

PLANNING PROPOSAL

“Coomungie” (Lot 3 DP 706194) and “Chelsea Gardens” (Lot 12 DP 866036) - Moss Vale

(Wingecarribee Shire)



Prepared For:

The Sowter and Avery Families

Prepared By:



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This Report has been prepared exclusively for the Sowter and Avery families for submission to Council as an initial report in the land rezoning process. It is not to be relied upon by any other person/party.

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1 Introduction

1.1 BACKGROUND

This Report represents the formative phase in the development of a Planning Proposal (PP) geared toward the rezoning of the land known as “Coomungie” (Lot 3 DP 706194) and “Chelsea Gardens” (Lot 12 DP 866036) - Moss Vale, principally for urban purposes. The rezoning is to be effected through the preparation of a relevant Local Environmental Plan (LEP) amendment, it being proposed to amend Wingecarribee Local Environmental Plan, 2010. This Report shall be known as the Planning Proposal Submission (PPS).

1.2 SCOPE OF REPORT

This Report has been prepared in accordance with the NSW Department of Planning and Infrastructure’s (DoP&I) documents A Guide to Preparing Local Environmental Plans and A Guide to Preparing Planning Proposals (as amended). The latter document requires the Planning Proposal to be provided in six (6) parts, being:

- Part 1 – A statement of the objectives or intended outcomes of the proposed LEP
- Part 2 – An explanation of the provisions that are to be included in the proposed LEP
- Part 3 – The justification for those objectives, outcomes and provisions and the process for their implementation
- Part 4 – Mapping
- Part 5 - Details of the community consultation that is to be undertaken in respect of the Planning Proposal
- Part 6 - Project Timeline

1.3 REPORT STRUCTURE

This Report, in providing an outline PP, or more particularly PPS, is structured in the following manner:

- Section 1 provides an introduction/background and outlines the nature and form of the Report.
- Section 2 provides an overview of the subject site of this PPS and preliminary implications of the development proposal.
- Section 3 details the prevailing planning framework.
- Section 4 contains a statement of the objective/s and/or intended outcomes of the proposed LEP amendment.
- Section 5 provides an explanation of the proposed provisions.
- Section 6 provides justification for the objectives, outcomes and provisions of the proposed LEP amendment.
- Section 7 reinforces the proposed accompanying mapping.
- Section 8 provides details of the community consultation that would be undertaken in respect of the PP.
- Section 9 outlines an indicative project timeline.
- Section 10 provides a conclusion.

2 The Subject Land/Site

2.1 LAND DESCRIPTION

The site comprises Lot 3 DP 706194 Yarrawa Road (Coomungie) and Lot 12 DP 866036 Lovelle Street (Chelsea Gardens) - Moss Vale, in the Wingecarribee Shire Local Government Area. Such combined holding is some 123.7 hectares in size and of irregular shape, as is depicted in Figure 1 over.



Figure 1: Combined “Coomungie” and “Chelsea Gardens” holding

The qualities of the site are reflected in the following portfolio of photographs:



Entrance to Chelsea Gardens holding



Former farm infrastructure (Chelsea Gardens)



Chelsea Gardens holding beyond the immediate homestead precinct

Figure 2: Qualities of subject site



Northern flank of Chelsea Gardens (golf course on left in middle distance)



Looking toward Chelsea Gardens and the Golf Course from Coomungie



Looking toward Chelsea Gardens and the Golf Course, upper reaches of Whites Creek and flanking distant residential development from Coomungie

Figure 2 (cont.): Qualities of subject site



Entrance to Coomungie holding



Central developable tracts of Coomungie



Coomungie development precinct looking toward upper reaches of Whites Creek

Figure 2 (cont.): Qualities of subject site



Lower reaches of Coomungie near Harper (Collins) Entertainment boundary and Whites Creek

Figure 2 (cont.): Qualities of subject site

2.2 LANDUSE

The land has been extensively cleared in the past for farming practices and is currently used principally for grazing purposes. Its agricultural lands classification consists of “Class 3” lands (suited to pasture improvement) and marginal “Class 4” land, suitable only for limited grazing. Accordingly, at its scale and proximity to urban development, its productivity is particularly limited.

There are no substantial improvements on “Coomungie” (Lot 3), apart from a dwelling house and farm shedding; whilst “Chelsea Gardens” (Lot 12) has a dwelling house and sundry rural outbuildings and support infrastructure associated with low intensity hobby grazing activities (refer to Figure 2).

2.3 CONTEXT

The subject holding, comprising two contiguous properties, is located approximately 2 kilometres south of the Moss Vale Town Centre proper and is situated generally adjacent to existing urban settlement, and in particular the Moss Vale Golf Course and its surrounding residential communities.



Figure 3: Subject holding in the context of the Moss Vale Town Centre and immediate countryside

The nature of the immediate locality is depicted in the portfolio of photographs comprising Figure 4 below and over.



Intersection near Coomungie (Yarrawa Road/Mt Broughton Road)



Yarrawa Road near Coomungie frontage (left lower corner)



Property opposite Coomungie entrance Yarrawa Road

Figure 4: Immediate locality



Harper (Collins) Entertainment to immediate northwest of Coomungie

Figure 4 (cont.): Immediate locality

2.4 TOPOGRAPHY/GEOLOGY/SOILS

The Kangaloon, Moss Vale and Lower Mittagong Soil Landscape Groups are the dominant soil landscape groups associated with the site and the existing Moss Vale Township and as such are thus considered to be generally suitable for urban development. The main soil limitations associated with these landscapes include poor soil drainage and a possibly acidic pH. Isolated soil salinity may also be present in some onsite soils.

Some generic constraints are characteristic of the Kangaloon, Moss Vale and Mittagong soil formations comprising part of the site (i.e. non igneous origins). The constraints are importantly not outright limiting factors in respect of development and that appropriate urban development management strategies are capable of satisfactorily resolving any such constraint.

The Avoca, Kinnoul Hill and Glenquarry soil formations (i.e. igneous origins) do, however, exhibit qualities, particularly in the northern part of the site, where they are associated with steep slopes, which limit urban development and should reflect in the final urban module for this component of the site.

Some localised constraints in respect of:

- Steep slopes;
- Poor soil drainage;
- Shallow soils underlain by very hard syenite/microsyenite;
- Perennial and intermittent seeps; and
- Soil salinity

are evidenced across the landscape. These constraints, with the exception of the previously mentioned limitations of the steep, igneous underpinned (northern part of the site), are all capable of being readily managed in the urban development process in environmental terms.

Some additional costs may, however, be incurred in providing underground services in the areas derived from syenite/microsyenite geology and similarly with foundation/footing construction.

More detailed geotechnical investigations will ultimately underpin the final layout plan for the site.

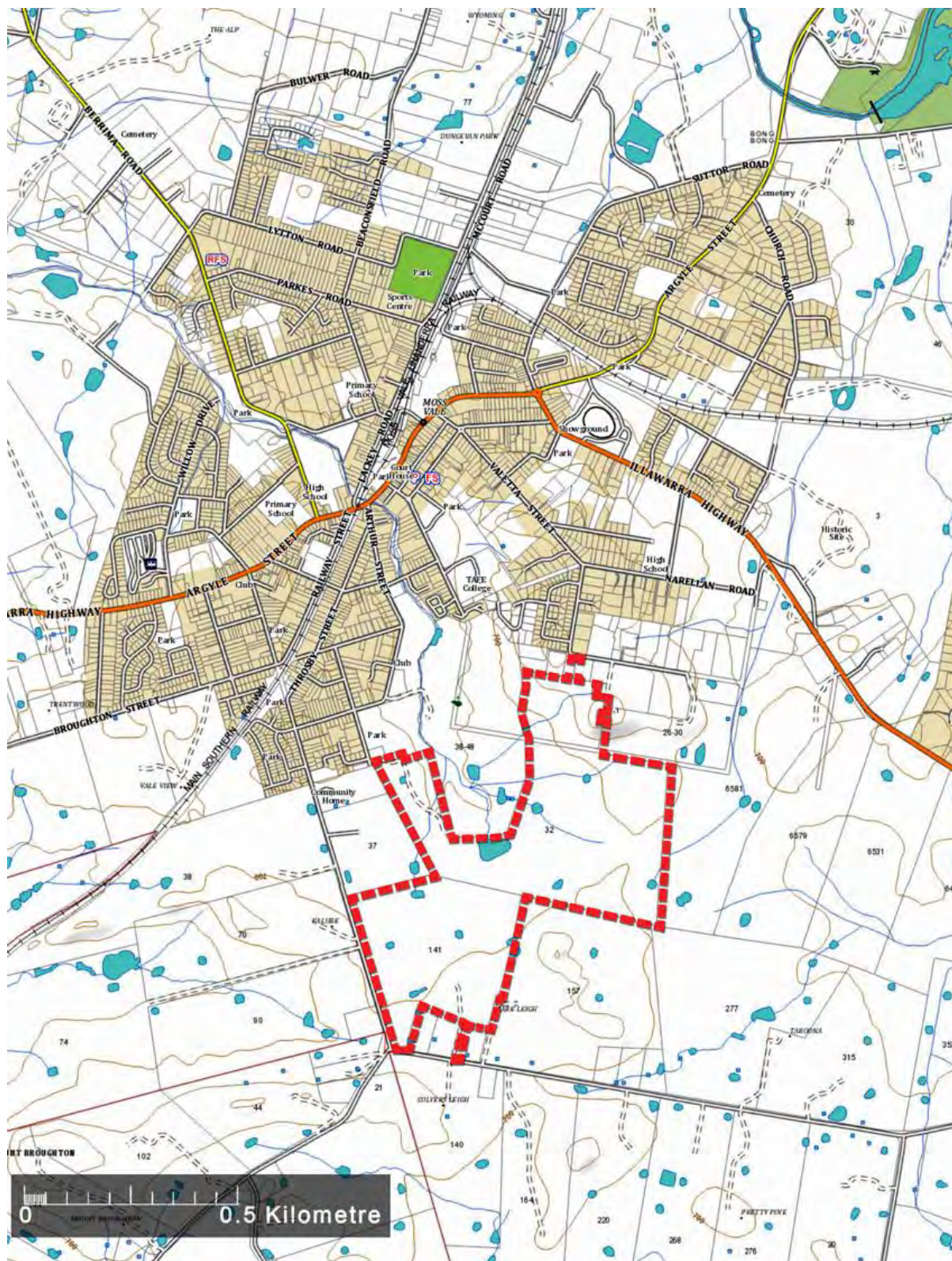


Figure 5: Topographic Map Extract (1:25,000 series)

2.5 GROUNDWATER/HYDROGEOLOGY

An area of “moderate” groundwater risk is located on the northern component of the site and aligns with an area generally subject to proposed larger allotments or excluded from proposed development due to geological, topographical and general geotechnical constraints. A “moderately high” groundwater risk area is located on the south western extremity of the property and should be the subject of careful construction and management practices.

Overall, the urban development scenario proposed for the site, with reticulated sewer and an appropriate management strategy, is considered to be acceptable in terms of potential groundwater contamination risk.

A Groundwater Management Strategy should be prepared to accompany development of the site. Underpinning such a Strategy should be a detailed groundwater contamination assessment report.

2.6 ECOLOGY

The highly disturbed nature of the landscape evokes few ecological constraints. Opportunities to foster enhanced natural systems focused on Whites Creek and Water Sensitive Urban Design Stormwater Management Practices should be incorporated in any development scheme. Further, the pursuit of framework street planting provides an opportunity to enhance biodiversity.

2.7 LAND CONTAMINATION

Whilst some contamination is likely, its extent is possibly limited to discrete areas (associated with existing buildings, stock handling facilities, filled areas, etc) and thus easily assessed and remediated. As such, soil contamination is not considered to present a major impediment to the rezoning of the land for urban purposes.

A phase 1 contamination assessment, pursuant to SEPP 55 could potentially be a requirement of a Gateway Determination.

2.8 HERITAGE

Overall heritage considerations are not likely to have a significant impact on future urbanisation.

The locality has a long history of European settlement, none of which has been highlighted in past local investigations/records as being of immediate significance. Equally, the land is highly disturbed from past European occupation, as cited above and is understood to have limited indigenous significance.

No heritage items of local, state or national significance are known to be listed for the site.

Notwithstanding, heritage significance is considered to be a matter which requires further limited work at the Development Application stage (refer to Direction 2.3 on page 26).

2.9 BUSHFIRE HAZARD

The proposed development will need to be designed to comply with “Planning for Bushfire Protection” 2006.

It is noted that the highly cleared nature of the site and lack of connectivity to major woodlands or similar lead to a low bushfire hazard risk classification¹. Some threat of potential grassfires from adjoining lands is, however, present and an appropriate management strategy should accompany advancement of the Planning Proposal.

Additionally, Council (as the Planning Authority) must consult the Rural Fire Service following the receipt of a

¹ This assessment is supported by the Wingecarribee Bushfire Management Plan.

“gateway” determination under Section 56 of the EP&A Act and have regard to any comments received. (Refer also to Direction 4.4 on page 28)

2.10 SERVICE INFRASTRUCTURE

2.10.1 WATER AND SEWER

Reticulated water is available to the precinct boundary. It would potentially require pumping station augmentation, and augmentation of the Hill Road reservoir and distribution network to service the proposed development. Hydraulic modelling of the Moss Vale water supply distribution system would, however, need to be undertaken to identify the full extent of required upgrades.

The immediate urban precinct is serviced by reticulated sewage infrastructure. The sewage treatment plant and sewer network would potentially require amplification and expansion respectively. The extent of the upgrades would also require comprehensive modelling.

Additionally, the development would need to be BASIX compliant.

2.10.2 ELECTRICITY SUPPLY

Existing electricity infrastructure, including the zone substation, would potentially require amplification and requisite “lead in” infrastructure and reticulation provided.

2.10.3 GAS

Satisfactory arrangements would need to be made with the relevant service provider to service the proposed development.

2.10.4 TELECOMMUNICATIONS

Telecommunications infrastructure services the existing urban area and fringing urban areas and can be readily expanded to service the proposed development.

2.10.5 SERVICE INFRASTRUCTURE FUNDING

The proposed development would need to meet all relevant and reasonable nexus based charges associated with amplification and reticulation requisite service infrastructure.

2.11 ACCESSIBILITY

The site is well serviced by multiple existing and potential access points, with frontages to Yarrawa Road, Lovelle Street, Hill Road and Shelley Road (currently unformed). Access to Hill Road and Valetta Street is constrained by gradients and residential frontages.

Three points of access accordingly present as opportunities for connectivity/permeability; namely, Yarrawa Road, Fitzroy Street and Lovelle Street.

The Concept Masterplan proposes to limit direct access to Lovelle Street so as to maintain reasonable amenity in the immediate existing residential precinct. The proposed spine link road from Yarrawa Road to Fitzroy Road and the Illawarra Highway will perform a major function in reducing any traffic impact upon the Moss Vale Town Centre for vehicles with destinations to the north.

The internal road network is well connected and permeable and provides opportunities for shared pathways. Opportunities also exist to traverse the site via the riparian focused pathway connections and open space linkages generally.

The Proposal also provides prospects of improved bus services in terms of coverage and frequency.

2.12 HUMAN SERVICES/OPEN SPACE/RECREATION

Moss Vale and the broader Shire is well serviced with passive and active open space and recreation facilities and services and a range of community and cultural facilities and services in both public and private ownership. Base level schooling and childcare and aged care facilities and services are available; whilst a limited cycleway/pedestrian pathway network exists.

