

Urban development of Coomungie and Chelsea Gardens, Moss Vale

Proposal Title : **Urban development of Coomungie and Chelsea Gardens, Moss Vale**

Proposal Summary : **Amend the Wingecarribee LEP 2010 by rezoning and changing the development standards of the land at Coomungie and Chelsea Gardens to permit up to 1500 residential lots and associated ancillary development.**

PP Number : **PP_2014_WINGE_003_00** Dop File No : **10/09314-2**

Proposal Details

Date Planning Proposal Received :	20-Jan-2014	LGA covered :	Wingecarribee
Region :	Southern	RPA :	Wingecarribee Shire Council
State Electorate :	GOULBURN	Section of the Act :	55 - Planning Proposal
LEP Type :	Precinct		

Location Details

Street :	141 Yarrawa Road		
Suburb :		City :	Moss Vale
		Postcode :	2577
Land Parcel :	Lot 3 DP706194		
Street :	32 Lovelle Street		
Suburb :		City :	Moss Vale
		Postcode :	2577
Land Parcel :	Lot 12 DP866036		

DoP Planning Officer Contact Details

Contact Name : **Lisa Kennedy**
 Contact Number : **0242249457**
 Contact Email : **lisa.kennedy@planning.nsw.gov.au**

RPA Contact Details

Contact Name : **Susan Stannard**
 Contact Number : **0248680854**
 Contact Email : **susan.stannard@wsc.nsw.gov.au**

DoP Project Manager Contact Details

Contact Name :
 Contact Number :
 Contact Email :

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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) :	123.70	Type of Release (eg Residential / Employment land) :	Both
No. of Lots :	0	No. of Dwellings (where relevant) :	1,500
Gross Floor Area :	0	No of Jobs Created :	2,500

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 : Council has changed the intent of the planning proposal from that recommended by the Southern JRPP for a Gateway determination. Council has recommended an 'across the board' zoning to R2 Low Density Residential then a subsequent planning proposal to define the R3 Medium Density Residential and B1 Neighbourhood Centre Zones. The proposal remains silent on RE1 Public Recreation which would include floodprone land. Given the long and contentious planning history of the site, and the JRPP's and Agency's recommendation that the appropriate land uses/zones for the site be considered at the one time in one planning proposal, the proposal is being referred to the LEP Panel to direct Council to make the appropriate zone changes through a single planning proposal in the Gateway determination.

External Supporting Notes : The proposal involves the rezoning of two adjoining rural properties - Chelsea Gardens 80ha and Coomungie 43.7ha, (combined area 123.7ha) to allow for residential development on the south east edge of Moss Vale. The land is zoned RU2 Rural Landscape under the Wingecarribee Local Environmental Plan (LEP) 2010 and is used for cattle grazing. The site is also identified in the Wingecarribee LEP as an urban release area.

The site has been extensively investigated for urban development by Wingecarribee Shire Council since 2005. These investigations have found that the site is a significant potential urban release area; ideally positioned in a high amenity location; virtually free of any significant constraints; can be serviced with key utilities; and forms a natural extension to Moss Vale township. The site has been identified by both Council and the NSW Government via the Sydney-Canberra Corridor Regional Strategy, as a key area for 'greenfield' housing for the Wingecarribee LGA and Council had previously initiated the rezoning of the site to facilitate its development.

This planning proposal is a result of the landholders of Coomungie and Chelsea Gardens seeking a Pre-Gateway Review of their planning proposal as Wingecarribee Council had not supported the proposal. The landholders proposed to rezone the land as per the draft Coomungie and Chelsea Gardens Masterplan ie to parts R2 Low Density Residential, R3 Medium Density Residential, RE1 Public Recreation and B1 Neighbourhood Centre and

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change the development standards of the land to allow residential (up to 1500 lots), open space and local business purposes. The proposal was reviewed by the Southern Joint Regional Planning Panel (JRPP) in November 2013 which recommended that the proposal proceed to a Gateway determination. Planning and Infrastructure adopted the JRPP's recommendation and on 9 December 2013 and Wingecarribee Council agreed to be the Relevant Planning Authority (RPA). However, Council changed the proposal to rezone all the site R2 Low Density Residential and that a further planning proposal be prepared to apply appropriate zoning for the proposed neighbourhood centre and medium density residential development once those locations have been finalised. Council has made no mention of the proposal to rezone areas RE1 Public Recreation.

