed B1 Zone on Lot 201

Each aspect of the Application is considered in turn.

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PROPOSAL TO AMEND THE MINIMUM LOT SIZE OF LOT 391 DP 737061

The Application seeks to vary the minimum lot size of Lot 391 to permit a range of lots from 1,000m² to a maximum of 10,570m² as summarised below:

- 16 lots @ 1,000m²
- 6 lots between 1,000m² and 1,500m²
- 13 lots @ 2,000m²
- 37 lots between 2,000m² and 2,500m²
- 5 lots between 2,500m² and 3,000m²
- 9 lots between 3,000m² and 4,000m²
- 9 lots between 4,000m² and 5,000m²
- 6 lots between 5,000m² and 5,500m²
- 1 lot @ 10,570 m²

This proposed arrangement of lots would result in a total of 102 lots, 26 more than is permissible under the current Approval.

Compared with the 4,000 m² current minimum lot size, the revised plan proposes:

- 82 lots below 4,000 m²
- 4 lots at or within 10% of 4,000 m²
- 16 lots above 4,000 m² including one lot at 10,570 m².

The proposed layout is shown below. A larger version is included as **ATTACHMENT 2**.



PRELIMINARY

THE INFORMATION CONTAINED IN THIS DOCUMENT IS FOR THE CLIENT ONLY. THE CLIENT SHALL MAKE ITS OWN ENQUIRIES, ANALYSIS AND CALCULATIONS AND FORM ITS OWN VIEWS IN RELATION TO THE USE OR DEVELOPMENT OF THE PROPERTY INCLUDING THE APPLICATION OF LOCAL GOVERNMENT AND IN FUTURE CONTROLS. IT IS ASSURED THAT THE CLIENT WILL RELY ON ITS OWN EXPERTISE IN CONSIDERING THE INFORMATION.



SUBDIVISION PLAN - OP 5

SK 1007

JOB NO: 5613
PROJECT: FARMBOROUGH DRIVE, MOSS VALE
CLIENT: ASSOCIATED PROJECT SERVICES

SCALE: 1:2500 @ A3
DATE: 29 AUGUST 2012
DRAWN BY: JRW



CANDELEPAS
ASSOCIATES
LEVEL 8, 279 CHATELAIN RD
SYDNEY NSW 1500
T 9283 7755 F 9283 7477

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STATUTORY ASSESSMENT

ASSESSMENT - KEY ISSUES

The application received by Council in March 2012 included a statement of benefits of revising the subdivision plan approved in 1984, which included the following:

1. Recognition and protection of the ecologically endangered community through the new "Preservation Zone" covering some 3 hectares & creation of an asset protection zone (APZ) consistent with the preservation area and designed in accordance with Australian Standard AS 3959.
2. Creation of a new village green where the local community can meet and hold outdoor activities – under community title if Council requires.
3. A connectivity network through the whole subdivision including both walking track and bicycle tracks and accessing all public and community areas.
4. A new netball court and amenities areas on the area already reserved and dedicated for open space to Council and at no expense to Council.

Each is considered in turn.

1. Recognition and protection of the ecologically endangered community through the new "Preservation Zone" covering some 3 hectares and creation of an asset protection zone (APZ) consistent with the preservation area and designed in accordance with Australian Standard AS 3959.

The site contains an Endangered Ecological Community (EEC) of Southern Highlands Shale Woodlands as indicated below.