The subject proposal in addition to providing strategic open space on-site provides an opportunity to contribute to the embellishment of off-site recreational facilities and services, together with community and cultural facilities and services including the Moss Vale Aquatic Centre upgrade. The impact on local schools will need to be monitored, whilst opportunities exist for providing on-site day care and aged care facilities.

3 Prevailing Planning Framework

3.1 LOCAL PLANNING CONTROLS

3.1.1 WINGECARRIBEE LOCAL ENVIRONMENTAL PLAN, 2010

The principal planning instrument applying to the subject site and surrounding lands is the Standard Instrument based Wingecarribee Local Environmental Plan, 2010.

The land is zoned RU2 - Rural Landscape under such Instrument, with the relevant landuse table and a zoning map extract forming Annexure "A".

3.1.2 WINGECARRIBEE RURAL LANDS DEVELOPMENT CONTROL PLAN, 2012

This plan details a series of management principles and landuse specific controls for the diverse rural lands/landscapes comprising Wingecarribee Shire.

The plan has little relevance to the urban underpinning of the subject PP. It does, however, provide important information for understanding interface/edge effect management and natural systems management, in the event of rezoning of the subject land.

3.1.3 WINGECARRIBEE MOSS VALE TOWN PLAN, 2012

This Plan applies to land within the Moss Vale Township and interfaces with the subject land holding. It includes a comprehensive suite of objectives, management principles and controls at a general level, a landuse specific level and a precinct level.

The general objectives/principles in respect of ecologically sustainable development, development on flood liable land, vegetation management (including tree preservation), subdivision and siting, and development and design have been considered in this PPS and the Concept Masterplan, as to have the residential development and precinct specific principles/controls/requirements, where relevant.

3.2 LOCAL PLANNING STRATEGIES

3.2.1 WINGECARRIBEE STRATEGIC PLAN, 2002

This Plan represents the principal community inspired/locally derived directional strategy for Wingecarribee Shire. It

established a framework for facilitating balanced growth/conservation outcomes for the ensuing decade.

Such plan is importantly the subject of an extensive review process that has been undertaken over recent years and is nearing completion. The review is importantly informed by community aspirations, contemporary demographic analysis, and Metropolitan and Regional/Subregional planning influences.

3.2.2 WINGECARRIBEE DEMOGRAPHIC AND HOUSING STUDY, 2012

This Study was commissioned by Wingecarribee Shire Council to establish a platform for making informed decisions in respect of accommodating housing demand over the ensuing 20 year period.

The Study, however, is respectfully suggested to have certain limitations as an accurate base for projecting future housing needs. Its significant focus on housing for retirees appears to be at the expense of understanding the needs and demonstrated demand for detached housing for all ages and stages of residential lifecycle.

It contains no detailed analysis of the needs and desires of young families, although the report infers young families will continue to comprise at least 50% of households arriving in the area and identifies a strong demand in the community generally for traditional detached housing, as is reinforced by reference to the local Real Estate Agent consultation. Indeed, the Study makes several references to free-standing cottage development being the main type of housing sought by all ages and stages of home-seeking.

The existing capacity analysis has a disproportionate focus on medium density housing (MDH), but is silent on the reality of all land that permits residential development, particularly in the form of MDH in centres, ever being developed for this purpose.

If the Real Estate Agents views of detached housing demand are accurate, the 50% nominally established MDH supply will see excess demand for detached housing manifest itself in inflated housing costs and increased stress, particularly amongst low income home seekers.

The proposed Broughton Street release of approximately 300 allotments, together with the limited release of approximately 50 allotments at Lyton Road will clearly not satisfactorily address the Moss Vale demand for variable product detached housing beyond the short term.

The planning and “lead time” for releasing Coomungie/Chelsea Gardens for urban purpose is such that a decision must be made now to address affordable balanced medium and longer term diverse product housing supply in Moss Vale.

3.3 REGIONAL PLANNING STRATEGIES

3.3.1 SYDNEY CANBERRA CORRIDOR REGIONAL STRATEGY

The Sydney-Canberra Corridor Regional Strategy was published by the Department of Planning and Infrastructure in 2008. It applies to the LGAs of Wingecarribee, Goulburn, Mulwaree, Upper Lachlan, Yass Valley, Palerang and Queanbeyan, and provides strategic direction and a broad planning framework for the Corridor for the period 2006 to 2031, to ensure that future population growth within the Region is supported by required services and infrastructure.

The Strategy projected a growth in the Shire population of 16,400 by 2031² and a commensurate demand for 8,700 dwellings over such period.

The challenge of accommodating population pressure and migration from Sydney (of the nature inferred above) whilst maintaining rural landscape is highlighted in the Strategy.

² When adopted in 2008.

The focus of growth in the Shire is identified to be the principal centres of Mittagong, Bowral and Moss Vale³; with Moss Vale and Mittagong identified to perform a major greenfield development role.

The Strategy identified the provision of 1,400 lots for Moss Vale in the short to medium term. This figure included the subject Chelsea Gardens/Coomungie proposal⁴. It further identified the need to identify and plan for additional greenfield development areas to cater for longer-term demand.

To meet the expected demand for dwellings in the Shire the Strategy identifies the need for an additional 3,000 dwellings in addition to the planned growth identified by Council at the time, to 2016.

The overarching need to ensure that residential development and growth generally is sustainable is highlighted in the Strategy's focus on;

- rural lands and primary industry
- economic development and employment growth
- regional transport
- natural environment
- water and energy resources, and
- cultural heritage

and similar criteria detailed in Annexure "B" for greenfields development in the Metropolitan Strategy.

3.3.2 SYDNEY CANBERRA CORRIDOR (2010 UPDATE)

This update identifies growth in Wingecarribee Shire of 1,000 people or 1.16% (average annual growth rate) in the period 2006-2008.

The progress in the rezoning of 1,400 new lots at Moss Vale in the Comprehensive LEP process is highlighted as potentially helping to achieve dwelling targets identified in the regional Strategy⁵.

4 Objectives or Intended Outcomes (Part 1)

This Planning Proposal has the express purpose of facilitating the urbanisation of the subject site as an extension of the existing Moss Vale township as outlined below:

Overarching Objective

To facilitate the comprehensive subdivision for residential purposes of land contiguous with the township of Moss Vale in an integrated manner, in accordance with its environmental capacity and capitalising on the ability to augment existing infrastructure and contribute to enhanced management of the upper reaches of Whites Creek.

Specific Objectives

To amend the minimum lot size map applicable to the subject land by reducing the minimum lot size from 40 hectares to the minima indicated on the Concept Masterplan (refer to Annexure "C").

³ The need to retain the separation of the respective townships as they grow is highlighted.

⁴ The projected yield of Chelsea Gardens/Coomungie being approximately 1,000 (+) allotments.

⁵ It is noted that the rezoning of 1,000 (+) lots comprising Chelsea Gardens and Coomungie was subsequently deleted from Council's Comprehensive LEP as it was advanced, notwithstanding its designation as an urban release area.

To amend the relevant land zoning maps to reflect the proposed residential, open space and local business purposes as indicated on the Concept Masterplan (refer to Annexure “C”).

To introduce a maximum height of buildings map.

Outcomes

In delivering the foregoing objectives, it is intended that the following outcomes be realised:

- A sustainable and coordinated expansion of the Moss Vale community will be achieved
- Elements of the natural landscape will be conserved and enhanced
- Existing physical and human infrastructure will be utilised and embellished
- A framework will be established for more detailed planning (Masterplanning/DCP)

5 Explanation of Provisions (Part 2)

The Wingecarribee Local Environmental Plan, 2010 will be amended in the following way:

- Amendment of Wingecarribee LEP, 2010 Land Zoning Map – LZN 007D (11 May, 2012) and LZN 007H (11 May, 2012) from RU2 Rural Landscape to part R2 Low Density Residential, part R3 Medium Density Residential, part RE1 Public Recreation and part B1 Neighbourhood Centre.
- Amendment of Wingecarribee LEP Lot Size Map – LSZ from 40ha (Q) to principally G (450m²) with pockets of D (300m²) and U (1,000m²) in a manner consistent with the Concept Masterplan at Annexure “C”.

It is proposed to consider the introduction of a maximum building height map as follows:

- Introduction of Wingecarribee LEP Height of Building Map - HOB 007D and HOB 007H to maximum building height of 9m (J).

Detailed controls will be prepared, pursuant to Clause 6.2, and be contained in a relevant Development Control Plan.

6 Justification (Part 3)

6.1 JUSTIFICATION OVERVIEW

6.1.1 INTRODUCTION

This overview establishes the case for the zoning change proposed in the LEP amendment. It should be noted that the level of justification is commensurate with the impact of the rezoning proposal, broad ranging urban capability investigations and an acknowledgement of the need for a limited range of future issue specific studies.

6.1.2 STRATEGIC ORIGINS – GENERAL

The Planning Proposal Submission (PPS) importantly has its origins in a comprehensive Environment Assessment/Urban Capability Investigations commissioned by Council in 2007, and subsequent proposals to rezone the subject land for urban purposes, which have reflected in its formative designation as an Urban Release Area on Map URA - 007B in Wingecarribee Local Environmental Plan, 2010 (WLEP, 2010). (Refer to Annexure “D”)

The abovementioned assessment clearly established the suitability of the subject land for urban and related purposes, and reflected the same in a Concept Masterplan which had particular regard to the sensitivities of the site

(refer to Annexure “C”).

The Proposal also has a solid conceptual foundation supported by an indirect reference in the Sydney-Canberra Corridor Regional Strategy (refer to Sections 3.3.1 and 3.3.2 of this Report).

6.1.3 EVOLVING STRATEGIC CONTEXT

Wingecarribee Shire Council in seeking to review the prevailing Shire Strategic Plan - Wingecarribee Our Future Strategic Plan (2002), and to provide a contemporary insight into a relevant Growth Management Strategy has embarked upon a Local Planning Strategy Exercise⁶.

The subject exercise is firmly founded upon extensive community consultation workshops across the breadth of the Shire, including; inter alia, Moss Vale and the Community Strategic Plan exercise⁷. More recently it has been informed by the Wingecarribee Demographic and Housing Study (May, 2012)⁸.

Importantly, the concept of balance, in creating opportunities for future living and maintaining the highly cherished qualities of the Shire, established in the 2002 Strategic Plan, has been commonly echoed in the current strategic planning initiatives and related community engagement exercises.

6.2 IS THE PLANNING PROPOSAL THE BEST MEANS OF ACHIEVING THE OBJECTIVES OR INTENDED OUTCOMES, OR IS THERE A BETTER WAY?

The Planning Proposal is considered to represent the best means of facilitating a planning framework for the urbanisation of the subject land. In particular it provides an opportunity to integrate with other proposed residential extensions to existing towns/villages within the Shire.

As such, a rational approach to zoning amendments is possible.

The proposed rezoning is stylised for direct integration with Wingecarribee LEP, 2010, adopting relevant zoning, minimum lot size and maximum height of building provisions.

6.3 IS THERE A NET COMMUNITY BENEFIT?

The following table addresses the evaluation criteria for conducting a “net community benefit test” within the Draft Centres Policy (2009) as required by the former guidelines for preparing a planning proposal and considered still to be of instructional value.

Evaluation Criteria	Y/N	Comment
Will the LEP be compatible with agreed State and regional strategic direction for development in the area (e.g. land release, strategic corridors, development within 800m of a transit node)?	Y	The proposed rezoning is considered to be compatible with the Local Strategic Planning Framework, as detailed elsewhere in this Report. Further, the land is proximate to a local bus route.
Is the LEP located in a global/regional city, strategic centre or corridor nominated within the Metropolitan Strategy or other regional/subregional strategy?	N	The subject site is identified notionally within the Sydney-Canberra Regional Strategy and is importantly contiguous with the Moss Vale residential area and proximate to the township and

⁶ With a 2010-2031 time horizon.

⁷ Culminating in the compilation of the Wingecarribee Community Strategic Plan - Wingecarribee 2031 (+): Our Future, Our Choice. A Plan which includes at Goal 3.4, the provision of diverse housing options.

⁸ Undertaken by SGS Economics and Planning, in consultation with a Council “assembled” Reference Panel. The objectives of the Study are summarised in Annexure “E” of this Planning Proposal Report. The final conclusions in respect of Moss Vale are importantly challenged in this PPS as detailed at Section 3.2.2 of this Report.

		its facilities/services.
Is the LEP likely to create a precedent or create or change the expectations of the landowner or other landholders?	N	The proposed rezoning is unlikely to create a precedent within the locality or change the expectations of the site as it is strategically identified as an urban release area in the prevailing LEP and is importantly adjacent to existing residentially zoned land. (Refer to Annexure "D")
Have the cumulative effects of other spot rezoning proposals in the locality been considered? What was the outcome of these considerations?	Y	All other recent spot rezonings considered by Council in Moss Vale are understood to generally comply with Council's strategic direction.
Will the LEP facilitate a permanent employment generating activity or result in a loss of employment lands?	N	The site is not zoned to facilitate employment, nor will it result in a loss of employment land. The agricultural employment "loss" is far outweighed by the enhanced urban employment opportunities. The proposal will create employment through the civil works and construction jobs to install the infrastructure and build the homes therefore delivering an economic benefit to the community. Some modest home business opportunities and tradesman residency opportunities will accrue.
Will the LEP Impact upon the supply of residential land and therefore housing supply and affordability?	Y	The proposal will have a positive impact on the residential supply by adding to the amount of available residential land. The proposal will increase the housing choice and type of housing and contribute to meeting local residential targets, including affordable housing objectives.
Is the existing public infrastructure (roads, rail, utilities) capable of servicing the proposed site? Is there good pedestrian and cycling access? Is public transport currently available or is there infrastructure capacity to support future transport?	Y	The existing public infrastructure is capable of ready augmentation and reticulation to meet the needs of the proposal. The site is fully serviced and is on the fringe of an established urban area. The residential development will support the Moss Vale Town Centre (including important infrastructure enhancements such as the redeveloped Moss Vale Aquatic Centre - refer to Annexure "F"). Local buses service the area however they are limited and primarily cater to school children, although enhanced services may emerge to serve an expanded local community.
Will the proposal result in changes to the car distances travelled by customers, employees and suppliers? If so, what are the likely impacts in terms of greenhouse gas emissions, operating costs and road safety?	N/A	N/A
Are there significant Government investments in infrastructure or services in the area where patronage will be affected by the proposal? If so, what is the expected impact?	N	No. The proposal does not require significant further investment In public infrastructure, it will largely utilise the existing infrastructure and services. The developer will extend and upgrade Infrastructure to service the development at no cost

		to government.
Will the proposal impact on land that the Government has identified a need to protect (e.g. and with high biodiversity values) or have other environmental impacts? Is the land constrained by environmental factors such as flooding?	N	The site has not been identified for conservation purposes. Any conservation initiatives are likely to be focused on the small riparian area and integrated with the development proposal. The limited flood prone component of the site will be “re-engineered” and incorporated in a WSUD scheme for the catchment.
Will the LEP be compatible/complementary with surrounding adjoining land uses? What Is the impact on the amenity in the location and wider community? Will the public domain improve?	Y	The proposal is compatible with nearby adjoining residential land uses and future residential and rural-residential uses. Further, it has appropriate setbacks to the Harper (Collins) Entertainment Facility. The site is not an isolated residential development and is well serviced and proximate to the town centre.
Will the proposal increase choice and competition by increasing the number of retail and commercial premises operating in the area?	N/A	N/A
If a stand-alone proposal and not a centre, does the proposal have the potential to develop into a centre in the future?	N/A	N/A
What are the public interest reasons for preparing the draft plan? What are the implications of not proceeding at that time?		The proposal will provide additional housing in a variety of forms to assist in the delivery of the housing growth and dwelling mix actions from the Regional and local strategies. If the rezoning was not supported, the site would likely remain in a rural “holding pattern” and the provision of additional housing would not be realised. In addition, the land may not be maintained and over time could detract from the amenity of the locality; whilst the riparian zone would unlikely be subject to conservation initiatives. Alternatively, attempts to farm it intensively could result in significant rural/urban conflicts. Further, the holistic urbanisation of the precinct would not be realised.