The Southern JRPP also recommended that Council consider an amendment to the Wingecarribee LEP 2010 Urban Release Area Map to include land in separate ownership at the north eastern corner of Lot 12 DP866036 and at the southern edge of Lot 3 DP706194.

A single planning proposal to implement the JRPP's and Planning and Infrastructure's recommendations is more appropriate and expedient.

Adequacy Assessment

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

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

Comment : The objective of the planning proposal is to rezone land at Coomungie and Chelsea Gardens, Moss Vale to facilitate up to 1500 residential lots with associated ancillary development.

Recommendation:

The objective of the planning proposal be reviewed to reflect the objective of the landholders' planning proposal ie to facilitate the rezoning of the site to allow residential development (up to 1500 lots of low and medium density), open space and local business purposes.

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

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

Comment : The planning proposal seeks to amend the Wingecarribee LEP 2010 by amending the:

- Land Zoning Maps (LZN_007D and LZN_007H) from RU2 Rural Landscape to R2 Low Density Residential; and
- Lot Size Maps (LSZ_007D and LSZ_007H) from 40ha to 450m2

Recommendation:

The planning proposal be reviewed to reflect the provisions of the landholders' planning proposal ie

- Land Zoning Maps (LZN_007D and LZN_007H) from RU2 Rural Landscape to R2 Low Density Residential, R3 Medium Density Residential, RE1 Public Recreation and B1 Neighbourhood Centre
- Lot Size Maps (LSZ_007D and LSZ_007H) from 40ha to 450m2, 300m2 and 1,000m2
- Height of Buildings Map to allow a maximum height of 9m.

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

1.2 Rural Zones

1.5 Rural Lands

3.1 Residential Zones

3.4 Integrating Land Use and Transport

4.1 Acid Sulfate Soils

4.2 Mine Subsidence and Unstable Land

- 4.3 Flood Prone Land
- 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? **Yes**

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

d) Which SEPPs have the RPA identified? **SEPP (Rural Lands) 2008**

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

Have inconsistencies with items a), b) and d) being adequately justified? **No**

If No, explain :

Council has identified a number of Section 117 Directions that by default apply to the planning proposal. However, due to the nature of the development they are not relevant. Council considers that the planning proposal is consistent with S117s 4.1 Acid Sulfate Soils and 4.2 Mine Subsidence and Unstable Land. However, they are not relevant as the land is not affected by acid sulfate soils or identified as being unstable or within a Mine Subsidence District. Council considers that the planning proposal is consistent with s117 6.1 Approval and Referral Requirements. However, it is not relevant as no approval or referral requirements will be included in the final LEP.

The proposal is consistent with:

- **S117 3.4 Integrated Land Use and Transport – the site adjoins the Moss Vale township interface and connects to the southern and eastern edges of the town centre.**
- **S117 5.1 Implementation of Regional Strategies – proposal is implementing land release potential identified for Moss Vale.**
- **S117 6.3 Site Specific Provisions – Council considers that the proposal is justifiably consistent with s117 6.3 because a concept development plan forms part of the planning proposal and the site is subject to the Urban Release Area Map and Part 6 of the Wingecarribee LEP 2010 which requires the preparation of a site specific DCP by which to assess the proposed development. The proposal is consistent with S117 6.3 as no site specific provisions are proposed in the planning proposal.**

The proposal is inconsistent but justified with:

- **S117s 1.2 Rural Zones, and 1.5 Rural Lands – as the proposal seeks to rezone rural lands to residential and business and is releasing land on the urban fringe, these inconsistencies are justified by the Sydney-Canberra Corridor Regional Strategy, Wingecarribee Our Future Strategic Plan 2002 and the identification of the site in the Wingecarribee LEP 2010 as an urban release area.**

The proposal is inconsistent with:

- **S117 4.3 Flood Prone Land - as it is proposing to zone the entire site R2 including flood prone lands. Council considers that the proposal is consistent, subject to a flood study as part of the DA assessment process. A flood study has already been completed for the site which has identified flood prone areas. The landholders' planning proposal did not propose any residential development on flood prone land and was proposing to zone areas below the 100year ARI as RE1 Public Recreation. Their proposal was consistent with the S117 direction.**

Recommendation:

The Director General can be satisfied that the planning proposal is consistent with s117 4.3 when Council has amended the planning proposal to include all flood prone land within RE1 Public Recreation Zone.

It is unknown whether the proposal is consistent with:

- **S117 1.1 Business and Industrial Zones – Council considers that the proposal is**

consistent with S117 1.1 because of the small scale nature of the proposed business area, the precise location of which is to be determined at the DA stage. The proposal does not propose to zone any of the site as business zone. The landholders' planning proposal had identified an area for a neighbourhood centre and was consistent with the S117 Direction. The Southern JRPP had recommended that the precise area and location of the proposed neighbourhood centre be reviewed.

- **S117 3.1 Residential Zones** – Council considers that the proposal is consistent with the S117 3.1 as it proposes to develop the land for a range of residential purposes from larger lots through to small ones with some medium density development. However, Council is proposing a minimum lot size of 450m². The landholders' planning proposal had sought a variety of lot sizes of 300m², 450m² and 1000m² to cater for different sized developments and was consistent with the S117 Direction.

Recommendation:

The Director General can be satisfied that the planning proposal is consistent with s117 1.1 and 3.1 when the Council has amended the planning proposal to include R3 Medium Density and B1 Neighbourhood Business Zone and include a range of lot sizes.

- **S117 4.4 Planning for Bushfire Protection** - Council considers that the proposal is consistent with the Direction as any bushfire threat to the subject land can be managed. Consultation with the NSW Rural Fire Service is required to confirm this.

Recommendation:

The Director General can be satisfied that the planning proposal is consistent with s117 4.4 when Council has consulted with the NSW Rural Fire Service prior to consultation.

- **S117 5.2 Sydney Drinking Water Catchments** – Council has referred the planning proposal to the Sydney Catchment Authority and will amend the proposal to include its comments prior to public exhibition. This consultation is pre-emptive of the Gateway determination and any required changes to the proposal prior to consultation with government agencies and public exhibition. The SCA will need to be consulted again.

Recommendation:

The Director General can be satisfied that the planning proposal is consistent with s117 5.2 when the Council has consulted with the SCA which will be required after the Council has amended the proposal. This can occur during the consultation period.

- **S117 6.2 Reserving Land for Public Purposes** – The planning proposal states it will facilitate the consideration of a concept subdivision plan for the land, which includes rezonings to RE1 Public Recreation to protect existing watercourses and provide for the recreational needs of the community. However, the Council's proposal is not seeking to zone land to RE1 whereas the landholders' planning proposal did identify areas to be zoned RE1. Any proposal to rezone lands RE1 Public Recreation will need to seek the approval of Wingecarribee Shire Council and the Director General.

Recommendation:

The Director General agreement for the rezoning to RE1 Public Recreation either when the planning proposal is forwarded for finalisation.

As addressed in the S117 Direction 1.5 Rural Lands, the proposal is justifiably inconsistent with the Rural Lands SEPP due to its identification in local and regional strategic planning documents as an urban release area.

The landholders' planning proposal also considered that SEPP55 Remediation of Land applied to the site and a preliminary investigation was to be completed as part of the planning proposal.