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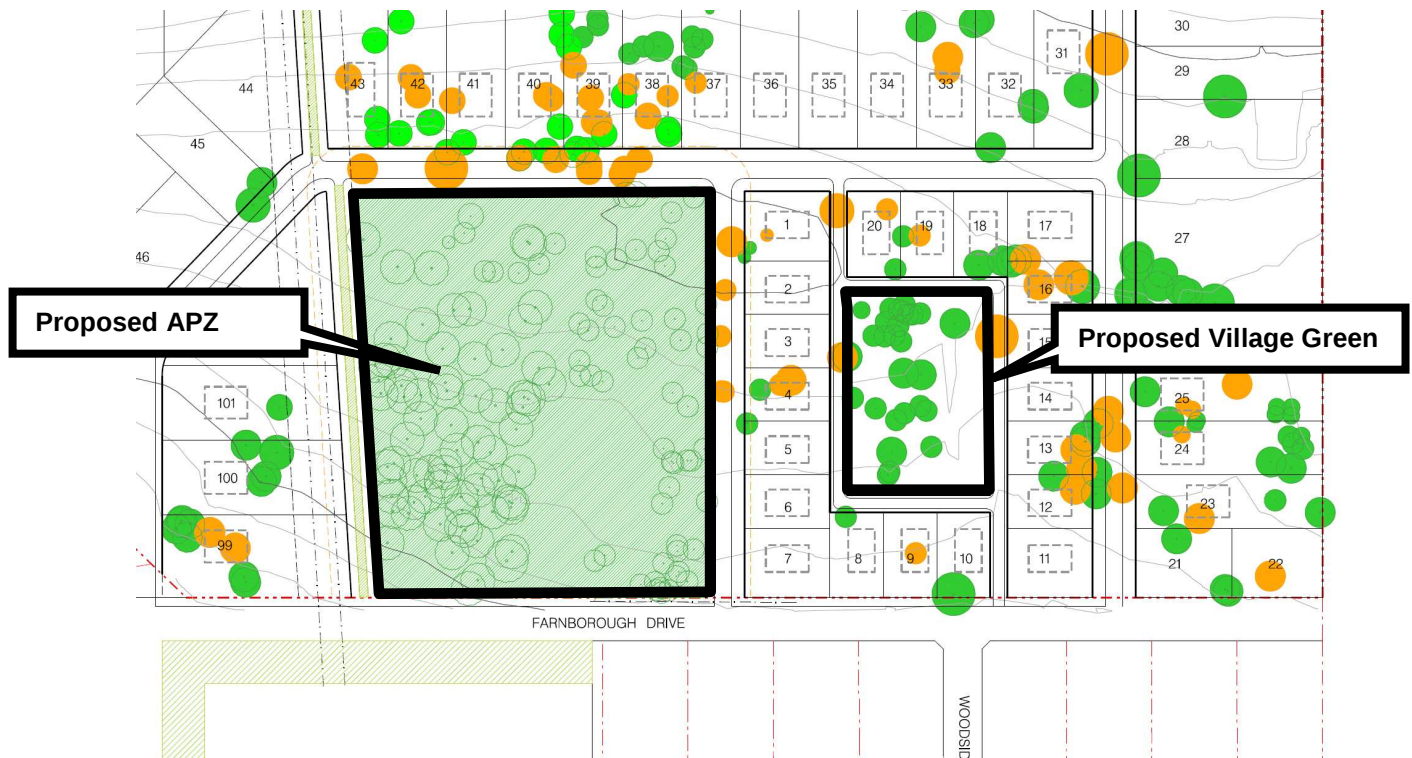
The 1984 approved plan ignores the EEC area. The revised subdivision plan makes provision for the protection of part of the EEC land through an asset protection zone (as indicated below), thereby retaining all of the EEC trees within that area and providing additional open space within the Farnborough Estate.

This is considered to be an improvement on the 1984 Plan.

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2. Creation of a new village green where the local community can meet and hold outdoor activities – under community title if Council requires.

The location of the proposed village green is indicated on the plan above. This provision also contributes to further protection of the EEC area with the retention of all the EEC trees within that area. It is intended that the Village Green cover an area of 0.6 hectares.

This element of the subdivision plan is also considered an improvement over the 1984 approved plan. It is also noted that the Village Green provides a core design element within the subdivision being the open space around which 20 lots of between 1,000m² and 1,300m² are proposed to be located.