Overall, the proposal will provide a net community benefit for the following reasons:

- It constitutes a balanced and appropriate use of land and is in keeping with the adjoining urban/residential character.
- The proposal will contribute to Council's requirement to facilitate new dwelling growth, in accordance with the Regional Strategy target.
- The proposal will facilitate a mix of dwelling types that encourage social mix and provide housing choice to meet the needs of the community.
- It is located within the existing town area catchment of Moss Vale and has ready opportunities to amplify Infrastructure to support the development and contribute to the embellishment of local community

- infrastructure⁹.
- The proposal will not result in any significant adverse environmental impacts.
- It will create local employment opportunities through the construction jobs to carry out the civil and building works to the benefit of the local economy.

6.4 RELATIONSHIP TO STRATEGIC PLANNING FRAMEWORK

6.4.1 IS THE PLANNING PROPOSAL CONSISTENT WITH THE OBJECTIVES AND ACTIONS CONTAINED WITHIN THE APPLICABLE REGIONAL OR SUB-REGIONAL STRATEGY (INCLUDING THE SYDNEY METROPOLITAN STRATEGY AND EXHIBITED DRAFT STRATEGIES)?

The Regional planning context¹⁰ has been briefly detailed at 3.3.1 and 3.3.2 above. The subject precinct, together with other similarly positioned lands, offers prospects of addressing in part the projected dwelling demand in a structured and sustainable manner¹¹.

6.4.2 IS THE PLANNING PROPOSAL CONSISTENT WITH THE LOCAL COUNCIL'S LOCAL STRATEGY OR OTHER LOCAL STRATEGIC PLAN?

The local strategic planning context is summarised at 3.2 above and clearly details the strategic approach to controlled sustainable growth.

The subject planning framework has importantly identified the subject land for future urban growth, leveraging off the existing infrastructure and the prevailing sense of community, in designating it as an Urban Release Area in the prevailing LEP. (Refer to Annexure "D")

The PP is also generally consistent with Council's Community Strategic Plan and capable of delivering outcomes consistent with such plan.

6.4.3 IS THE PLANNING PROPOSAL CONSISTENT WITH APPLICABLE STATE ENVIRONMENTAL PLANNING POLICIES?

The precinct is subject to the provisions of a raft of State Environmental Planning Policies, as communicated in Planning Certificates, pursuant to Section 149 of the Environmental Planning and Assessment Act, 1979 (as amended)¹².

The subject policies are noted below and importantly do not prohibit and/or significantly constrain the Planning Proposal.

Deemed State Environmental Planning Policy - Sydney Regional Environmental Plan No 20 - Hawkesbury—Nepean River (No 2 - 1997)

The proposed development will importantly be serviced by reticulated water and sewer. Relevant measures will need to be implemented at the subdivision stage to protect receiving waters of the Hawkesbury Nepean system such as Whites Creek. No sensitive landscapes are impacted by the proposal. Further, waste disposal, air quality and predicted climate change are considered negligible having regard to the small scale of the proposal.

Deemed State Environmental Planning Policy – Sydney Regional Environmental Plan No 9 Extractive Industries (No 2 1995)

⁹ Including the Moss Vale aquatic centre

¹⁰ Sydney-Canberra Corridor Regional Strategy

¹¹ Refer also to Annexure "B" for a sustainability overview

¹² Refer to Annexure "G"

No regionally significant resources are identified. Coal mining is addressed in a further SEPP.

State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004

State Environmental Planning Policy No 4 - Development without Consent and Miscellaneous Exempt and Complying Development (with exception of Clause 6 and Parts 3 and 4)

State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004

State Environmental Planning Policy No. 6 - Number of Storeys in a Building

State Environmental Planning Policy No 21 - Caravan Parks

State Environmental Planning Policy No 22 - Shops and Commercial Premises

State Environmental Planning Policy No 30 - Intensive Agriculture

State Environmental Planning Policy No 33 - Hazardous and Offensive Development

State Environmental Planning Policy No 44 - Koala Habitat Protection
(Note: Excludes land dedicated or reserved as National Park)

Existing vegetation does not exhibit habitat qualities.

State Environmental Planning Policy No 50 - Canal Estate Development

State Environmental Planning Policy No 55 - Remediation of Land

This policy aims to promote the remediation of contaminated land for the purpose of reducing the risk or harm to human health or any other aspect of the environment. A Preliminary Investigation¹³ will potentially need to be undertaken as the Planning Proposal is advanced¹⁴ and appropriate Remediation Action Plans prepared should any Area of Environmental Concern be identified.

State Environmental Planning Policy No 64 - Advertising and Signage

State Environmental Planning Policy. No 65 - Design Quality of Residential Flat Development

State Environmental Planning Policy (Major Projects) 2005

¹³ In accordance with DUAP and the EPA's (1998) "Managing Land Contamination Planning Guidelines" – Stage 1, Preliminary Investigations

¹⁴ Given the former/current rural usage.

State Environmental Planning Policy (Temporary Structures) 2007

State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) 2007

State Environmental Planning Policy (Infrastructure) 2007

State Environmental Planning Policy (Exempt and Complying Development Codes) 2008

State Environmental Planning Policy No 62 - Sustainable Aquaculture

State Environmental Planning Policy (Affordable Rental Housing) 2009

State Environmental Planning Policy (Sydney Drinking Water Catchment) 2011

Refer to Section 117 Direction 5.2 on pg. 28 for a relevant commentary.

State Environmental Planning Policy (State and Regional Development) 2011

A checklist of compliance with such policies is provided at Annexure “H”. It should be noted that some of the policies would apply in certain development circumstances. Those of particular relevance at the rezoning stage are noted in the checklist, whilst a brief annotation is provided on the listing above.

6.4.4 IS THE PLANNING PROPOSAL CONSISTENT WITH APPLICABLE MINISTERIAL DIRECTIONS (SECTION 117 DIRECTIONS)?

Section 117 Directions detail matters to be addressed in LEPs so as to achieve particular principles, aims and objectives or policies. Produced at Annexure “I” is a checklist of compliance with applicable Directions.

All relevant Directions can be adequately accommodated or departures justified in the preparation of an LEP amendment of the nature foreshadowed in this Planning Proposal.

The relevant considerations in respect of the Section 117 Directions highlighted to be of relevance in Annexure “I” are summarised below.

Direction 1.2 Rural Zones

The objective of this Direction is to protect the agricultural production value of rural land.

The proposal will result in the loss of land zoned for rural landscape purposes, not prime agricultural land, given its generally modest soil qualities, relative lack of access to secure water supplies, size of the holding and relationship (and potential incompatibility) with adjoining urban areas. (Refer also to Section 2.2)

Importantly, the land has been identified in Council's prevailing LEP as an urban release area (refer to Annexure “D”) and is consistent with Regional Planning objectives.

Finally, the proposal is considered to be insignificant in the context of the subject Direction.

Direction 1.3 Mining, Petroleum and Extractive Industries

The objective of this Direction is to ensure that the future extraction of State or regionally significant reserves of coal, other minerals, petroleum and extractive materials are not compromised by inappropriate development.

The proposal will not adversely impact any future potential subsurface mining program.

Compliance with appropriate mine subsidence parameters would facilitate urbanisation without significantly constraining mining activities, should such occur.

No other activities covered by the Direction are adversely impacted.

Direction 1.5 Rural Lands

The objectives of this Direction are to:

- *protect the agricultural production value of rural land*
- *facilitate the orderly and economic development of rural lands for rural and related purposes.*

The proposal will not meet the subject objectives. It is, however, considered to be justified in that the land is identified for urban purposes in Council's prevailing LEP (refer to Annexure "D") and is consistent with Regional planning and the previously described rural land qualities.

Direction 2.1 Environmental Protection Zones

The objective of this Direction is to protect and conserve environmentally sensitive areas.

The Proposal is consistent with the objective in that none of the land is identified to be of high environmental sensitivity¹⁵. The riparian zone will, however, be rehabilitated and enhanced.

Direction 2.3 Heritage Conservation

The objective of this Direction is to conserve items, areas, objects and places of environmental heritage significance and indigenous heritage significance.

The standard heritage conservation provisions are contained in Wingecarribee LEP, 2010 and will prevail in the event of the Planning Proposal being completed.

Further, in advancing the PP, the prior European and Aboriginal Heritage investigations will be reviewed. It is noted, however, that the 2007 Environmental Assessment concluded the majority of the site to be of low (Aboriginal) archaeological sensitivity. Limited areas of moderate sensitivity and one area of high sensitivity were, however, identified¹⁶. Further limited investigations may be required at the Development Application stage.

There are no listed items of European Heritage nor is the site within a declared Conservation Area. The previous Environmental Assessment of 2007 did, however, identify a number of items of potential heritage significance and a historic pastoralism theme which should potentially be the subject of further investigation at an appropriate time in the planning and development framework. The impacts on potential future urbanisation are, however, generally not considered to be significant.

¹⁵ This will potentially be further reviewed should more comprehensive studies be required as the PP is advanced.

¹⁶ Refer to Annexure "J"

Direction 3.1 Residential Zones

The objectives of this Direction are to:

- (a) encourage a variety and choice of housing types to provide for existing and future housing needs;*
- (b) to make efficient use of existing infrastructure and services and ensure that new housing has appropriate access to infrastructure and services; and*
- (c) to minimise the impact of residential development on the environment and resource lands.*

The objectives are met in that:

- The proposal does not seek to reduce the amount of residential land but rather contributes to additional lands that may assist Wingecarribee Shire in reaching its housing targets, particularly in respect of housing diversity and affordability, in addition to mere housing numbers.
- The site is located adjacent to urban development and is also proximate to surrounding urban infrastructure and the Moss Vale town centre and related community infrastructure.
- The site is serviced with an appropriate perimeter road and utility infrastructure which can be readily augmented/amplified to enable residential development.
- The relevant infrastructure and DCP provisions are contained in Wingecarribee LEP, 2010.
- No areas of environmental sensitivity will be adversely impacted, with appropriate conservation and enhancement strategies implemented where required/desired.
- The development will be compatible with subsurface mining, if such ever occurs in the future.

Direction 3.3 Home Occupations

The objective of this Direction is to encourage the carrying out of low impact small businesses in dwelling houses.

Wingecarribee LEP, 2010 includes home businesses and industries as permissible uses without consent under the R2 – Low Density Residential zone.

Direction 3.4 Integrated Land Use and Transport

The objective of this Direction is to ensure that urban structures, building forms, land use locations, development designs, subdivision and direct layouts achieve a comprehensive suite of planning objectives including:

- (a) improving access to housing, jobs and services by walking, cycling and public transport, and*
- (b) increasing the choice of available transport and reducing dependence on cars, and*
- (c) reducing travel demand including the number of trips generated by development and the distances travelled, especially by car, and*
- (d) supporting the efficient and viable operation of public transport services, and*
- (e) providing for the efficient movement of freight.*

The Proposal is consistent with the Direction in that:

- The site is proximate to the Moss Vale town centre which is serviced by public transport.
- The site is contiguous with existing urban development and urban infrastructure.
- The site is accessible to public bus services (although irregular) on the surrounding roads.

Direction 4.2 Mine Subsidence and Unstable Land

The objective of this Direction is to prevent damage to life, property and the environment on land identified as unstable or potentially subject to mine subsidence.

The land is not within a proclaimed mine subsidence district. No mining activity is currently occurring or proposed.

Should future mining occur it is not likely to be such as to preclude standard residential development and service infrastructure, subject to adherence to relevant subsidence parameters.

Direction 4.3 Flood Prone Land

The objectives of this Direction are to:

- (a) to ensure that development of flood prone land is consistent with the NSW Government's Flood Prone Land Policy and the principles of the Floodplain Development Manual 2005, and*
- (b) to ensure that the provisions of an LEP on flood prone land is commensurate with flood hazard and includes consideration of the potential flood impacts both on and off the subject land.*

It is proposed to rezone rural land for urban purposes, the subject land being within the Whites Creek Catchment (refer to Annexure "K"). The limited extent of flood inundation in the lower reaches of the site¹⁷ is reflected as principally low hazard (refer to Annexure "K" also).

A comprehensive flood management strategy will be integrated with an urban stormwater management strategy and civil works/riparian conservation strategy, and inform the final Concept Masterplan¹⁸. Impacts will importantly be minor and flood free access readily available in a 1% AEP flood.

Direction 4.4 Planning for Bushfire Protection

The objectives of this Direction are:

- to protect life, property and the environment from bushfire hazards, by discouraging the establishment of incompatible land use in bushfire prone areas, and*
- to encourage sound management of bushfire prone areas.*

The proposed development will need to be designed to comply with "Planning for Bushfire Protection" 2006.

It is noted that the highly cleared nature of the site and lack of connectivity to major woodlands or similar lead to a low bushfire hazard risk classification¹⁹. Some threat of potential grassfires from adjoining lands is, however, present and an appropriate management strategy should potentially accompany advancement of the PP.

Additionally, Council (as the Planning Authority) must consult the Rural Fire Service following the receipt of a "Gateway" determination under Section 56 of the EP&A Act and have regard to any comments received.

Direction 5.2 Sydney Drinking Water Catchment

The objective of this Direction is to protect the water quality of the hydrological catchment.

The subject land is situated within the drinking water catchments of Sydney and nearby to an existing urban settlement.

To ensure appropriate water quality outcomes it is proposed to rehabilitate a reconfigured riparian area and introduce the principles of WSUD in managing stormwater throughout the proposed subdivision.

Additionally, the proposed development will be connected to reticulated sewer.

¹⁷ Closest to existing urban development and the Moss Vale Golf Course.

¹⁸ The integrated strategies will have regard to the Whites Creek Floodplain Risk Management Study and Plan, which is currently nearing completion.

¹⁹ This assessment is supported by the Wingecarribee Bushfire Management Plan.

Direction 6.1 Approval and Referral Requirements

The objective of this Direction is to ensure that LEP provisions encourage the efficient and appropriate assessment of development.

This Direction is complied with in the preparation and adoption of Wingecarribee LEP, 2010, with no proposal for alteration.

Direction 6.2 Reserving Land for Public Purposes

The objectives of this Direction are:

- *to facilitate the provision of public services and facilities by reserving land for public purpose, and*
- *to facilitate the removal of reservations of land for public purposes where the land is no longer required for acquisition.*

The PP does not propose to create, alter or reduce existing zonings or reservations of land for public purposes, but for the dedication of proposed open space areas in accordance with related zoning initiatives. Any land required for such purpose will be further refined as the Proposal is advanced. Additionally, it is most likely that relevant contributions will be made to the embellishment of offsite leisure and recreation and community facilities, including the Moss Vale aquatic centre.

