

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

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.

Panel Recommendation

Recommendation Date : **06-Mar-2014**

Gateway Recommendation : **Passed with Conditions**

Panel Recommendation : **The planning proposal should proceed subject to variations as outlined in the following conditions:**

1. Prior to undertaking public exhibition, the planning proposal is to be amended to reflect the landholders planning proposal as endorsed by Planning and Infrastructure under the Pre-Gateway Review including objectives or intended outcomes; explanation of provisions; and all relevant maps including land zoning, height of buildings and lot size.
2. The following additional information is to be placed on public exhibition with the planning proposal:
 - Traffic management, including impacts on the surrounding local and arterial road network;
 - Site analysis and revised concept masterplan including details of water and sewerage requirements;
 - Wingecarribee Our Future Strategic Plan 2002;
 - Wingecarribee Demographic and Housing Study (2012);
 - Moss Vale Town Plan DCP (2012);
 - Any other relevant studies or reports.
3. Once the planning proposal has been amended and additional information gathered, Council is to update its consideration of S117 Directions 1.1 Business and Industrial Zones, 3.1 Residential Zones, 4.3 Flood Prone Land and 6.2 Reserving Land for Public Purposes.
4. Council is to ensure that the planning proposal satisfies the requirements of State Environmental Planning Policy (SEPP) 55 – Remediation of Land. Council is to place the 2006 preliminary contamination report prepared by Harvest Scientific Services on public exhibition with the planning proposal.
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 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 (Planning and Infrastructure 2013).
6. 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:
 - NSW Rural Fire Service (S117 Direction 4.4 Planning for Bushfire Protection)
 - Sydney Catchment 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.
7. 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).

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

Plan making delegation:

The Minister delegated his plan making powers to councils in October 2012. Council has requested to be issued with delegation for this proposal. Council should not be issued with delegation because the proposal as submitted by Council is inconsistent with the recommendations of the JRPP and because various strategic matters are still to be addressed before the proposal can proceed to public exhibition.

Signature:



Printed Name:

JAMES MATTHEWS

Date:

20/3/14