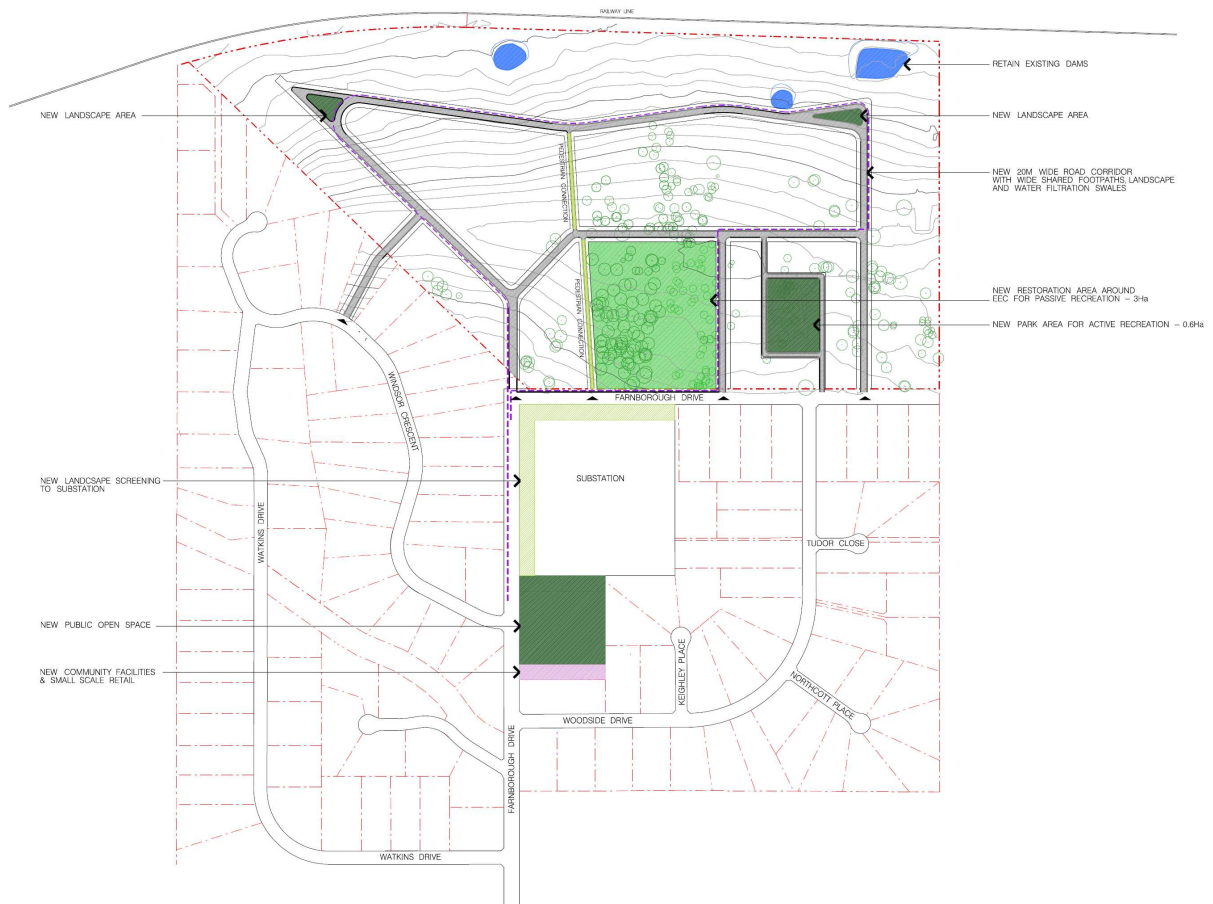
3. A connectivity network through the whole subdivision including both walking track and bicycle tracks and accessing all public and community areas.

The proposed connectivity network plan is presented below. A larger version may be viewed at **ATTACHMENT 3**.