Recommendation:

The planning proposal be updated to address clause 6 of SEPP55 once a Gateway determination is issued.

Mapping Provided - s55(2)(d)

Is mapping provided? **Yes**

Comment : **A proposed Land Zoning Map and Lot Size Map (based on the Wingecarribee LEP 2010) has been provided for the site.**

Recommendation:

The maps will need to be updated to reflect the provisions of the landholders' planning proposal and may include changes to the Natural Resources Biodiversity and Waterways Map. The maps will need to be amended for consultation and refined to comply with the Department's 'Standard technical requirements for LEP maps' prior to finalisation of the plan.

Community consultation - s55(2)(e)

Has community consultation been proposed? **Yes**

Comment : **Council proposes to exhibit the planning proposal for a minimum of 28 days. The proposal is to be advertised in the local newspaper and made available on Council's website, at Council's Customer Service Centre and in libraries. Relevant resident associations and residents within the vicinity of the proposed development will be notified. Council may also undertake any other consultation deemed appropriate as a result of community feedback to the proposal.**

It is noted that the earlier Chelsea Gardens LEP Amendment No. 131 was placed on public exhibition once and the rezoning three times as part of the draft Wingecarribee LEP 2010.

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 : **The planning proposal addresses the Department's "A guide for preparing a planning proposal" and is considered adequate for a Gateway determination with conditions. However, the planning proposal does not identify appropriate zonings consistent with the landholders' masterplan, the Southern JRPP's consideration or the requirements of multiple S117 directions.**

Recommendation:

The planning proposal be amended to reflect the landholders' planning proposal submitted for a Pre-Gateway Review and recommended by the Southern JRPP for a Gateway determination before being placed on public exhibition.

A project timeframe of 9 months to complete the rezoning process is included in the planning proposal. Such a timeframe is not considered to be achievable in light of the need to review and update the previous studies and investigations.

Recommendation:

A timeframe of 18 months to complete the rezoning process is considered to be more realistic and achievable.

Council has confirmed it is applying to use its delegation to complete the proposal and has attached the form Appendix 4 – Evaluation Criteria for the Delegation of Plan Making Functions. Council's request for delegation is not supported due to:

- The proposal's current inconsistencies with the S117 Directions.**
- The potential for community consultation to raise unresolved issues.**

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- Council's most current resolution of 9 October 2013 to not support the landholders' planning proposal and have the site removed from the Urban Release Area Map in the Wingecarribee LEP 2010.
- The long and contentious planning history of the site.

Recommendation:

The planning proposal not be delegated to Council.

The Southern JRPP recommended that Council consider an amendment to the Wingecarribee LEP 2010 Urban Release Area Map to include land in separate ownership at the north eastern corner of Lot 12 DP866036 and at the southern edge of Lot 3 DP706194.

Recommendation:

Council be advised in the letter from the Minister's delegate that in line with the recommendation of the Southern JRPP, the owners of land south of Coomungie and north east of Chelsea Gardens be made aware of the planning proposal and invited to register their interest in having their land investigated for urban development as part of a larger, integrated, contained site.

Proposal Assessment

Principal LEP:

Due Date :

Comments in
relation to Principal
LEP :

The planning proposal will be an amendment to the notified Wingecarribee LEP 2010. The site is zoned RU2 Rural Landscape in the LEP and is identified on the Urban Release Area Map.

Assessment Criteria

Need for planning
proposal :

As the site is currently zoned RU2 with a minimum lot size of 40ha, the land needs to be rezoned and the minimum lot size varied to allow for residential development. A planning proposal is the only mechanism for undertaking such amendments to the Wingecarribee LEP 2010.

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Consistency with strategic planning framework :

The planning proposal is consistent with the Sydney Canberra Corridor Regional Strategy. The Strategy identifies the provision of 1,400 residential lots for Moss Vale in the short to medium term which includes the Chelsea Gardens and Coomungie proposal. The Strategy also identifies the need for additional 'greenfield' development areas incorporating an additional 3000 dwellings to cater for the longer term growth/demand.