Direction 6.3 Site Specific Provisions

The objective of this Direction is to discourage unnecessarily restrictive site specific planning controls.

The PP will rezone the site to already existing zones in Wingecarribee LEP, 2010 that allows the land use without imposing any development standards or requirements in addition to those contained in that zone and amendments to minimum lot size provisions and the addition of a maximum building height provision.

Direction 7.1 Implementation of the Metropolitan Strategy

The objective of this Direction is to give legal effect to the vision, land use strategy, policy, outcomes and actions contained in the Metropolitan Strategy.

The subject land is not directly subject to the influence of the Metropolitan Strategy. It should, however, be noted that an element of migration from the Metropolitan Area will be absorbed by the Shire in urban areas such as that proposed.

6.5 ENVIRONMENTAL, SOCIAL AND ECONOMIC IMPACT

6.5.1 IS THERE ANY LIKELIHOOD THAT CRITICAL HABITATS OR THREATENED SPECIES, POPULATIONS, ECOLOGICAL COMMUNITIES OR THEIR HABITANTS, WILL BE ADVERSELY AFFECTED AS A RESULT OF THE PROPOSAL?

The subject land includes a limited spectrum of habitat qualities, as briefly detailed at 2.6 of this PP. No areas of significant ecological sensitivity are likely to be impacted, apart from conservation initiatives in respect of the riparian area.

It will, however, likely be a "Gateway" requirement that a further assessment of significance be undertaken given the presence of habitat.

6.5.2 ARE THERE ANY OTHER LIKELY ENVIRONMENT EFFECTS AS A RESULT OF THE PLANNING PROPOSAL AND HOW ARE THEY PROPOSED TO BE MANAGED?

No other adverse environmental impacts are likely to be occasioned by pursuit of a comprehensive residential subdivision in an environmentally sensitive manner, as promoted in this PPS.

Notwithstanding the foregoing statement, it will, however, be important to embrace the principles contained in “Planning for Bushfire Protection”²⁰.

Further limited Indigenous heritage and European heritage investigations will likely need to be undertaken as Development Applications are compiled.

A traffic management statement will attest to the final acceptability of the preferred accessibility scenario. Nexus based contributions to off-site infrastructure enhancements will likely be required, as identified in the previous Environmental Assessment (2007).

All the preceding potential impacts are importantly manageable and will inform the final design and development and implementation of management guidelines and Contribution Plans/Voluntary Planning Agreement/s.

6.5.3 HOW HAS THE PLANNING PROPOSAL ADEQUATELY ADDRESSED ANY SOCIAL AND ECONOMIC EFFECTS?

The Proposal will address the current land supply limitations and move toward fulfilling the accommodation needs attached to the subregional population and housing projections. In doing so, diversity and affordability of housing is likely to be enhanced. It will also assist in enhancing the viability of community infrastructure and services, such as the Moss Vale aquatic centre.

Further, the development process will have a positive economic impact upon the development/construction industry, inclusive of the prospects of local employment on many fronts, both in design and construction.

Indeed, under the proposed scenario, no adverse social and/or economic impacts are foreshadowed.

6.6 STATE AND COMMONWEALTH INTERESTS

6.6.1 INTRODUCTION

The “Gateway” determination will identify any consultation required with State or Commonwealth Public Authorities. This may include:

- consultation required under section 34A of the EP&A Act where the Responsible Planning Authority (RPA) is of the opinion that critical habitat or threatened species populations, ecological communities or their habitats will or may be adversely affected by the PP;
- consultation required in accordance with a Ministerial Directions under Section 117 of the EP&A Act: and
- consultation that is required because in the opinion of the Minister (or delegate), a State or Commonwealth public authority will or may be adversely affected by the proposed LEP.

6.6.2 IS THERE ADEQUATE PUBLIC INFRASTRUCTURE FOR THE PLANNING PROPOSAL?

Public infrastructure will be required to be augmented to support the urbanisation of the subject land as communicated in this PPS.

The nature and extent of augmentation will be finally determined having regard to more detailed investigations as part of the continued “evolution” of this PPS and subsequent Masterplanning of the land.

²⁰ NSW Rural Fire Service, 2006

As a minimum, the existing reticulated water and sewer system in the nearby urban area will need to be extended to service a comprehensive new housing estate. Detailed liaison will need to occur with the service provider in this regard, namely Wingecarribee Shire Council.

The logistics (physical and economic) of providing such requisite infrastructure are considered to be realisable.

The catchment and nature of the land is such that a comprehensive Stormwater Management Plan predicated upon the principles of Water Sensitive Urban Design and integrated with a Flood Risk Management Strategy can be readily designed and implemented as part of the envisaged development scheme.

Such scheme will likely be dedicated to Council as part of the development process for ongoing care and maintenance and will require Council input at the design stage so as to ensure acceptance of the prospects of ultimate dedication.

Reticulated electricity, telecommunications and gas facilities will also be provided as service infrastructure. Such is capable of ready installation in a pragmatic physical and economic sense.

Development of the land as proposed in this PPS will entail the construction and ultimate dedication of an appropriate subdivisional road network. Such network should integrate efficiently with the existing network.

A traffic assessment update²¹ will identify the suitability of such network and any impacts on the “external” system which require redress.

Amplification/enhancement of offsite infrastructure, including community infrastructure, will involve relevant contributions pursuant to Section 94 (EP&A Act) and/or a Voluntary Planning Agreement/s. Such contributions will be determined in response to more detailed planning actions as the PP progresses.

6.6.3 WHAT ARE THE VIEWS OF STATE AND COMMONWEALTH PUBLIC AUTHORITIES CONSULTED IN ACCORDANCE WITH THE GATEWAY DETERMINATION, AND HAVE THEY RESULTED IN ANY VARIATIONS TO THE PLANNING PROPOSAL?

The relevant State and Commonwealth public authorities would be consulted following the outcome of the “Gateway” determination. Council would be responsible for carrying out this consultation in accordance with Section 57 of the EP&A Act.

Typical authorities likely to be consulted include:

Office of Environment and Heritage
National Parks and Wildlife Service
Environment and Climate Change
Heritage Branch

Department of Education and Communities

Department of Family and Community Services

Health Department NSW

Department of Primary Industries

Department of Trade and Investment, Regional Infrastructure and Services
Primary Industries
Resources and Energy

²¹ Expanding on the 2007 Environmental Assessment.

Mine Subsidence Board
NSW Office of Water

Department of Planning and Infrastructure

Roads and Maritime Services

Wingecarribee Shire Council
Water
Sewer

Essential Energy

Telstra

AGL

Rural Fire Service

7 Mapping (Part 4)

Maps will be prepared in accordance with the Standard Technical Requirements for LEP maps with draft maps included in Annexure “L”. Adjustments are expected to be made to these maps subject to the recommendations of any specialist studies should the PP proceed and subject to further instructions from the Gateway determination. Amendments to the Natural Resources - Biodiversity and Natural Resources - Water maps are also anticipated subject to consultation with public agencies.

8 Community Consultation (Part 5)

Community consultation remains an important element of the Plan making process. The companion document “A Guide to Preparing Local Environmental Plans” outlines community consultation parameters.

The subject provisions in respect of notification and the exhibition materials to support the consultation will be observed.

The PP does not fall within the definition of “low impact” Planning Proposals and therefore it is recommended the proposal be subject to exhibition for a minimum of 28 days. The exhibition is recommended to include notification of the exhibition period via a notice in a local newspaper, a notice on Council’s website and letters to nearby and adjoining landowners.

The written notice will:

- give a brief description of the objectives and intended outcomes of the Planning Proposal
- identify the land the subject of the Planning Proposal
- provide information of when and where the details of the Planning Proposal can be inspected
- give the contact details of Council for the receipt of submissions and for any enquiries; and
- indicate the last date for submissions to be received by Council
- and include any other information as instructed by the Gateway process.

During the exhibition period, the following material will be made available for inspection (subject to any additional

instructions from the Gateway process):

- the Planning Proposal
- the Gateway determination
- all specialist studies upon which the Planning Proposal relies.

Any submissions received in response to the community consultation would need to be fully considered, in accordance with the prevailing statutory provisions. Should there emerge any issues which occasion a significant amendment/s to the PP and proposed LEP amendment, re-exhibition and further consultation may be required.

9 Indicative Project Timeline (Part 6)

Project Detail	Timeframe	Timeline
Lodgement	N/A	April 2013
Council Review/Reporting	3 months	July 2013
Anticipated commencement date (date of Gateway determination)	2 months from submission to DP&I	September 2013
Anticipated timeframe for the completion of required technical information - after Specialist Study requirements determined	4 month period	January 2014
Amendment of Planning Proposal if need be	2 months	March 2014
Commencement and completion dates for public exhibition period/government agency consultation - after amending Planning Proposal if required	2 month period	May 2014
Dates for public hearing (if required)	Not required	N/A
Timeframe for consideration of submissions	2 months	July 2014
Timeframe for the consideration of a proposal post exhibition including amendments and maps and report to Council	3 months	October 2014
Date of submission to the Department to finalise the LEP (including 6 week period for finalisation)	2 months	December 2014
Anticipated date RPA will make the plan if delegated	Not applicable	N/A

Anticipated date RPA will forward to the Department for notification	Not applicable	N/A
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Based on the project timeline above it is anticipated that a time frame of approximately 20 months²² would provide sufficient time for the completion of the project and finalisation of the LEP amendments.

10 Conclusion

The subject PPS has documented a persuasive case for the rezoning of the subject land for urban purposes, via an amendment to Wingecarribee LEP, 2010.

Limited additional environmental and infrastructure investigations will need to be undertaken and broad commitments to infrastructure provision made as the PP is advanced.

Council, as the responsible Planning Authority, is requested to initially support and forward a PP consistent with this PPS to the Department of Planning and Infrastructure for progressing through the “Gateway”, in an expedient manner.

²² Or 15 months post Gateway Determination

Annexure “A”

PREVAILING ZONING PROVISIONS

Zone RU2 Rural Landscape

1 Objectives of zone

- To encourage sustainable primary industry production by maintaining and enhancing the natural resource base.
- To maintain the rural landscape character of the land.
- To provide for a range of compatible land uses, including extensive agriculture.
- To provide opportunities for employment-generating development that is compatible with, and adds value to, local agricultural production through food and beverage processing and that integrates with tourism.

2 Permitted without consent

Environmental protection works; Extensive agriculture; Home-based child care; Home occupations

3 Permitted with consent

Agricultural produce industries; Agriculture; Airstrips; Animal boarding or training establishments; Bed and breakfast accommodation; Cellar door premises; Community facilities; Dual occupancies (attached); Dwelling houses; Environmental facilities; Extractive industries; Farm buildings; Farm stay accommodation; Flood mitigation works; Forestry; Health consulting rooms; Helipads; Home businesses; Home industries; Information and education facilities; Landscaping material supplies; Places of public worship; Plant nurseries; Recreation areas; Recreation facilities (outdoor); Roads; Roadside stalls; Secondary dwellings; Signage

4 Prohibited

Intensive livestock agriculture; Any other development not specified in item 2 or 3

Annexure “B”

SUSTAINABILITY CRITERIA FOR NEW LAND RELEASES (METROPOLITAN STRATEGY 2005 - OVERVIEW)

(This commentary is provided in the absence of more relevant sustainability criteria)

1. INFRASTRUCTURE PROVISION

Mechanisms in place to ensure utilities, transport, open space and communication are provided in a timely and efficient manner.

A. Development is consistent with any relevant residential development strategy, regional infrastructure plan and Metropolitan Strategy.

The proposal is consistent with the Sydney-Canberra Regional Strategy and the identification of the subject land as an Urban Release Area in Wingecarribee LEP, 2010.

B. The provision of infrastructure (utilities, transport, open space and communications) is costed and economically feasible based on Government methodology for determining infrastructure contribution.

The proposed development will require enhanced utility services and contribute to the need for accessibility upgrades. The scale of augmentation, reticulation and enhancements is likely to be eminently affordable, as was previously attested to in the 2007 Environmental Assessment. Additionally, the resultant population will patronise the new aquatic centre.

C. Preparedness to enter into development agreement.

The owners are prepared to enter into development agreements to pay reasonable infrastructure contributions and the like, including toward facilities such as the new aquatic centre.

2. ACCESS

Accessible transport options for efficient and sustainable travel between homes, jobs, services and recreation to be existing or provide.

A. Accessibility of the area by public transport and appropriate road access.

i. Location/Landuse; to existing networks and related activity centres.

The land is proximate to existing networks and activity centres.

ii. Networks; the areas potential to be serviced by economically efficient public transport systems.

The development prospects, even coupled with other development, are at best likely to lead to increased patronage of bus services.

iii. Catchment; the areas ability to contain or form part of the larger urban area which contains adequate transport services. Capacity for landuse/transport patterns to make a positive contribution to achievement of travel and vehicle use goals.

The proposal is likely, together with other development, to contribute to the base for enhanced bus service provision.

B. No net negative impact on performance of existing sub-regional road, bus, rail, ferry and freight network.

The proposed development will have limited impact upon the local and subregional road network. Further, investigations will likely reinforce findings similar to the 2007 investigations, which identified the need to contribute to enhanced traffic management facilities at the following intersections; Argyle Street/Arthur Street, Argyle Street/Valetta Street, Argyle Street/Illawarra Highway, Illawarra Highway/Fitzroy Road, Yarrowa Road/Site Access and Spencer Street/Lovelle Street.

3. HOUSING DIVERSITY

Provide a wide range of housing choices to ensure a broad population can be housed.

A. Contributes to the geographic market spread of housing supply, including any government targets established for aged, disabled or affordable housing.

The proposal will contribute to the level and diversity of housing supply with prospects of varied occupancy.

4. EMPLOYMENT LANDS

Provide regional/local employment opportunities to support Sydney's role in the global economy.

A. Maintain or improve the existing level of subregional employment self containment.

Few employment opportunities are produced by the land in its current form. Some home based business opportunities may emerge and/or local tradesmen take up residence, together with construction phase related employment.

B. Meets subregional employment category targets.

The development only contributes in the manner described above.

i. Employment related land is provided in appropriately zoned areas.

The proposal does not facilitate the creation of employment land which can be provided more strategically at a subregional level elsewhere, including the Moss Vale Enterprise Corridor.

5. AVOIDANCE OF RISK

Landuse conflicts and risk to human health and life avoided.

A. Available safe evacuation (Flood and Bushfire)

Flooding does not have a significant adverse impact upon the proposed development. Further, the principles contained in "Planning for Bushfire Protection" can be met.

B. No residential development within 1:100 floodplain

The land is subject to minor flooding impact associated with the "headwaters" of Whites Creek. The reconfiguration of such area and integration with a controlled urban stormwater management system will minimise such impact to an acceptable level.

C. Avoidance of physically constrained land: high slope, highly erodible

The site, apart from the small riparian area and elevated slope, does not include physically constrained land. Further, detailed review of such limited sensitivity will influence the final subdivision layout, yield and guide future residential development parameters.

D. Avoidance of landuse conflicts with adjacent, existing or future landuse and rural activities as planned under regional strategy

The proposal will be consistent with existing/proposed residential development and will in effect reduce the prospects of landuse conflict between urban and rural/rural-residential uses.

6. NATURAL RESOURCES

Natural resource limits not exceeded/environmental footprint minimised.

A. Demand for water does not place unacceptable pressure on infrastructure capacity to supply water and environmental flows.