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The proposed plan seeks to better connect Lot 391 into the rest of the Farnborough Estate as a whole, providing four (4) access points compared with two (2) in the original approved plan. One of the access points directly connects the existing part of the Estate with the proposed Village Green.

4. A new netball court and amenities areas on the area already reserved and dedicated for open space to Council and at no expense to Council.

The provision of new sporting facilities and any other infrastructure within the site is a matter which can be further discussed with staff at the LUA Assessment stage should the proposal be supported. It is noted that there are currently no sporting or play facilities on the public reserve.

Other Assessment Considerations

Existing dams and lot sizes on the northern boundary.

Following consideration by the local planning strategy steering committee sunset working group, it was recommended that, in addition to matters already addressed in this report, the draft subdivision plan be modified in order to ensure that each of the three existing dams

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was located on its own individual allotment and that the number of lots on the northern side of the property be reviewed in order to minimise the impact of the development when viewed from the north.

This has been attended to by the applicant. It is noted that the all allotments along the northern side of the site are at or above the 4,000m² minimum lot size currently applying to the site. Several lots are around 5,000m² with one being approximately 10,500m². It is also noted that the three dams are each located on their own individual allotment.

If the Planning Proposal is supported in order to allow consideration of a revised subdivision plan, further consideration of the impact of the allotments on the northern side of the site would be made during the LUA assessment of that revised subdivision plan. It is noted that the proposed building footprint locates dwellings on the northern boundary allotments back from the properties' northern boundary.

Range of Allotment Sizes

One further matter to consider is the benefit, or otherwise, of having a range of allotment sizes across the subject site, compared with the standard 4,000m² minimum currently proposed.

The proposed protection of much of the EEC land has resulted in a far lower yield than was approved in 1984. It is proposed to offset this lower yield by including a range of lot sizes down to 1,000m². It is also noted that the revised plan of subdivision also provides 16 lots which are larger than the 4,000m² currently approved. In some cases these lots are significantly larger, being around 5,000m². One lot is approximately 10,500m².

It is noted that the 22 lots in the 1,000m² – 1,300m² ranges are proposed to be located around a Village Green. The revised subdivision plans creates an additional 26 allotments compared with the current approval for 76.

Two of the goals of the 2031+ Community Strategic Plan relate to the question of lot yield and the provision of a range of lot sizes.

Sub-goal 3.2.1 relates to retaining the rural landscape between towns and villages. Sub-goal 3.2.3 relates to ensuring that the growth of town and villages does not compromise that separation. This implies that any new development or redevelopment within an existing town or village should ensure that an optimum lot yield is achieved through lot sizes which provide a compromise between density and amenity. A range of lot sizes within a development is one means of meeting these goals.

It is also noted that the proposed variation in lot sizes on the subject site will not impact on the character of the existing Farnborough Estate, being located within the centre of the new subdivision which is located on the northern end of the Estate, or the Moss Vale Township, being located away from the centre of town.

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Goal 3.4 states “Wingecarribee housing options are diverse”, with sub-goals referring to the provision of a range of densities and housing types to provide for a range of household types and to allow people to age in place. A range of allotments, from 1,000m² to over 5,000m² would contribute directly to the achievement of that goal.

It is also noted that the 2011 census indicates the greatest increase in population in Wingecarribee Shire between 2006 and 2011 was in the 60-74 age group, suggesting *prima facie* support for an increased range of lot sizes to provide more housing options for an older population.

CONCLUSION

The revised plan of subdivision affords a level of protection to the EEC land, and in so doing provides over 3.5 hectares of open space. The revised plan also improves connectivity between the existing Farnborough Estate and the subject site. It provides a range of lot sizes which support specific goals from the 2031+ Community Strategic Plan.

Although there is a reduction in the current minimum lot size of 4,000m², the smaller lots are arranged in such a way as to focus on the centre of the site - around, or adjacent to, the proposed open space. The inclusion of smaller lots has been offset, in part, by allotments larger than 4,000m² which are located around the boundary interface with the E3 Environmental Management land beyond.