The basis of the population projections for the Regional Strategy has recently been updated by Planning and Infrastructure. The revised projections, based on the 2011 census, show a much more conservative estimate of 51,000 people in the Shire by 2031, which corresponds to the Regional Strategy projection of 58,700 by 2031. More work is required on the implications and drivers of the projections as there appears to be a significant variance in the base population (which affects rate of growth) and the components. The most recent projections show a significant ageing of the population, which is reflected by migration into the region. To broaden the population base and to ensure degrees of economic self-sufficiency for the area, the provision of affordable housing to attract families rather than aged retirees may be necessary. This is an issue that will be considered when a new Regional Growth Plan is being prepared for the area.

The planning proposal considers that due to the fact that the site is identified as an Urban Release Area (URA), the proposal must be considered consistent with Council's strategic planning, although in view of community opposition, Council has sought (unsuccessfully) to remove the URA designation over the site.

The landholders' planning proposal also addressed the proposal's consistency with the Wingecarribee Our Future Strategic Plan 2002, Wingecarribee Demographic and Housing Study, 2012 and Moss Vale Town Plan DCP 2012. These documents should also be included in the consultation of the planning proposal.

The Wingecarribee Our Future Strategic Plan 2002 was developed to inform a review of the Wingecarribee LEP 1989 and the subsequent new shire wide plan – Wingecarribee LEP 2010. Whilst the Chelsea Gardens and Coomungie site was not originally identified for residential release in the Plan, Council subsequently added the site to the possible housing release sites list in late 2006. The inclusion of the Chelsea Gardens and Coomungie site in the Plan was highly contentious as there were diverging views within the community on the need for the additional development proposed by the Plan. The Plan was adopted by the Director General as part of the finalisation of the Principal LEP.

Wingecarribee Demographic and Housing Study, 2012 provides a demographic update to the Wingecarribee Our Future Strategic Plan 2002, although the Study does not provide a land use plan. The Study reports that the highest dwelling demand in the LGA is expected in Moss Vale and Bowral and notes there is sufficient capacity within existing infill areas under current planning controls to satisfy forecast demand for each dwelling type at every five year period for the next 20 years. This statement is contrary to the SCCRS and Planning and Infrastructure's population growth and housing calculations as well as pre-supposing that the community will accept such a significant increase in density and that the provision of housing in such a piece-meal way would be economically feasible.

The Moss Vale Town Plan DCP 2012 applies to land within the Moss Vale township and interfaces with the site. Its design concept and principles were incorporated into the landholders' planning proposal and their Masterplan concept.

Although the planning proposal is consistent with the applicable Strategy (Wingecarribee Our Future Strategic Plan, 2002), it is also acknowledged that Council no longer supports that Plan. The review of housing and demographic projections commissioned by Council argues that population growth is not as fast as projected by the Sydney-Canberra Corridor Regional Strategy and accommodated by Council's strategic plan and that there is capacity within existing zoned urban areas to accommodate dwelling demand.

The Southern JRPP has reviewed the proposal to rezone the land for residential and indicated that the release would be consistent with the strategic planning frameworks. The Panel considers that in the absence of a local land and housing monitor to accurately

Environmental social economic impacts :

estimate land availability, an oversupply of urban land in appropriately planned locations contiguous with existing urban areas is preferable to an undersupply. This approach assists housing affordability and acknowledges that the release and development of urban lands is subject to the availability and timing of infrastructure and the aspirations of landholders.

The planning proposal identifies that the site consists of two adjoining rural properties - Chelsea Gardens 80ha and Coomungie 43.7ha. It forms an irregular shape on the south east residential edge of Moss Vale township and is 1.5km from the town centre. The land has been used for agricultural pursuits, primarily grazing. The site contains no EEC land and the protection of adjoining EEC land will be addressed at the DA stage. The land also contains category 3 streams and their management and associated riparian corridors will be addressed at the DA stage.