Infrastructure will need to be amplified in response to the development, with such cost being met by developers. A total water cycle management strategy will be developed and include a Water Sensitive Urban Design focused stormwater management strategy.

Standard BASIX water conservation measures will be introduced.

B. Demonstrates most effective/suitable use of land.

i. Avoids significant agricultural land

The land does not have a classification as prime agricultural land. Further, to achieve viability would require intensive operations and major capital investment. Such investment is not likely to be forthcoming given the inherent value of the land and typical rural/urban conflicts.

ii. Avoids impacts on productive resource lands; extractive industries, coal, gas and other mining and quarrying.

No adverse impacts on such resources are occasioned by the proposed development. Sub surface mining can occur, subject to surface development observing relevant mine subsidence parameters.

iii. Demand for energy does not place unacceptable pressure on infrastructure capacity to supply energy; requires demonstration of efficient and sustainable supply solution.

Augmentation of local energy supply will be required. Developer funding will meet such costs and produce a sustainable supply solution.

7. ENVIRONMENTAL PROTECTION

Protect and enhance biodiversity, air quality, heritage and waterway health.

A. Consistent with Government approved Regional Conservation Plan (if available).

No Conservation Plan exists or is proposed. The retained remnant vegetation will be better managed and the riparian zone enhanced.

B. Maintains or improves areas of regionally significant terrestrial and aquatic biodiversity (as mapped and agreed by DEC and DPI). This includes regionally significant vegetation communities; critical habitat; threatened species populations; ecological communities and their habitats.

There is no known Conservation Management Zones identified (also refer to A above).

C. Maintain or improve existing environmental condition for air quality.

No urban release could claim to have no adverse impact. Any impact associated with the proposed development is likely to be minimal.

The development, together with other local development, will contribute to the potential provision of enhanced local

bus services, which will also provide a means of alternative movement for some residents.

D. Maintain or improve existing environmental condition for water quality and quantity.

i. Consistent with community water quality objectives for recreational water use and river health (DEC and CMA).

Application of Water Sensitive Urban Design (WSUD) principles to proposed development will improve the current situation in pursuit of the subject objectives, inclusive of rehabilitation of the riparian zone.

ii. Consistent with catchment and stormwater management planning (CMA and local Council).

Achievable through application of principles of WSUD and riparian zone enhancement initiatives.

E. Protects areas of Aboriginal cultural heritage value (as agreed by DEC).

Limited sensitivity identified to date will be further addressed as the PP is progressed and appropriate management strategies developed, if required.

8. QUALITY AND EQUITY IN SERVICES

Quality health, education, legal, recreational, cultural and community development and other government services accessible.

A. Available and accessible services.

i. Do adequate services exist?

ii. Are they at capacity or is some available?

iii. Has Government planned and budgeted for service provision?

Capacity thresholds may be approached in respect of some services. It is clear in such context that the proposed development will impact upon social infrastructure provision beyond the site. Appropriate and reasonable developer contributions are critical to the required enhancement.

B. Developer funding for required upgrade/access is available.

Commitment to reasonable developer funding is central to the development proposal.

Annexure “C”

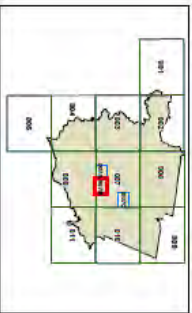
CONCEPT MASTERPLAN



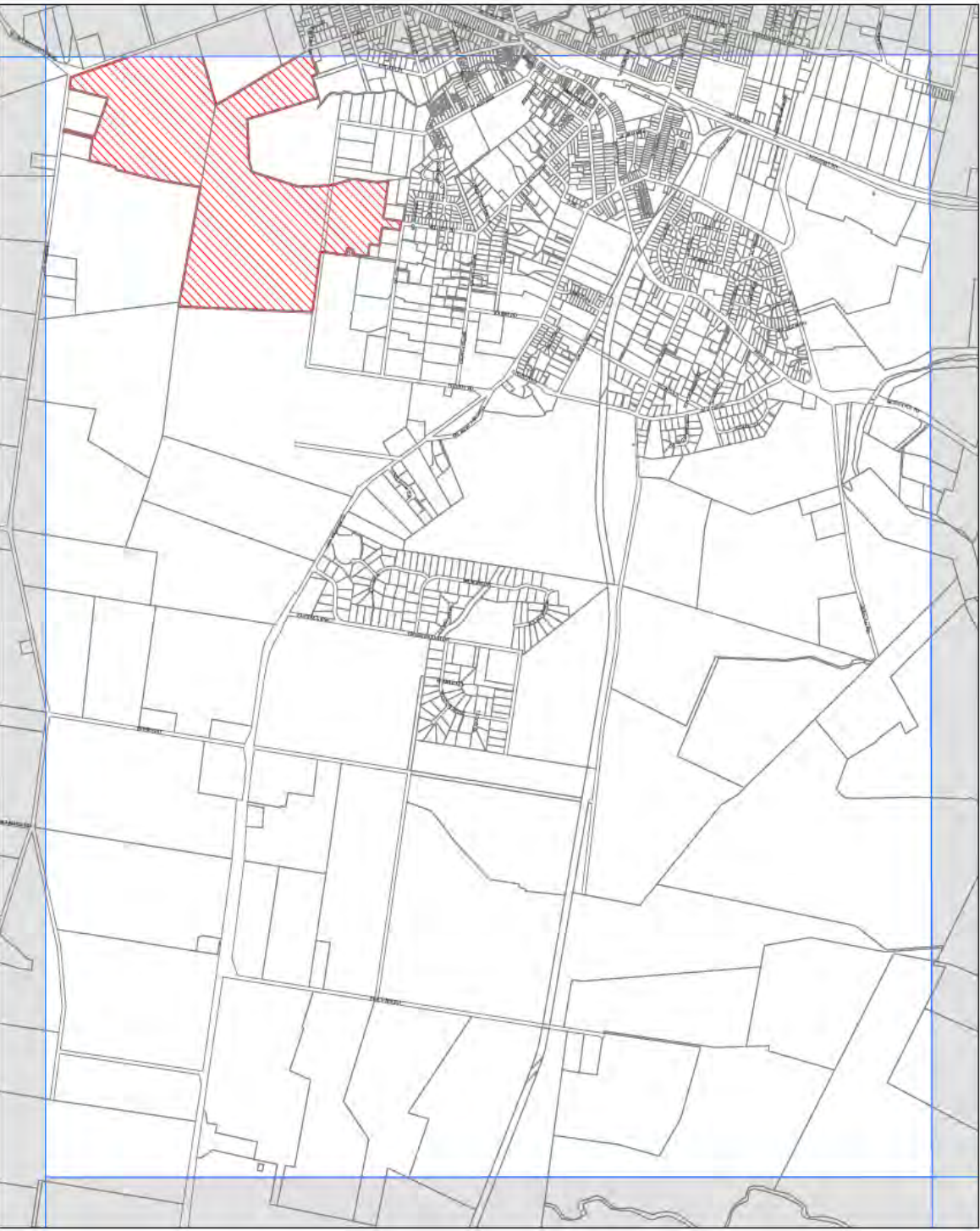
Annexure “D”

**URBAN RELEASE AREA MAP
(WINGECARRIBEE LEP, 2010)**

-  Urban Release Areas
-  Calastre
-  Calastre 040510 © Land and Property Management Authority



Wingecarribee Local
Environmental Plan 2010
Scale 1:20,000 @ A3
Map Distribution Number: 007B URA_007B 2010 2010/05/20



Annexure “E”

WINGECARRIBEE DEMOGRAPHIC AND HOUSING STUDY (MAY, 2012) Objectives Extract

Objectives and actions

1. Provide sufficient dwelling capacity and a broad mix of new housing

- Prepare planning controls that promote a mix of housing types
- Encourage provision of medium density accommodation in centres
- Conduct a detailed affordable housing study assessing housing stress and price thresholds in the LGA
- Identify suitable sites for rural development
- Assess feasibility issues which may constrain future development

2. Regularly monitor and evaluate the local housing market

- Establish a demand monitoring process
- Establish supply monitoring process

3. Balance residential development with protection of the LGA's unique character and amenity

- Review zoning in Bowral to address pressure from high demand for residential development
- Ensure protection of heritage buildings
- Consider community engagement strategies to ensure support for changes to planning controls or housing objectives
- Protect the distinct characters of the main centres of Bowral, Mittagong and Moss Vale through a review of centre boundaries

4. Lever the private and non-government sector to expand the supply of aged care

- Establish an inter-agency committee for ageing and housing
- Drawing on SGS 'opportunity' mapping, identify appropriate sites near public transport and health facilities as potential locations for residential aged care development

5. Improve housing diversity for older residents

- Encourage development of secondary suite ('granny flat') accommodation in new and existing developments
- Ensure that a proportion of new development is adaptable and accessible

Annexure “F”

MOSS VALE AQUATIC CENTRE REDEVELOPMENT - SNAPSHOT





Annexure “G”

PLANNING CERTIFICATES PURSUANT TO SECTION 149 EP&A ACT



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Date: 12 April 2013

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PROPERTY DETAILS:

Property No: 1682700

Assessment No: 12994300007

Address:

COOMUNGIE 141 YARRAWA ROAD MOSS VALE NSW 2577

Description of Property:

Lot 3 DP 706194

Owners:

GLEN AYR PASTORAL CO PTY LTD

BACKGROUND INFORMATION:

This certificate provides information on how a property (such as land, a house, a commercial building, etc) may be used and the limits on its development. The certificate contains information Council is aware of through its records and environmental plans, along with data supplied by the State Government. Unless otherwise stated, the details contained in this certificate are limited to the required Section 149(2) of the Environmental Planning and Assessment Act 1979 as amended. Additional information may be provided pursuant to Section 149(5) of the Environmental Planning and Assessment Act.

APPLICANT DETAILS:

Name: MJ SOWTER

Reference:

Receipt No: 570087

WHAT IS THE ZONING OF THIS PROPERTY AND THE RELEVANT ENVIRONMENTAL PLAN:

(Zoning is a way of classifying land and limits the range of uses or activities that may be permitted on that land or property)

ZONING: Zone RU2 Rural Landscape

Under the provisions of the Wingecarribee LEP 2010

Note: Where 2 or more zones appear the property is affected in part by each zone.

Michael J Carpenter
Town Planner



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SECTION 149(2) As at the date of this certificate the abovementioned land is affected by the following planning instruments:

LOCAL PLANNING

1a. WHAT LOCAL ENVIRONMENTAL PLANNING INSTRUMENTS (LEP) APPLY TO THE LAND?

Wingecarribee Local Environmental Plan 2010.

1b. WHAT IS THE ZONING OF THE LAND IN THIS PLAN?

Zone RU2 Rural Landscape

1c. IN THIS LEP AND IN ZONE RU2, RURAL LANDSCAPE, WHAT PURPOSES DO NOT REQUIRE DEVELOPMENT CONSENT?

Environmental protection works; Extensive agriculture; Home occupations; Home-based child care.

1d. IN THIS LEP AND IN ZONE RU2, RURAL LANDSCAPE, WHAT PURPOSES DO REQUIRE DEVELOPMENT CONSENT ?

Agricultural produce industries; Agriculture; Airstrips; Animal boarding or training establishments; Bed and breakfast accommodation; Cellar door premises; Community facilities; Dual occupancies (attached); Dwelling houses; Environmental facilities; Extractive industries; Farm buildings; Farm stay accommodation; Flood mitigation works; Forestry; Health consulting rooms; Helipads; Home businesses; Home industries; Information and education facilities; Landscaping material supplies; Places of public worship; Plant nurseries; Recreation areas; Recreation facilities (outdoor); Roads; Roadside stalls; Secondary dwellings; Signage

1e. IN THIS LEP AND IN ZONE RU2, RURAL LANDSCAPE, WHAT PURPOSES ARE PROHIBITED?

Intensive livestock agriculture, Any other development not specified in items 1c or 1d.

NOTE: Schedule One of WLEP 2010 provides for additional permitted uses on some properties within the Shire.



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- 1f. ARE THERE ANY DEVELOPMENT STANDARDS WHICH FIX A MINIMUM LAND DIMENSION OR AREA FOR THE ERECTION OF A DWELLING HOUSE ON THE LAND?**

Yes

Under Clause 4.2A of the Wingecarribee LEP 2010, refers to Zones RU1, RU2, RU4 E3 and E4.

- 2a. IS THE SITE THE SUBJECT OF A PLANNING PROPOSAL OR DRAFT ENVIRONMENTAL PLANNING INSTRUMENT THAT WILL APPLY TO THE CARRYING OUT OF DEVELOPMENT ON THE LAND?**

YES – Refer attachments

- 2b. WHAT IS THE PROPOSED CHANGE OF THE ZONING OF THE LAND IN THIS DRAFT PLAN?**

None

- 3. WHAT DEVELOPMENT CONTROL (DCP) PLANS APPLY TO THE LAND?**

a) Rural Lands DCP

A development control plan adds further detail to local environmental plans and will address issues such as Tree Preservation matters, and controls related to Business and Residential zoned land. Copies of the area specific plans are available from Council.

b). Council Endorsed Specifications – Engineering Standards and Planning Guidelines.

(Note: A full list of Development Control Plans and Draft Development Control Plans relating to the whole of the Shire is available at Council or on Council's web site: www.wsc.nsw.gov.au)

- 4. WHAT DEVELOPMENT CONTRIBUTION PLANS APPLY TO THE LAND?**

The land is subject to the following development contribution plan(s) which has/have been approved under Part 4 of the Environmental Planning and Assessment Regulation, 2000, which apply to any subdivision or development of the land. These plans are available for inspection by prior arrangement during normal office hours.



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1. Section 94 Developer Contribution Plan for S94 Administration 2011-2031.
2. Section 94 Developer Contributions Plan for Central Library.
3. Section 94 Developer Contributions Plan for Open Space and Recreation.
4. Section 94 Developer Contribution Plan Roads and Traffic Facilities 2012-2031.
5. Section 94 Developer Contributions Plan for Bundanoon.
6. Section 94A Developer Contributions Plan for Business and Industrial zoned Land.
7. Section 94 Developer Contributions Plan for Resource Recovery Centre. .

Section 64 Plans under Local Government Act And Sections 305 – 307 of Water Management Act 2000.

Water Supply Development Servicing Plan
Where Water Service is available.

Sewerage Development Servicing Plan
Where Sewer Service is available.

Stormwater Development Servicing Plan
Where Stormwater Services are, or proposed to be available.

REGIONAL PLANNING

5a. WHAT ENVIRONMENTAL PLANNING INSTRUMENTS APPLY TO THE LAND?

None

STATE PLANNING

6a. WHAT STATE ENVIRONMENTAL PLANNING POLICIES (SEPP) APPLY TO THE LAND?