Preliminary advice from the Roads and Maritime Services indicates that the additional yield of 76 lots does not generate traffic issues. It is noted also noted that the site will provide full sewer reticulation so water quality should not be impacted by on-site systems.

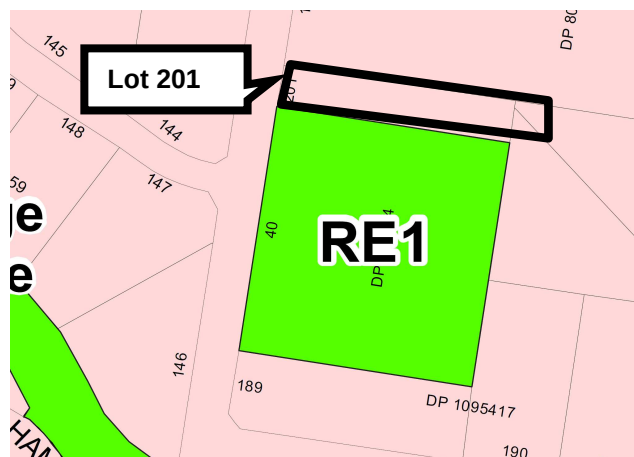
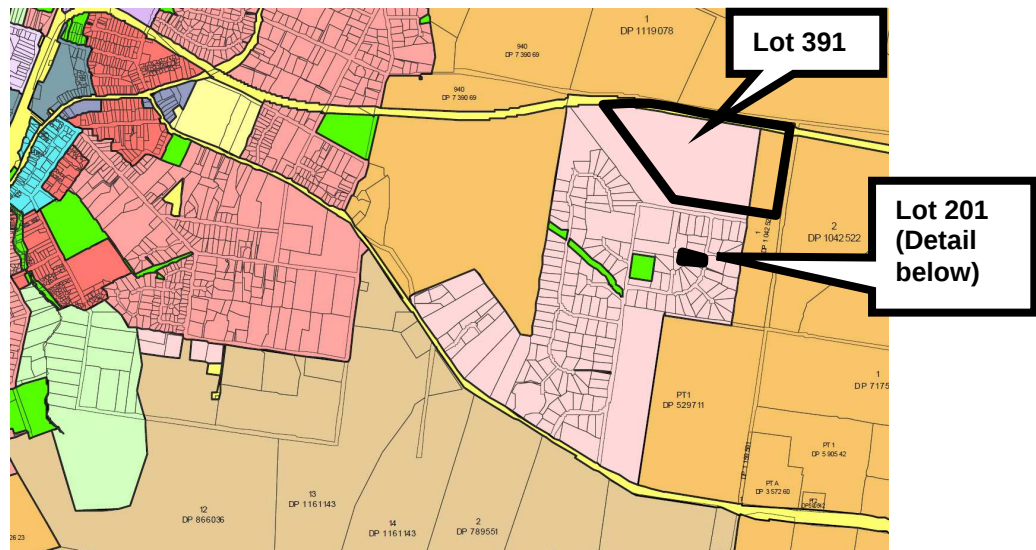
Details of proposal to rezone lot 201 DP 1095417, 41 Farnborough Drive, moss vale, from r5 large lot residential to b1 neighbourhood centre.

The application lodged with Council also proposed the rezoning of Lot 201 DP 1095417, 41 Farnborough Drive Moss Vale, to permit “a new neighbourhood centre made up of a cluster of small shops servicing the local community and adjoining a new car park.” The application also makes reference to the possibility of Lot 201 being used a Child Care Centre. Lot 201 is located adjacent to the public reserve as indicated on the maps below and covers an area of 2,235m².