Previous investigations have identified the site is in the upper reaches of Whites Creek catchment. A series of locally prominent hills surround the site to the east and south and act to visually contain the site and enhance the amenity of the location. The land is gently sloping to the north east and adjoining Moss Vale Golf Course. The vegetation is open exotic grassland and pastures with a few patches of remnant vegetation. There is a large dam on Whites Creek near the boundary with the Golf Course. The site contains a mix of Class 3 (prime crop and pasture land) and Class 4 agricultural lands.

The site is surrounded by existing residential land uses including Moss Vale Golf Course, Collins Book warehouse facility, Harbison Retirement Village and established residential areas. These land uses are generally low to medium density in their bulk and scale. To the south east beyond the hill-line are rural properties.

The landholders' planning proposal identifies that the site is mapped as having a low bushfire risk under the Wingecarribee Bushfire Management Plan. In addition the 1:100 year ARI flood line extends along the upper defined reaches of Whites Creek. There are no known indigenous or non-indigenous heritage constraints.

The landholders' planning proposal identifies that the proposal will provide an additional supply of residential land offering a range of lot sizes and dwelling density (low to medium). The proposed neighbourhood centre business zone will provide for the needs of the local community without impacting on the existing business centre at Moss Vale.

The development of the area has always been considered to be a logical expansion of the Moss Vale urban area as its development can meet the urban design principals of the Regional Strategy's neighbourhood planning principles. Moss Vale is an appropriate location for urban growth given its availability of community infrastructure and services, retail capacity and commercial activity. Development in the area also provides housing opportunities to accompany the potential development/activation of the Moss Vale Enterprise Zone, which is a significant industrial estate of 570ha located between Moss Vale and Berrima.

Assessment Process

Proposal type :	Precinct	Community Consultation Period :	28 Days
Timeframe to make LEP :	18 months	Delegation :	DDG
Public Authority Consultation - 56(2) (d) :	Essential Energy Sydney Catchment Authority NSW Department of Primary Industries - Agriculture NSW Rural Fire Service Other		

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

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

If no, provide reasons : **Council has identified that it has already referred the planning proposal to the Sydney Catchment Authority (SCA) for comments and will update the proposal to reflect their comments prior to community consultation. Further public authority consultation will occur as required by the Gateway determination.**

It is noted that Council has previously undertaken s62 agency consultation for the Chelsea Gardens LEP Amendment No. 131 (29th February 2008) with DPI Agriculture and Minerals, NSW RFS, DECC, Heritage Council, SCA, RTA, Dept Water & Energy and NSW Health. No objections were received.

Council will need to consult with the above listed agencies as well as the NSW Office of Water and Council departments responsible for water supply and sewerage management. Council will need to consult with the SCA again following the reformatting of the planning proposal to address the Gateway Determination conditions of consent.

Planning and Infrastructure's support of the planning proposal is based on:

- The suitability of the land for development given its location, lack of constraints and serviceability;**
- The need for additional residential land in Moss Vale to meet future population demands for housing; and**
- The potential for the site to encourage a broader population mix for the Wingecarribee area.**

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

If Yes, reasons :

Identify any additional studies, if required. :

Other - provide details below

If Other, provide reasons :

The planning proposal does not include any studies.