STATE ENVIRONMENTAL PLANNING POLICIES

State Environmental Planning Policy No.6	- "Number of Storeys in a Building"
State Environmental Planning Policy No.21	- "Caravan Parks"
State Environmental Planning Policy No.22 (Incorporating Amendment No 1)	- "Shops & Commercial Premises"



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State Environmental Planning Policy No.30	- "Intensive Agriculture"
State Environmental Planning Policy No.32	- "Urban Consolidation (Redevelopment of Urban Land)"
State Environmental Planning Policy No.33	- "Hazardous & Offensive Development"
State Environmental Planning Policy No.36	- "Manufactured Home Estates"
State Environmental Planning Policy No.44	- "Koala Habitat Protection"
State Environmental Planning Policy No.50	- "Canal Estate Development"
State Environmental Planning Policy No.55	- "Remediation of Land"
State Environmental Planning Policy No.64	- "Advertising and Signage"
State Environmental Planning Policy No.65	- "Design Quality of Residential Flat Development"
State Environmental Planning Policy	- "Housing for Seniors or People with A Disability" 2004"
State Environmental Planning Policy	- "Building Sustainability Index: BASIX 2004"
State Environmental Planning Policy	- (Infrastructure) 2007
State Environmental Planning Policy	- (Major Development) 2005
State Environmental Planning Policy	- (Mining Petroleum Production & Extractive Industries) 2007
State Environmental Planning Policy	- (Rural Lands) 2008
State Environmental Planning Policy	- (Temporary Structures & Places of Public Entertainment) 2007
State Environmental Planning Policy	(Exempt and Complying Developments Codes) 2008
State Environmental Planning Policy	(Affordable Rental Housing) 2009
State Environmental Planning Policy	(Sydney Drinking Water Catchment) 2011

6b. WHAT DRAFT STATE ENVIRONMENTAL PLANNING POLICIES APPLY TO THE LAND?

Council is not aware of any Draft SEPP's.

6c. CAN COMPLYING DEVELOPMENT BE CARRIED OUT ON THE LAND, UNDER EACH OF THE CODES FOR COMPLYING DEVELOPMENT AFTER CONSIDERATION OF THE PROVISIONS OF CLAUSE 1.17A (c) & (d) and 1.19 OF THE STATE ENVIRONMENTAL PLANNING POLICY (EXEMPT AND COMPLYING DEVELOPMENT CODES) 2008?

GENERAL HOUSING CODE

No

The land is unsewered land to which State Environmental Planning Policy (Sydney Drinking Water Catchment) 2011 applies, therefore does not satisfy the land-based



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requirements for Complying Development in Clause 1.17A (c) & (d) and 1.19 in SEPP (Exempt and Complying Development Codes) 2008. For further information refer to the following internet link:

http://www.planning.nsw.gov.au/planning_reforms/housing_code_info.asp

HOUSING ALTERATIONS CODE :

No.

The land is unsewered land to which State Environmental Planning Policy (Sydney Drinking Water Catchment) 2011 applies, therefore does not satisfy the land-based requirements for Complying Development in Clause 1.17A (c) & (d) and 1.19 in SEPP (Exempt and Complying Development Codes) 2008. For further information refer to the following internet link:

http://www.planning.nsw.gov.au/planning_reforms/housing_code_info.asp

GENERAL COMMERCIAL AND INDUSTRIAL CODE?

Yes

SUBDIVISIONS CODE:

Yes

RURAL HOUSING CODE:

No

The land is unsewered land to which State Environmental Planning Policy (Sydney Drinking Water Catchment) 2011 applies, therefore does not satisfy the land-based requirements for Complying Development in Clause 1.17A (c) & (d) and 1.19 in SEPP (Exempt and Complying Development Codes) 2008. For further information refer to the following internet link:

http://www.planning.nsw.gov.au/planning_reforms/housing_code_info.asp

DEMOLITION CODE:

Yes

GENERAL DEVELOPMENT

No

The land is unsewered land to which State Environmental Planning Policy (Sydney Drinking Water Catchment) 2011 applies, therefore does not satisfy the land-based requirements for Complying Development in Clause 1.17A (c) & (d) and 1.19 in SEPP (Exempt and Complying Development Codes) 2008. For further information refer to the following internet link:

http://www.planning.nsw.gov.au/planning_reforms/housing_code_info.asp



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CRITICAL HABITAT

7. DOES THE LAND INCLUDE OR COMPRISE CRITICAL HABITAT?

NO

HERITAGE AND CONSERVATION

8a. IS THE LAND IN A CONSERVATION AREA?

NO

Refer Schedule 5 Wingecarribee LEP 2010

8b. IS THERE ANY HERITAGE ITEM SITUATED ON THE LAND?

NO

Refer Schedule 5 Wingecarribee LEP 2010

RISKS TO DEVELOPMENT

9. IS THE LAND AFFECTED BY A POLICY ADOPTED BY EITHER COUNCIL, OR ANY OTHER PUBLIC AUTHORITY AND NOTIFIED TO COUNCIL, RESTRICTING THE DEVELOPMENT OF THE LAND BECAUSE OF THE LIKELIHOOD OF:

Landslip	No (Council advises that the owner/purchaser may engage the services of an independent suitably qualified geotechnical engineer to ascertain the likely effect if any, on the land.)
Bushfire	No
Tidal Inundation	No
Acid Sulphate Soils	No
Any other risk (other than flooding)	No

CONTAMINATED LAND MANAGEMENT ACT 1997 Clause 59(2)

10. IS THE LAND OR PART OF THE LAND:

- a. **Significantly** Contaminated Land?



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No

b. Subject to a **Management Order**?

No

c. Subject of an **Approved Voluntary Management Proposal**?

No

d. Subject of an **Ongoing Maintenance Order**?

No

e. Subject of a **Site Audit Statement**?

No.

COASTAL PROTECTION

11. **IS THE LAND AFFECTED BY SECTION 38 OR 39 OF THE COASTAL PROTECTION ACT 1979?**

NO – Council has not been notified by the Department of Services, Technology and Administration that the land is affected.

MINE SUBSIDENCE

12. **IS THE LAND PROCLAIMED TO BE WITHIN A MINE SUBSIDENCE DISTRICT WITHIN THE MEANING OF SECTION 15 OF THE MINE SUBSIDENCE COMPENSATION ACT 1961?**

NO

ROAD WIDENING or REALIGNMENT

13. **IS THE LAND AFFECTED BY A ROAD WIDENING OR ROAD REALIGNMENT UNDER?**

- | | | |
|----|---|----|
| a) | Division 2 of Part 3 of the Roads Act 1993 or | NO |
| b) | Any Environmental Planning Instrument or | NO |



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c) Any Resolution of Council

NO

FLOODING

14. IS DEVELOPMENT ON THE LAND OR PART OF THE LAND FOR ANY PURPOSE SUBJECT TO FLOOD RELATED DEVELOPMENT CONTROLS?

YES

Wingecarribee Shire Council does not have comprehensive flood studies for most of the Shire and therefore the land may be subject to mainstream or localised flooding.

LAND AQUISITION

15. DOES ANY ENVIRONMENTAL PLANNING INSTRUMENT, DEEMED ENVIRONMENTAL PLANNING INSTRUMENT OR DRAFT ENVIRONMENTAL PLANNING INSTRUMENT APPLYING TO THE LAND PROVIDE FOR THE ACQUISITION OF LAND BY A PUBLIC AUTHORITY AS REFERRED TO IN SECTION 27 OF THE ENVIRONMENTAL PLANNING AND ASSESSMENT ACT?

NO

BUSHFIRE

16. IS THE LAND BUSHFIRE PRONE LAND (as defined in Section 3 of the Environmental Planning & Assessment Act 1979)?

NO

Note: Council advises that the Wingecarribee Shire contains large tracts of land that are considered bushfire prone.

Council has prepared a Bushfire Prone Land Map pursuant to Section 146 of the *Environmental Planning and Assessment Act 1979*. (Notwithstanding the fact that Council has prepared the Map in accordance with statutory guidelines, the NSW Rural Fire Service has deleted from land identified as bushfire prone land significant areas of pasture land.)

Intending purchasers are strongly advised to consult the publication, "*Planning for Bushfire Protection 2006*" prepared by Planning and Environment Services and the NSW Rural Fire Service and available from www.rfs.nsw.gov.au. This publication identifies possible restrictions on any proposed development of the land.



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Council also strongly recommends that intending purchasers inspect the subject land to confirm that there has been no physical change to the land, which may increase the bushfire risk.

Council is not liable for any changes to the Bushfire Prone Land Map (as certified on 13 August 2003) in respect to changes made by the NSW Rural Fire Service to the said Map which depart from the statutory guidelines relating to the preparation of bushfire prone land maps.

TREES AND VEGETATION

17a. DOES A PROPERTY VEGETATION PLAN UNDER THE NATIVE VEGETATION ACT 2003 APPLY TO THIS LAND?

Council has not been notified about any such plan.

17b. HAS ANY ORDER BEEN MADE UNDER THE TREES (DISPUTES BETWEEN NEIGHBOURS) ACT 2006 REQUIRING THE CARRYING OUT OF WORK IN RELATION TO A TREE ON THE LAND?

Council has not been notified about any such Order.

MINISTERIAL DIRECTION

18. IS THERE A DIRECTION BY THE MINISTER IN FORCE UNDER SECTION 75P(2)(c1) OF THE ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979, THAT A PROVISION OF AN ENVIRONMENTAL PLANNING INSTRUMENT PROHIBITING OR RESTRICTING THE CARRYING OUT OF A PROJECT OR A STAGE OF A PROJECT ON THE LAND UNDER PART 4 OF THE ACT DOES NOT HAVE EFFECT?

NO

SITE COMPATABILITY (INFRASTRUCTURE)

19. IS COUNCIL AWARE OF A CURRENT SITE COMPATIBILITY CERTIFICATE ISSUED FOR THE LAND UNDER CLAUSE 19 OF STATE ENVIRONMENTAL PLANNING POLICY (INFRASTRUCTURE) 2007?

NO



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HOUSING FOR SENIORS OR PEOPLE WITH A DISABILITY

- 20a. IS COUNCIL AWARE OF A CURRENT SITE COMPATIBILITY CERTIFICATE ISSUED FOR THE LAND UNDER CLAUSE 25 OF THE STATE ENVIRONMENTAL PLANNING POLICY (HOUSING FOR SENIORS OR PEOPLE WITH A DISABILITY) 2004?

NO

- 20b. HAS DEVELOPMENT CONSENT BEEN GRANTED AFTER 1 OCTOBER 2007 UNDER STATE ENVIRONMENTAL PLANNING POLICY (HOUSING FOR SENIORS OR PEOPLE WITH A DISABILITY) 2004?

NO

AFFORDABLE RENTAL HOUSING

21. IS COUNCIL AWARE OF A CURRENT SITE COMPATIBILITY CERTIFICATE ISSUED FOR THE LAND UNDER STATE ENVIRONMENTAL PLANNING POLICY (AFFORDABLE RENTAL HOUSING) 2009?

NO

BIOBANKING AGREEMENT

22. HAS THE COUNCIL BEEN NOTIFIED OF THE EXISTENCE OF A BIOBANKING AGREEMENT UNDER SECTION 127D, OF THE THREATENED SPECIES CONSERVATION ACT 1995?

No

BIODIVERSITY CERTIFIED LAND

23. IS THE LAND BIODIVERSITY CERTIFIED? (within the meaning of Part 7AA of the Threatened Species Conservation Act 1995).

NO

END OF 149 (2)



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THE FOLLOWING ADDITIONAL INFORMATION IS ISSUED UNDER SECTION 149(5).

Land Use Applications received by Council since 2008:

NIL

Termite Management for Buildings:

Australian Standards 3660.01-2000 (New Buildings) AS 3660.2-2000 (Existing Buildings) Termite Management (as amended), recommends that buildings be inspected and be maintained in order to achieve termite management of buildings. Licensed Pest Control Contractors should be contacted to achieve necessary termite control.

Lead Paint and Building Renovations:

Your attention is drawn to the hazards associated with lead-based paints during building renovation. Suitable precautions should be taken when removing flaking paint or sanding painted surfaces suspected to have been treated with lead-based paint to prevent contamination of the immediate environment and associated health risk from lead dust.

AS 4361 – Part 2 – Guide to Lead Paint Management – Residential and Commercial.

Sewerage Management Systems:

Where a property has on-site sewerage management system (this includes septic tanks, disposal trenches, aerated waste water treatment systems, composting toilets and pump out systems) the new owner must obtain an "Approval to Operate" from Council within 3 months of land ownership being transferred or otherwise conveyed.

Tree Preservation Order

The land is subject to Clause 5.9 of the Wingecarribee LEP 2010.

Available at www.wsc.nsw.gov.au.

Note: Enquiries should be made of the relevant Catchment Management Authority as to whether the *Native Vegetation Act 2003* applies.



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NOTE:

This certificate should be read in conjunction with the provisions of the *Environmental Planning & Assessment Act 1979*, the *Environmental Planning & Assessment (Amendment) Act 1997*, the *Environmental Planning & Assessment (Amendment) Regulation 1998*, the *Environmental Planning & Assessment (Further Amendment) Regulation 1998*, *Environmental Planning & Assessment (Savings and Transitional) Regulation 1998*, *Environmental Planning & Assessment Regulation 2000* and all other associated amendments and regulations.

END OF 149 (5)



Planning &
Infrastructure **SCANNED**

WINGECARRIBEE SHIRE	Doc No	1938558
1938558	Date	5901/14
14 MAR 2012		
M. Paping		
Susan S		

Contact: Jenna Tague
Phone: (02) 4224 9461
Fax: (02) 4224 9470
Email: Jenna.Tague@planning.nsw.gov.au
Postat: PO Box 5475, Wollongong NSW 2520

Our ref: PP_2012_WINGE_002_00 (12/01886)
Your ref: 5901/14

Mr Jason Gordon
General Manager
Wingecarribee Shire Council
PO Box 141
MOSS VALE NSW

Dear Mr Gordon,

Re: Planning Proposal to amend the land use table in the Wingecarribee LEP 2010 in accordance with the directions of the Standard Instrument (Local Environmental Plans) Amendment Order 2011

I am writing in response to your Council's letter dated 25 January 2012 requesting a Gateway Determination under section 56 of the Environmental Planning and Assessment Act 1979 ("EP&A Act") in respect of the planning proposal to amend the land use tables for the RU1, RU2, RU4, R3, R5, B1, B2, B4, B5, B7, IN1, IN2, IN3, SP3, RE1, RE2, E3 and E4 Zones in the Wingecarribee LEP 2010 in accordance with the directions of the Standard Instrument (Local Environmental Plans) Amendment Order 2011.

As delegate of the Minister for Planning and Infrastructure, I have now determined that the planning proposal should proceed subject to variations as required by the conditions in the attached Gateway Determination.

It is noted that Council proposes to prohibit 'Open cut mining' in the RU1 Primary Production, IN1 General Industrial, IN2 Light Industrial and IN3 Heavy Industrial zones. Council is advised that 'Open cut mining' is a mandated use in the RU1 Zone under the Standard Instrument by item '3 Permitted with Consent', and therefore the Department does not support the removal of the subject land use from the land use table. Therefore, Council is to amend the planning proposal to ensure consistency with the Standard Instrument template. In addition Council is also advised that the SEPP (Mining, Petroleum Production and Extractive Industries) 2007 permits development with consent for the purposes of 'mining' on land where development for the purposes of 'agriculture' or 'industry' may be carried out. Given the inconsistency of the proposed amendment with the Mining SEPP, Council is to remove reference to prohibiting 'Open cut mining' in the IN1 General Industrial, IN2 Light Industrial and IN3 Heavy Industrial zones to avoid conflicting permissibility between Councils LEP and the SEPP, and to ensure that land use controls are as open and transparent as possible. Council is to ensure these amendments are undertaken prior to the commencement of consultation.

In relation to the planning proposal's inconsistencies with S117 Direction 1.3 Mining, Petroleum Production and Extractive Industries, Council is to consult with the NSW Department of Primary Industries – Minerals and Petroleum to undertake community consultation. Council is to take into account any comments made and amend the planning proposal if necessary.