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STATUTORY ASSESSMENT

ASSESSMENT - KEY ISSUES

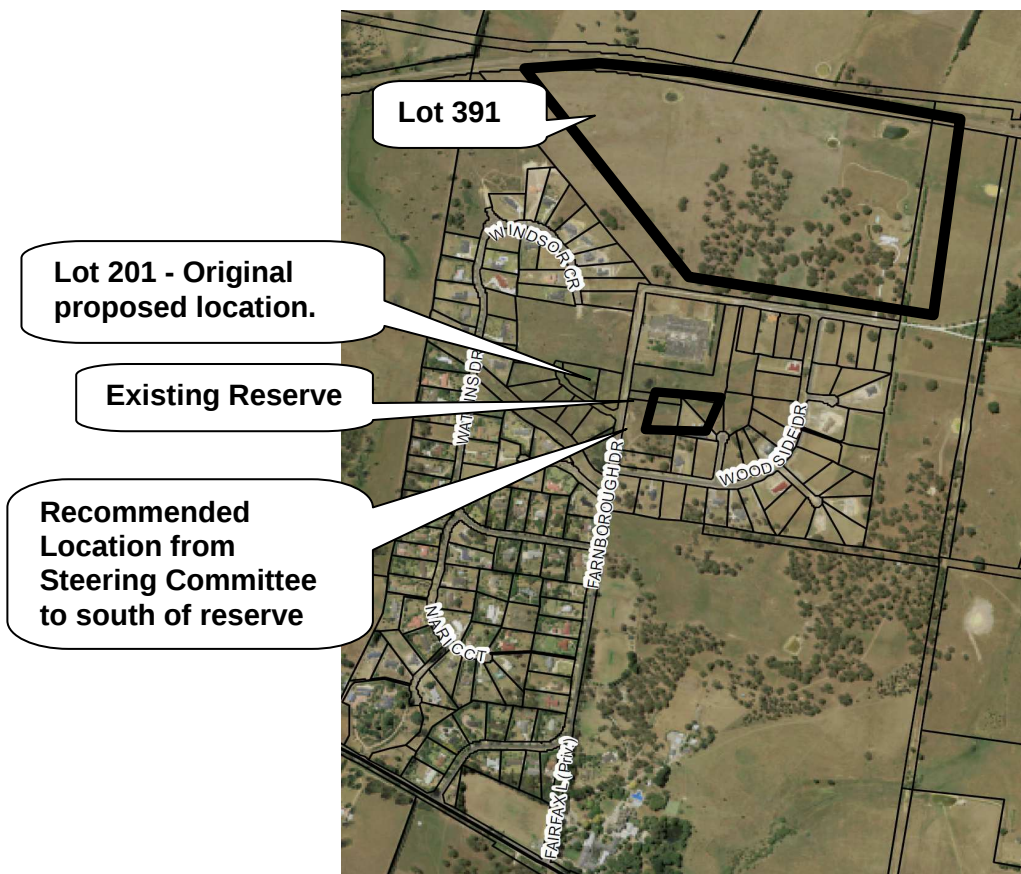
The most appropriate zone for neighbourhood shops would be B1 Neighbourhood Centre. No rezoning would be required to permit a Child Care Centre or a Community Facility.

It is noted that one of the recommendations from the Local Planning Strategy Steering Committee Sunset Working Group on 16 May 2012 was that the location of the proposed neighbourhood centre be moved from Lot 201, which is to the north of the existing public reserve, to the south of the reserve in order to provide better access for the remainder of the Farnborough Estate to the south of Lot 391, as indicated below.

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Comparison of original and proposed locations of Community Centre site

It is noted that Lot 201 DP 1095417, the original proposed location of the Neighbourhood Centre, is owned by the proponent. Lot 40 DP 263584 is the existing public reserve and is owned by Council. The lot to the immediate south of the public reserve is privately owned, but not by the proponent.