The landholders' planning proposal included:

- Planning Proposal "Coomungie" and 'Chelsea Gardens', Moss Vale, 27th April 2013.**
- Coomungie and Chelsea Gardens rezoning plans and maps, 29th April 2013**
- Lodgement letter from applicant to Wingecarribee Shire Council, 1st May 2013**

As identified during the Pre-Gateway Review of the landholders' planning proposal, there are a considerable number of previous reports/information commissioned by Council for the site. They include:

- Chelsea Gardens: New Urban Communities Environmental Investigations and Preliminary Structure Planning Volume 1, Michael Brown Planning Strategies, November 2006.**
- Soils, groundwater, agricultural capability, geotechnical classification, minerals potential and preliminary contamination report for the proposed Chelsea Gardens development site, Harvest Scientific Services, October 2006**
- Stormwater Management and Servicing Investigation, Patterson Britton and Partners, October 2006.**
- Social Planning Assessment, Elton Consulting, October 2006**
- Preliminary Cultural Heritage Assessment Colo Vale Wensleydale and Moss Vale South Chelsea Gardens, NSW Archaeology Pty Ltd, September 2006**
- Traffic Impact and Accessibility Assessment, Maunsell, October 2006**
- Chelsea Gardens Preliminary Environmental Constraints Analysis, ngh environmental, October 2006**
- Future Proofing Wingecarribee, Inspire, December 2006**
- Whites Creek Flood Study, URS**
- Chelsea Gardens Strategic Review, urbis JHD, January 2007**
- Draft Wingecarribee LEP Amendment No. 131 Chelsea Gardens**

The LEP Panel advised Council on 2nd February 2008 that there was no need to prepare an environmental study for the Chelsea Gardens LEP Amendment No. 131 due to the detailed investigations previously commissioned by

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Council. The reports were reviewed by government agencies as part of the agency consultation on the draft LEP.

Recommendation:

The previous studies and reports be included in the planning proposal to support the strategic merits of the proposal.

This recommendation is based on the adequacy of information already provided, the review of the proposed rezonings by the Southern JRPP and the recommendations to consult with State agencies to ensure the studies reflect current conditions.

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 :

The planning proposal identifies that appropriate studies are required to ensure that adequate provisions are made for the additional demand on infrastructure such as public transport, roads, utilities, waste and essential services.

The landholders' planning proposal identified that all services (water, sewage, electricity, gas, telecommunications) are available to the precinct boundary but would need to be augmented/upgraded to service the site. The proposed development would need to meet any upgrade costs.

The landholders' proposal also provided strategic open space and opportunities for providing on site day-care and aged care facilities.

Recommendation:

Studies on infrastructure requirements are to be completed and included in the planning proposal prior to its public exhibition.

Documents

Document File Name	DocumentType Name	Is Public
140117 Coomungie Chelsea Gardens Planning Proposal letter WSC to DoPI lodgement of proposal.pdf	Proposal Covering Letter	Yes
140117 Coomungie Chelsea Gardens Planning Proposal WSC version.pdf	Proposal	Yes
140117 Coomungie Chelsea Gardens Planning Proposal letter DoPI to WSC PreGateway Review Determination.pdf	Proposal	Yes
140117 Coomungie Chelsea Gardens Planning Proposal letter WSC to DoPI acceptance as RPA.pdf	Proposal	Yes
140117 Coomungie Chelsea Gardens Planning Proposal landholders' Planning Proposal Pascoe Planning Solutions 130427.pdf	Proposal	Yes
140117 Coomungie Chelsea Gardens Planning Proposal WSC Council Meeting 100623 report.pdf	Proposal	Yes
140117 Coomungie Chelsea Gardens Planning Proposal WSC Council Meeting 131009 report.pdf	Proposal	Yes
140117 Coomungie Chelsea Gardens Planning Proposal WSC Council meeting 131009 minutes.pdf	Proposal	Yes
140117 Coomungie Chelsea Gardens Planning Proposal WSC Council meeting 131211 report.pdf	Proposal	Yes
140117 Coomungie Chelsea Gardens Planning Proposal WSC Council Meeting 131211 minutes.pdf	Proposal	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
- 1.2 Rural Zones
- 1.5 Rural Lands
- 3.1 Residential Zones
- 3.4 Integrating Land Use and Transport
- 4.1 Acid Sulfate Soils
- 4.2 Mine Subsidence and Unstable Land
- 4.3 Flood Prone Land
- 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 :