In relation to the planning proposal's inconsistencies with S117 Direction 4.4 Planning for Bushfire Protection, Council is to consult with the Commissioner of the NSW Rural Fire Service prior to undertaking community consultation. Council is to take into account any comments made and amend the planning proposal if necessary.

In relation to the planning proposal's inconsistencies with S117 Direction 5.2 Sydney Drinking Water Catchments, Council is to consult with the Sydney Catchment Authority prior to undertaking community consultation. Council is to take into account any comments made and amend the planning proposal if necessary.

The amending Local Environmental Plan (LEP) is to be finalised within 12 months of the week following the date of the Gateway Determination. Council's request for the Department to draft and finalise the LEP should be made six (6) weeks prior to the projected publication date.

The State Government is committed to reducing the time taken to complete LEPs by tailoring the steps in the process to the complexity of the proposal, and by providing clear and publicly available justification for each plan at an early stage. In order to meet these commitments, the Minister may take action under s54(2)(d) of the EP&A Act if the time frames outlined in this determination are not met.

Should you have any queries in regard to this matter, please contact Jenna Tague of the Regional Office of the Department on 02 4224 9461.

Yours sincerely,


Sam Haddad
Director-General

9/3/2012



Gateway Determination

Planning Proposal (Department Ref: PP_2012_WINGE_002_00): to amend the land use table in the Wingecarribee LEP 2010 in accordance with the directions of the Standard Instrument (Local Environmental Plans) Amendment Order 2011.

I, the Director General, Department of Planning and Infrastructure as delegate of the Minister for Planning and Infrastructure, have determined under section 56(2) of the EP&A Act that an amendment to the Wingecarribee Local Environmental Plan 2010 to amend the land use tables for the RU1, RU2, RU4, R3, R5, B1, B2, B4, B5, B7, IN1, IN2, IN3, SP3, RE1, RE2, E3 and E4 Zones in accordance with the directions of the Standard Instrument (Local Environmental Plans) Amendment Order 2011 should proceed subject to the following conditions:

1. The prohibition of 'Open cut mining from the RU1 Primary Production, IN1 General Industrial, IN2 Light Industrial and IN3 Heavy Industrial zones is not supported by the Department as it is inconsistent with the Standard Instrument template and the SEPP (Mining, Petroleum Production and Extractive Industries) 2007. Therefore, Council is to retain 'Open cut mining' under item '3. Permitted with Consent' in the RU1 Primary Production zone and remove reference to inserting 'Open cut mining' under item '4 Prohibited' in the IN1 General Industrial, IN2 Light Industrial and IN3 Heavy Industrial zones. Council is to ensure compliance with this condition prior to public authority consultation.
2. 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 **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 4.5 of *A Guide to Preparing LEPs (Department of Planning 2009)*.
3. Consultation is required with the following public authorities under section 56(2)(d) of the EP&A Act:
 - * Hawkesbury - Nepean Catchment Management Authority
 - * Office of Environment and Heritage
 - * NSW Rural Fire Service
 - * NSW Department of Primary Industries - Mining and Petroleum
 - * Sydney Catchment Authority
 - * Southern Rivers Catchment Management Authority

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.

4. Further to Condition 3 above, Council is to consult with the NSW Department of Primary Industries - Minerals and Petroleum prior to undertaking community consultation and take into account any comments made and amend the planning proposal (if necessary) as per the requirements of S117 Direction 1.3 Mining, Petroleum Production and Extractive Industries.



Planning & Infrastructure

5. Further to Condition 3 above, Council is to consult with the Sydney Catchment Authority prior to undertaking community consultation and take into account any comments made and amend the planning proposal (if necessary) as per the requirements of S117 Direction 5.2 Sydney Drinking Water Catchments.
6. Further to Condition 3 above, Council is to consult with the Commissioner of the NSW Rural Fire Service prior to undertaking community consultation and take into account any comments made and amend the planning proposal (if necessary) as per the requirements of S117 Direction 4.4 Planning for Bushfire Protection.
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).
8. The timeframe for completing the LEP is to be 12 months from the week following the date of the Gateway determination.

Dated 9th day of March 2012.

Sam Haddad
Director-General
Delegate of the Minister for Planning and
Infrastructure

**PLANNING PROPOSAL TO AMEND WINGECARRIBEE LOCAL ENVIRONMENTAL PLAN
2010 LAND USE TABLE – MARCH 2012**

The provisions of the Planning Proposal will result in an amendment to the Wingecarribee Local Environmental Plan 2010 Land Use Table as follows:

Zone affected	Amended to
RU1 Primary Production	o Insert <i>Ecotourist facility</i> under 3 Permitted with consent.
RU2 Rural Landscape	o Insert <i>Ecotourist facility</i> under 3 Permitted with consent.
RU4 Primary Production Small Lots	o Insert <i>Ecotourist facility</i> under 3 Permitted with consent.
R3 Medium density Residential	o Insert <i>Highway service centre</i> under 4 Prohibited.
R5 Large Lot Residential	o Insert <i>Highway service centre</i> under 4 Prohibited.
B1 Neighbourhood Business	o Remove <i>Plant nurseries</i> from 4 Prohibited (thereby permitting with consent). o Insert <i>Highway service centre</i> under 4 Prohibited.
B2 Local Centre	o Insert <i>Highway service centre</i> under 4 Prohibited.
B4 Mixed Use	o Insert <i>Highway service centre</i> under 4 Prohibited.
B5 Business Development	o Insert <i>Highway service centre</i> under 4 Prohibited.
B7 Business Park	o Remove <i>Garden centres</i> from 4 Prohibited (thereby permitting with consent). o Insert <i>Highway service centre</i> under 4 Prohibited.
IN1 General Industrial	o Insert <i>Camping grounds</i> under 4 Prohibited. o Remove <i>Animal boarding and training establishments</i> from 4 Prohibited (thereby permitting with consent).
IN2 Light Industrial	o Insert <i>Camping grounds</i> under 4 Prohibited.
SP3 Tourist	o Insert <i>Highway service centre</i> under 4 Prohibited. o Remove <i>Eco-tourist facilities</i> from 4 Prohibited (thereby permitting with consent).
RE1 Public Recreation	o Insert <i>Recreation facility (outdoor)</i> and <i>Recreation facility (major)</i> under 3 Permitted with consent.
RE2 Private Recreation	o Insert <i>Ecotourist facility</i> under 3 Permitted with consent.
E3 Environmental Management	o Insert <i>Agricultural produce industry</i> under 3 Permitted with consent. o Insert <i>Ecotourist facility</i> under 3 Permitted with consent. o Insert <i>Cellar Door Premises</i> under 3 Permitted with consent.
E4 Environmental Living	o Insert <i>Ecotourist facility</i> under 3 Permitted with consent.

PLANNING PROPOSAL TO AMEND WINGECARRIBEE LOCAL ENVIRONMENTAL PLAN
2010 LAND USE TABLE – MARCH 2012

Zone affected	Amended to
	- o Remove <i>Landscaping material supplies</i> from 3 Permitted with consent (thereby prohibiting). - o Remove <i>Plant nurseries</i> from 3 Permitted with consent (thereby prohibiting).



Planning & Infrastructure



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Department Generated Correspondence

WINGECARRIBEE SHIRE COUNCIL		
Classification:	MAILIN!	
Doc. No.	1911905	
File No.	5901/10	
- 6 FEB 2012		
OFFICER	ACTION	INFO
B. Kennedy		✓
M. Leppan		✓

Contact: Jenna Tague
Phone: (02) 4224 9461
Fax: (02) 4224 9470
Email: jenna.tague@planning.nsw.gov.au
Postab: PO Box 5475, Wollongong NSW 2520
Our ref: PP_2011_WINGE_004_00 (11/20618)
Your ref: 5901/10

Mr Jason Gordon
General Manager
Wingecarribee Shire Council
PO Box 141
MOSS VALE NSW 2577

Dear Mr Gordon,

Re: Planning proposal to amend "Schedule 1 - Additional permitted uses" of Wingecarribee Local Environmental Plan 2010 to allow a Rural Fire Service training facility (including a helipad) at Lot 7307 Nattai Street, Welby

I am writing in response to your Council's letter dated 23 September 2011 requesting a Gateway Determination under section 56 of the Environmental Planning and Assessment Act 1979 ("EP&A Act") in respect of the planning proposal to amend "Schedule 1 - Additional permitted uses" of Wingecarribee Local Environmental Plan 2010 to allow a Rural Fire Service training facility (including a helipad) at Lot 7307 Nattai Street, Welby.

As delegate of the Minister for Planning and Infrastructure, I have now determined that the planning proposal should proceed subject to the conditions in the attached Gateway Determination.

While the intent of the planning proposal is generally supported, the Department does not support Council's approach of permitting the use through Schedule 1. Rather, Council should proceed adopting one of the following two options;

- insert 'Emergency service facilities' as permissible with consent in the E2 land use table; or
- rezone the site to E3 Environmental Management and insert 'Emergency service facilities' as permissible with consent in the E3 land use table.

While Council's concerns regarding the potential for an increase in development applications for Emergency service facilities in these zones is noted, the Department considers that any issues which may arise in terms of potential land use impacts can be satisfactorily addressed in development consent conditions.

The Director General's delegate has also agreed that the planning proposal's inconsistencies with S117 Directions 2.1 Environmental Protection Zones, 6.3 Site Specific Provisions and 5.1 Implementation of regional strategies are of minor significance. No further approval is required in relation to these Directions.

Council is to consult with the Commissioner of the NSW Rural Fire Service prior to undertaking community consultation and take into account any comments made as per the requirements of S117 Direction 4.4 Planning for Bushfire Protection.

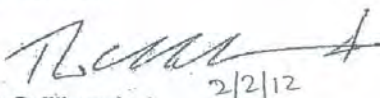
Council is to consult with the Sydney Catchment Authority prior to undertaking community consultation and take into account any comments made on the planning proposal as per the requirements of S117 Direction 5.2 Sydney Drinking Water Catchments.

The amending Local Environmental Plan (LEP) is to be finalised within 6 months of the week following the date of the Gateway Determination. Council should aim to commence the exhibition of the Planning Proposal within four (4) weeks from the week following this determination. Council's request for the Department to draft and finalise the LEP should be made six (6) weeks prior to the projected publication date.

The State Government is committed to reducing the time taken to complete LEPs by tailoring the steps in the process to the complexity of the proposal, and by providing clear and publicly available justification for each plan at an early stage. In order to meet these commitments, the Minister may take action under s54(2)(d) of the EP&A Act if the time frames outlined in this determination are not met.

Should you have any queries in regard to this matter, please contact Jenna Tague of the Regional Office of the Department on 02 4224 9461.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Tom Gellibrand', with a date '2/2/12' written below it.

Tom Gellibrand
Deputy Director General
Plan Making & Urban Renewal



Gateway Determination

Planning Proposal (Department Ref: PP_2011_WINGE_004_00): to amend "Schedule 1 - Additional permitted uses" of Wingecaribee Local Environmental Plan 2010 to allow a Rural Fire Service training facility (including a helipad) at Lot 7307 Nattai Street, Welby.

I, the Deputy Director General, Plan Making & Urban Renewal as delegate of the Minister for Planning and Infrastructure, have determined under section 56(2) of the EP&A Act that an amendment to the Wingecaribee Local Environmental Plan 2010 to amend "Schedule 1 - Additional permitted uses" to allow a Rural Fire Service training facility (including a helipad) at Lot 7307 Nattai Street, Welby should proceed subject to the following conditions:

1. Council should proceed with the Planning Proposal adopting one of the following two options:
 - insert 'Emergency service facilities' as permissible with consent in the E2 land use table; or
 - rezone the site to E3 Environmental Management and insert 'Emergency service facilities' as permissible with consent in the E3 land use table.

The Planning Proposal should be amended prior to exhibition to reflect Council's preferred approach.

2. In relation to S117 Direction 5.2 Sydney Drinking Water Catchments, Council is to consult with the Sydney Catchment Authority prior to undertaking community consultation for the planning proposal and take into account any comments made in progressing the draft LEP.
3. In relation to S117 Direction 4.4 Planning for Bushfire Protection, Council is to consult with the Commissioner of the NSW Rural Fire Service prior to undertaking community consultation and take into account any comments made in progressing the draft LEP.
4. 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 classified as low impact as described in *A Guide to Preparing LEPs (Department of Planning 2009)* and must be made publicly available for 14 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 4.5 of *A Guide to Preparing LEPs (Department of Planning 2009)*.
5. Consultation is required with the following public authorities under section 56(2)(d) of the EP&A Act:
 - NSW Rural Fire Service
 - Sydney Catchment Authority

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.



Planning & Infrastructure

6. 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).
7. The timeframe for completing the LEP is to be **6 months** from the week following the date of the Gateway determination.

Dated 2nd day of February 2012.

Tom Gellibrand
Deputy Director General
Plan Making & Urban Renewal
Delegate of the Minister for Planning and
Infrastructure



WINGECARRIBEE SHIRE COUNCIL
PO BOX 141, MOSS VALE 2577
DX 4961, BOWRAL
TELEPHONE NUMBER: (02) 4868 0888

**PLANNING CERTIFICATE
ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979**

Certificate No: 2013/0617

Date: 12 April 2013

Page: 1

PROPERTY DETAILS:

Property No: 1705662

Assessment No: 6682120009

Address:

32 LOVELLE STREET MOSS VALE NSW 2577

Description of Property:

Lot 12 DP 866036

Owners:

J AVERY PTY LIMITED

BACKGROUND INFORMATION:

This certificate provides information on how a property (such as land, a house, a commercial building, etc) may be used and the limits on its development. The certificate contains information Council is aware of through its records and environmental plans, along with data supplied by the State Government. Unless otherwise stated, the details contained in this certificate are limited to the required Section 149(2) of the Environmental Planning and Assessment Act 1979 as amended. Additional information may be provided pursuant to Section 149(5) of the Environmental Planning and Assessment Act.

APPLICANT DETAILS:

Name: MJ SOWTER TO BE COLLECTED 041943166

Reference:

Receipt No: 570087

WHAT IS THE ZONING OF THIS PROPERTY AND THE RELEVANT ENVIRONMENTAL PLAN:

(Zoning is a way of classifying land and limits the range of uses or activities that may be permitted on that land or property)

ZONING: Zone RU2 Rural Landscape

Under the provisions of the Wingecarribee LEP 2010

Note: Where 2 or more zones appear the property is affected in part by each zone.

Michael J Carpenter
Town Planner



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SECTION 149(2) As at the date of this certificate the abovementioned land is affected by the following planning instruments:

LOCAL PLANNING

1a. WHAT LOCAL ENVIRONMENTAL PLANNING INSTRUMENTS (LEP) APPLY TO THE LAND?

Wingecarribee Local Environmental Plan 2010.

1b. WHAT IS THE ZONING OF THE LAND IN THIS PLAN?

Zone RU2 Rural Landscape

1c. IN THIS LEP AND IN ZONE RU2, RURAL LANDSCAPE, WHAT PURPOSES DO NOT REQUIRE DEVELOPMENT CONSENT?

Environmental protection works; Extensive agriculture; Home occupations; Home-based child care.

1d. IN THIS LEP AND IN ZONE RU2, RURAL LANDSCAPE, WHAT PURPOSES DO REQUIRE DEVELOPMENT CONSENT ?