Therefore, the only way to relocate the Neighbourhood Centre from the northern side of the public reserve to the southern portion of the public reserve is to undertake a Planning Proposal to:

- reclassify the public reserve from community to operational,
- remove the boundary between Lot 201 and Lot 40,
- create a new boundary on Lot 40 to separate that portion of the land to be rezoned to B1 Neighbourhood Centre from the existing public reserve,
- rezone the newly created lot incorporating Lot 201 to RE1 Public Open Space,
- reclassify that Lot from Operational to Community,
- Rezone the Lot created from the southern portion of the public reserve to B1 Neighbourhood Centre.

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As part of the Planning Proposal process, public hearings would be required to reclassify the public reserve from community to operational in order to undertake this transfer, and again once the transfer is complete to reclassify the new public reserve area from operational back to community.

CONCLUSION

If the proposed B1 zone were relocated from Lot 201 on the northern side of the public reserve to the southern portion of the public reserve, the total distance saved would be some 120 metres over a maximum distance of 800 metres from those properties furthest from the southern site.

It is also noted that the relocation of the B1 zone would also result in the Neighbourhood Centre being located adjacent to an existing residential allotment. It is considered that it would be preferable to leave the proposed B1 zone on Lot 201 where the existing public reserve can provide a buffer to the south and the electricity sub-station can provide a buffer to the north.

STATUTORY ASSESSMENT RELATING TO BOTH PROPOSALS

Wingecarribee Local Environmental Plan 2010 (WLEP 2010)

A Planning Proposal is required to amend WLEP 2010 to reduce the minimum lot size on Lot 391 in order to allow the revised subdivision plan to be considered and to rezone Lot 201 to B1 Neighbourhood Centre.

Development Control Plans (DCPs)

The Moss Vale DCP would be amended to insert a new Farnborough Precinct which identified the approved draft subdivision plan and applied controls specific to its implementation.

State Environmental Planning Policies (SEPPs)

As part of the preparation of the Planning Proposal, compliance with all SEPPs must be demonstrated.

Section 79C Evaluation

Consideration of the draft plan of subdivision at the Land Use Application (LUA) stage will require consideration of the provisions of Section 79C.

Relevant State Legislation

As part of the preparation of the Planning Proposal, compliance with relevant State legislation must be demonstrated.

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CONSULTATION

Pre-Lodgment Meetings

The matter was first considered by the Local Planning Strategy Steering Committee Sunset Working Group on 16 May 2012 at which time it was recommended that a site inspection be arranged and that the applicant be invited to attend a future meeting to address the Committee's concerns regarding the proposed subdivision plan. This occurred on 18 July 2012. This meeting recommended that the draft subdivision plan be modified in order to:

- Review the lot sizes to better accommodate the remnant EEC.
- Review the number of lots on the northern side of the property which may be viewed when travelling from the north.
- Relocate the proposed neighbourhood centre to the south of the existing park.

The recommended modifications were all made (although this reports recommends not proceeding with the relocation of the neighbourhood centre) and a revised draft presented to the Steering Committee on 15 August 2012 when it was further recommended that the draft plan be again modified to ensure that each of the three (3) existing dams was located on its own individual allotment. This amendment was made and the resulting draft plan of subdivision forms the basis of this report with regard to amending the minimum lot size for Lot 391.

Internal Referrals

No internal referrals have yet been done. They will occur during the Planning Proposal process, if supported.

Public Participation

No public participation has yet been done. This will occur during the Planning Proposal process, if supported.

SUSTAINABILITY ASSESSMENT

• **Environment**

Potential environmental impacts from subdivision of the subject property will be assessed under the provisions of Section 79C of the Environmental Planning & Assessment (EP&A) Act as part of the development application process. The subject site was previously considered suitable for residential development at the time of the 1984 subdivision approval.

It is also noted that the revised subdivision plan recognises and seeks to protect the existing Endangered Ecological Community. The current planning approval does not do this.

• **Social**

The revised subdivision plan offers a wider range of housing options than does the current approval.

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- **Broader Economic Implications**

The slightly higher lot yield of 26 lots will generate additional developer contributions providing funding for public infrastructure in the area. There is currently no play equipment on the public reserve and it is noted that some residents from the Farnborough Estate recently met with Council officers requesting that such equipment be provided.