The Deputy Director General, as delegate of the Minister for Planning and Infrastructure, determine under section 56(2) of the EP&A Act that an amendment to the Wingecarribee Local Environmental Plan 2010 to rezone lands at Coomungie and Chelsea Gardens, Moss Vale for urban development should proceed subject to the following conditions:

1. The planning proposal is to be reviewed and updated to incorporate the objectives, provisions, previous studies/reports and further details from the landholders' planning proposal prepared by Pascoe Planning Solutions 27th April 2013 and recommended to proceed to a Gateway determination by the Southern Joint Regional Planning Panel (JRPP) in November 2013. This single planning proposal is to implement the JRPP's and Director General's recommendations including zoning land R3 Medium Density Residential, B1 Neighbourhood Centre, and RE1 Public Recreation Zones.

2. As identified in the Southern JRPP Pre-Gateway Review report, 22 November 2013 further investigations are required on:

- * traffic impacts including on the surrounding local and arterial road network;
- * water and sewerage servicing augmentation requirements; and
- * a detailed site analysis and revised concept masterplan that responds to servicing requirements and capacity, adjoining land and site constraints.

3. Due to the long and contentious planning history of the site, the planning proposal not be delegated to Council.

4. Council is to prepare draft Maps for the subject land that implement the JRPP's recommendations including Land Zoning, Lot Size and Height of Buildings Maps for consultation purposes. These maps are to be presented in accordance with Planning and Infrastructure's 'Standard technical requirements for LEP maps' when the plan is submitted for finalisation.

5. 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 is to 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 section 5.5.2 of 'A guide to preparing local environmental plans (Department of Planning and Infrastructure 2013)'.

6. Consultation is required with the following public authorities under section 56(2)(d) of the EP&A Act:

- * Sydney Catchment Authority (s117 5.2), and
- * NSW Rural Fire Services (s117 4.4).

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 it 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.

7. 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 (for example in response to a submission or if reclassifying land).

8. The timeframe for completing the LEP is to be 18 months from the week following the date of the Gateway determination.

9. The Director General can be satisfied that the planning proposal is consistent with the s117 Directions 3.4 Integrated Land Use and Transport, 5.1 Implementation of Regional Strategies and 6.3 Site Specific Provisions.

10. The Director General can be satisfied that consultation with the NSW Rural Fire Service (prior to consultation) and the Sydney Catchment Authority will satisfy S117 Directions 4.4 Planning for Bushfire Protection and 5.2 Sydney Drinking Water Catchments respectively. Note that the amended planning proposal is to be referred to the SCA during consultation.

11. The planning proposal is inconsistent with the s117 Directions 1.2 Rural Zones and 1.5 Rural Lands in that it is rezoning rural lands for residential development. However, the Director General can be satisfied that the inconsistencies have been justified by local planning studies and endorsed strategy and the Sydney Canberra Corridor Regional Strategy.

12. Council will need to confirm whether the proposal is consistent with the s117 Direction 4.3 Flood Prone Land when the plan is forwarded for finalisation.

13. The Director General has agreed that the proposed RE1 Public Recreation Zone, once amended, is appropriate for consultation, however, his agreement under s117 Direction 6.2 Reserving Land for Public Purposes will need to be sought prior to finalisation of the plan.

14. 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.

15. Council is to consider potential land contamination under clause 6 of State Environmental Planning Policy No55 - Remediation of Land.

Supporting Reasons :

The conditions are necessary to ensure that:

- The planning proposal reflects the landholders' planning proposal submitted for a Pre-Gateway Review and recommended by the Southern JRPP for a Gateway determination;
- The long and contentious planning history of the site is resolved within the 18 month timeframe;
- The planning proposal meets the requirements in 'A guide to preparing a planning proposal'; and
- The planning proposal includes concise and detailed information which allows the community to provide informed comments on the proposal during its public exhibition.

Signature:



Printed Name:

MARK PARKER
Local Planning Manager

Date:

26th February 2014