- **Culture**

There are no significant cultural impacts.

- **Governance**

Amendments to WLEP 2010 are undertaken in accordance with the provisions of the EP&A Act and in accordance with the NSW Department of Planning and Infrastructure's Gateway Determination.

RELATIONSHIP TO CORPORATE PLANS

As previously discussed, the proposed variation to the minimum lot size of 4,000m², to provide for a range of lot size from 1,000m² to greater than 4,000m², addresses two of the goals of the 2031+ Wingecarribee Community Strategic Plan.

Goal 3.2 Wingecarribee has maintained a distinct character of separate towns and villages

- 3.2.1 *Retain the rural landscape between town and villages.*
- 3.2.2 *Retain and make more distinctive the special qualities that make each town or village unique*
- 3.2.3 *Ensure growth of towns and villages does not compromise separation distance between those towns and villages*

The reduction of the minimum lot size on the subject site will not impact upon the character of Moss Vale as it will not compromise the separation distance between towns, or intrude on the rural landscape.

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*

The broader range of lots sizes offers a wider range of housing types and lifestyle choices, from rural residential through to traditional suburban-sized allotments surrounding a village green.

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BUDGET IMPLICATIONS

The preparation of the Planning Proposal would be undertaken by Council staff. Council's fees and charges include Planning Proposal fees.

The consideration of a new subdivision plan will allow Council to reassess the Developer Contributions that will apply under a new Land Use Application. These have increased considerably since the original 1984 approval so would generate appropriate funding to upgrade and, or, provide new infrastructure for an increased population base. The additional 26 lots proposed would also generate increased developer contributions.

RELATED COUNCIL POLICY

There are no related Council Policies other than those already discussed in this report.

OPTIONS

Three options are available to Council:

Option 1: Support a Planning Proposal to amend WLEP 2010 to reduce the minimum lot size on Lot 391 in order to allow consideration of the draft subdivision plan and to rezone Lot 201 to B1 Neighbourhood Centre to facilitate consideration of a neighbourhood centre.

Comment: This is the preferred option as it will provide the opportunity for the applicant to have a revised subdivision plan considered by Council, achieving a preferred outcome to that currently approved.

Option 2: Support the 1984 Approved Plan of Subdivision.

Comment: This option is not preferred as it is considered that the revised Plan of Subdivision is preferable to the current approved Plan which may still be implemented.

Option 3: Support neither the Approved Plan of Subdivision, nor the revised Plan.

Comment: This option is not preferred as the applicant has spent several months working with Council through the Local Planning Strategy Steering Committee Sunset Working Group to present, amend and resubmit a draft subdivision plan which meets Council's requirements.

ATTACHMENTS

There are a total of three (3) attachments to this report, which have been circulated under separate cover.

Attachment 1: Applicant's Planning Proposal

Attachment 2: Draft Plan of Subdivision

Attachment 3: Draft Connectivity Plan

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RECOMMENDATION

1. **THAT** in accordance with Section 55 of the Environmental Planning and Assessment Act, 1979, Council resolve to prepare and lodge with the NSW Department of Planning and Infrastructure a Planning Proposal to amend the minimum lot size of Lot 391 DP 737061, Lot 391 Farnborough Drive, Moss Vale, to permit the range of lot sizes contained within the revised plan of subdivision, as illustrated in ATTACHMENT 1, and to amend the zoning of Lot 201 DP 1095417, 41 Farnborough Drive, Moss Vale, from R5 Large Lot Residential to B1 Neighbourhood Centre to permit development for the purposes of Neighbourhood Shops and Community Facilities.
 2. **THAT** a new precinct be included in the Moss Vale Development Control Plan (DCP) titled Farnborough Estate which contains the revised draft plan of subdivision and such controls as are required to implement any approved subdivision based on that draft.
 3. **THAT** the applicant be advised of Council's decision.
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