Agricultural produce industries; Agriculture; Airstrips; Animal boarding or training establishments; Bed and breakfast accommodation; Cellar door premises; Community facilities; Dual occupancies (attached); Dwelling houses; Environmental facilities; Extractive industries; Farm buildings; Farm stay accommodation; Flood mitigation works; Forestry; Health consulting rooms; Helipads; Home businesses; Home industries; Information and education facilities; Landscaping material supplies; Places of public worship; Plant nurseries; Recreation areas; Recreation facilities (outdoor); Roads; Roadside stalls; Secondary dwellings; Signage

1e. IN THIS LEP AND IN ZONE RU2, RURAL LANDSCAPE, WHAT PURPOSES ARE PROHIBITED?

Intensive livestock agriculture, Any other development not specified in items 1c or 1d.

NOTE: Schedule One of WLEP 2010 provides for additional permitted uses on some properties within the Shire.



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- 1f. **ARE THERE ANY DEVELOPMENT STANDARDS WHICH FIX A MINIMUM LAND DIMENSION OR AREA FOR THE ERECTION OF A DWELLING HOUSE ON THE LAND?**

Yes

Under Clause 4.2A of the Wingecarribee LEP 2010, refers to Zones RU1, RU2, RU4 E3 and E4.

- 2a. **IS THE SITE THE SUBJECT OF A PLANNING PROPOSAL OR DRAFT ENVIRONMENTAL PLANNING INSTRUMENT THAT WILL APPLY TO THE CARRYING OUT OF DEVELOPMENT ON THE LAND?**

YES – Refer attachments

- 2b. **WHAT IS THE PROPOSED CHANGE OF THE ZONING OF THE LAND IN THIS DRAFT PLAN?**

None

3. **WHAT DEVELOPMENT CONTROL (DCP) PLANS APPLY TO THE LAND?**

a) Rural Lands DCP

A development control plan adds further detail to local environmental plans and will address issues such as Tree Preservation matters, and controls related to Business and Residential zoned land. Copies of the area specific plans are available from Council.

b). Council Endorsed Specifications – Engineering Standards and Planning Guidelines.

(Note: A full list of Development Control Plans and Draft Development Control Plans relating to the whole of the Shire is available at Council or on Council's web site: www.wsc.nsw.gov.au)

4. **WHAT DEVELOPMENT CONTRIBUTION PLANS APPLY TO THE LAND?**

The land is subject to the following development contribution plan(s) which has/have been approved under Part 4 of the Environmental Planning and Assessment Regulation, 2000, which apply to any subdivision or development of the land. These plans are available for inspection by prior arrangement during normal office hours.

1. Section 94 Developer Contribution Plan for S94 Administration 2011-2031.



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2. Section 94 Developer Contributions Plan for Central Library.
3. Section 94 Developer Contributions Plan for Open Space and Recreation.
4. Section 94 Developer Contribution Plan Roads and Traffic Facilities 2012-2031.
5. Section 94 Developer Contributions Plan for Bundanoon.
6. Section 94A Developer Contributions Plan for Business and Industrial zoned Land.
7. Section 94 Developer Contributions Plan for Resource Recovery Centre. .

Section 64 Plans under Local Government Act And Sections 305 – 307 of Water Management Act 2000.

Water Supply Development Servicing Plan
Where Water Service is available.

Sewerage Development Servicing Plan
Where Sewer Service is available.

Stormwater Development Servicing Plan
Where Stormwater Services are, or proposed to be available.

REGIONAL PLANNING

5a. WHAT ENVIRONMENTAL PLANNING INSTRUMENTS APPLY TO THE LAND?

None

STATE PLANNING

6a. WHAT STATE ENVIRONMENTAL PLANNING POLICIES (SEPP) APPLY TO THE LAND?

STATE ENVIRONMENTAL PLANNING POLICIES

- | | |
|---|-------------------------------------|
| State Environmental Planning Policy No.6 | - "Number of Storeys in a Building" |
| State Environmental Planning Policy No.21 | - "Caravan Parks" |
| State Environmental Planning Policy No.22
(Incorporating Amendment No 1) | - "Shops & Commercial Premises" |
| State Environmental Planning Policy No.30 | - "Intensive Agriculture" |



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State Environmental Planning Policy No.32	- "Urban Consolidation (Redevelopment of Urban Land)"
State Environmental Planning Policy No.33	- "Hazardous & Offensive Development"
State Environmental Planning Policy No.36	- "Manufactured Home Estates"
State Environmental Planning Policy No.44	- "Koala Habitat Protection"
State Environmental Planning Policy No.50	- "Canal Estate Development"
State Environmental Planning Policy No.55	- "Remediation of Land"
State Environmental Planning Policy No.64	- "Advertising and Signage"
State Environmental Planning Policy No.65	- "Design Quality of Residential Flat Development"
State Environmental Planning Policy	- "Housing for Seniors or People with A Disability" 2004"
State Environmental Planning Policy	- "Building Sustainability Index: BASIX 2004"
State Environmental Planning Policy	- (Infrastructure) 2007
State Environmental Planning Policy	- (Major Development) 2005
State Environmental Planning Policy	- (Mining Petroleum Production & Extractive Industries) 2007
State Environmental Planning Policy	- (Rural Lands) 2008
State Environmental Planning Policy	- (Temporary Structures & Places of Public Entertainment) 2007
State Environmental Planning Policy	(Exempt and Complying Developments Codes) 2008
State Environmental Planning Policy	(Affordable Rental Housing) 2009
State Environmental Planning Policy	(Sydney Drinking Water Catchment) 2011

6b. WHAT DRAFT STATE ENVIRONMENTAL PLANNING POLICIES APPLY TO THE LAND?

Council is not aware of any Draft SEPP's.

6c. CAN COMPLYING DEVELOPMENT BE CARRIED OUT ON THE LAND, UNDER EACH OF THE CODES FOR COMPLYING DEVELOPMENT AFTER CONSIDERATION OF THE PROVISIONS OF CLAUSE 1.17A (c) & (d) and 1.19 OF THE STATE ENVIRONMENTAL PLANNING POLICY (EXEMPT AND COMPLYING DEVELOPMENT CODES) 2008?

GENERAL HOUSING CODE

No

The land is unsewered land to which State Environmental Planning Policy (Sydney Drinking Water Catchment) 2011 applies, therefore does not satisfy the land-based requirements for Complying Development in Clause 1.17A (c) & (d) and 1.19 in SEPP



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(Exempt and Complying Development Codes) 2008. For further information refer to the following internet link:

http://www.planning.nsw.gov.au/planning_reforms/housing_code_info.asp

HOUSING ALTERATIONS CODE :

No.

The land is unsewered land to which State Environmental Planning Policy (Sydney Drinking Water Catchment) 2011 applies, therefore does not satisfy the land-based requirements for Complying Development in Clause 1.17A (c) & (d) and 1.19 in SEPP (Exempt and Complying Development Codes) 2008. For further information refer to the following internet link:

http://www.planning.nsw.gov.au/planning_reforms/housing_code_info.asp

GENERAL COMMERCIAL AND INDUSTRIAL CODE?

Yes

SUBDIVISIONS CODE:

Yes

RURAL HOUSING CODE:

No

The land is unsewered land to which State Environmental Planning Policy (Sydney Drinking Water Catchment) 2011 applies, therefore does not satisfy the land-based requirements for Complying Development in Clause 1.17A (c) & (d) and 1.19 in SEPP (Exempt and Complying Development Codes) 2008. For further information refer to the following internet link:

http://www.planning.nsw.gov.au/planning_reforms/housing_code_info.asp

DEMOLITION CODE:

Yes

GENERAL DEVELOPMENT

No

The land is unsewered land to which State Environmental Planning Policy (Sydney Drinking Water Catchment) 2011 applies, therefore does not satisfy the land-based requirements for Complying Development in Clause 1.17A (c) & (d) and 1.19 in SEPP (Exempt and Complying Development Codes) 2008. For further information refer to the following internet link:

http://www.planning.nsw.gov.au/planning_reforms/housing_code_info.asp



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CRITICAL HABITAT

7. DOES THE LAND INCLUDE OR COMPRISE CRITICAL HABITAT?

NO

HERITAGE AND CONSERVATION

8a. IS THE LAND IN A CONSERVATION AREA?

NO

Refer Schedule 5 Wingecarribee LEP 2010

8b. IS THERE ANY HERITAGE ITEM SITUATED ON THE LAND?

NO

Refer Schedule 5 Wingecarribee LEP 2010

RISKS TO DEVELOPMENT

9. IS THE LAND AFFECTED BY A POLICY ADOPTED BY EITHER COUNCIL, OR ANY OTHER PUBLIC AUTHORITY AND NOTIFIED TO COUNCIL, RESTRICTING THE DEVELOPMENT OF THE LAND BECAUSE OF THE LIKELIHOOD OF:

Landslip	No (Council advises that the owner/purchaser may engage the services of an independent suitably qualified geotechnical engineer to ascertain the likely effect if any, on the land.)
Bushfire	Yes
Tidal Inundation	No
Acid Sulphate Soils	No
Any other risk (other than flooding)	No

CONTAMINATED LAND MANAGEMENT ACT 1997 Clause 59(2)

10. IS THE LAND OR PART OF THE LAND:

- a. **Significantly Contaminated Land?**



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No

b. Subject to a **Management Order**?

No

c. Subject of an **Approved Voluntary Management Proposal**?

No

d. Subject of an **Ongoing Maintenance Order**?

No

e. Subject of a **Site Audit Statement**?

No.

COASTAL PROTECTION

11. **IS THE LAND AFFECTED BY SECTION 38 OR 39 OF THE COASTAL PROTECTION ACT 1979?**

NO – Council has not been notified by the Department of Services, Technology and Administration that the land is affected.

MINE SUBSIDENCE

12. **IS THE LAND PROCLAIMED TO BE WITHIN A MINE SUBSIDENCE DISTRICT WITHIN THE MEANING OF SECTION 15 OF THE MINE SUBSIDENCE COMPENSATION ACT 1961?**

NO

ROAD WIDENING or REALIGNMENT

13. **IS THE LAND AFFECTED BY A ROAD WIDENING OR ROAD REALIGNMENT UNDER?**

- | | | |
|----|---|----|
| a) | Division 2 of Part 3 of the Roads Act 1993 or | NO |
| b) | Any Environmental Planning Instrument or | NO |
| c) | Any Resolution of Council | NO |



WINGECARRIBEE SHIRE COUNCIL
PO BOX 141, MOSS VALE 2577
DX 4961, BOWRAL
TELEPHONE NUMBER: (02) 4868 0888

**PLANNING CERTIFICATE
ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979**

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FLOODING

14. IS DEVELOPMENT ON THE LAND OR PART OF THE LAND FOR ANY PURPOSE SUBJECT TO FLOOD RELATED DEVELOPMENT CONTROLS?

YES

Clause 7.9 of the Wingecarribee LEP 2010 applies to land which is potentially affected by flooding by a 1% probability event.

Wingecarribee Shire Council has adopted the following and these should be examined to determine the extent to which the land is affected:

Refer to the following documentation:-

- 1. "Whytes Creek Flood Study" by URS Australia:**
(adopted by Council on 12 November 2008)
- 2. Wingecarribee Shire Council Moss Vale Development Control Plan**
(adopted by Council on 28 October 2010)

The above information is relevant at the date of issue of this Certificate and based upon the information available to Council at the time.

LAND ACQUISITION

15. DOES ANY ENVIRONMENTAL PLANNING INSTRUMENT, DEEMED ENVIRONMENTAL PLANNING INSTRUMENT OR DRAFT ENVIRONMENTAL PLANNING INSTRUMENT APPLYING TO THE LAND PROVIDE FOR THE ACQUISITION OF LAND BY A PUBLIC AUTHORITY AS REFERRED TO IN SECTION 27 OF THE ENVIRONMENTAL PLANNING AND ASSESSMENT ACT?

NO

BUSHFIRE

16. IS THE LAND BUSHFIRE PRONE LAND (as defined in Section 3 of the Environmental Planning & Assessment Act 1979)?

Yes

Note: Council advises that the Wingecarribee Shire contains large tracts of land that are considered bushfire prone.



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Council has prepared a Bushfire Prone Land Map pursuant to Section 146 of the *Environmental Planning and Assessment Act 1979*. (Notwithstanding the fact that Council has prepared the Map in accordance with statutory guidelines, the NSW Rural Fire Service has deleted from land identified as bushfire prone land significant areas of pasture land.)

Intending purchasers are strongly advised to consult the publication, "*Planning for Bushfire Protection 2006*" prepared by Planning and Environment Services and the NSW Rural Fire Service and available from www.rfs.nsw.gov.au. This publication identifies possible restrictions on any proposed development of the land.

Council also strongly recommends that intending purchasers inspect the subject land to confirm that there has been no physical change to the land, which may increase the bushfire risk.

Council is not liable for any changes to the Bushfire Prone Land Map (as certified on 13 August 2003) in respect to changes made by the NSW Rural Fire Service to the said Map which depart from the statutory guidelines relating to the preparation of bushfire prone land maps.

TREES AND VEGETATION

17a. DOES A PROPERTY VEGETATION PLAN UNDER THE NATIVE VEGETATION ACT 2003 APPLY TO THIS LAND?

Council has not been notified about any such plan.

17b. HAS ANY ORDER BEEN MADE UNDER THE TREES (DISPUTES BETWEEN NEIGHBOURS) ACT 2006 REQUIRING THE CARRYING OUT OF WORK IN RELATION TO A TREE ON THE LAND?

Council has not been notified about any such Order.

MINISTERIAL DIRECTION

18. IS THERE A DIRECTION BY THE MINISTER IN FORCE UNDER SECTION 75P(2)(c1) OF THE ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979, THAT A PROVISION OF AN ENVIRONMENTAL PLANNING INSTRUMENT PROHIBITING OR RESTRICTING THE CARRYING OUT OF A PROJECT OR A STAGE OF A PROJECT ON THE LAND UNDER PART 4 OF THE ACT DOES NOT HAVE EFFECT?

NO



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SITE COMPATABILITY (INFRASTRUCTURE)

19. IS COUNCIL AWARE OF A CURRENT SITE COMPATIBILITY CERTIFICATE ISSUED FOR THE LAND UNDER CLAUSE 19 OF *STATE ENVIRONMENTAL PLANNING POLICY (INFRASTRUCTURE) 2007*?

NO

HOUSING FOR SENIORS OR PEOPLE WITH A DISABILITY

- 20a. IS COUNCIL AWARE OF A CURRENT SITE COMPATIBILITY CERTIFICATE ISSUED FOR THE LAND UNDER CLAUSE 25 OF THE *STATE ENVIRONMENTAL PLANNING POLICY (HOUSING FOR SENIORS OR PEOPLE WITH A DISABILITY) 2004*?

NO

- 20b. HAS DEVELOPMENT CONSENT BEEN GRANTED AFTER 1 OCTOBER 2007 UNDER *STATE ENVIRONMENTAL PLANNING POLICY (HOUSING FOR SENIORS OR PEOPLE WITH A DISABILITY) 2004*?

NO

AFFORDABLE RENTAL HOUSING

21. IS COUNCIL AWARE OF A CURRENT SITE COMPATIBILITY CERTIFICATE ISSUED FOR THE LAND UNDER *STATE ENVIRONMENTAL PLANNING POLICY (AFFORDABLE RENTAL HOUSING) 2009*?

NO

BIOBANKING AGREEMENT

22. HAS THE COUNCIL BEEN NOTIFIED OF THE EXISTENCE OF A BIOBANKING AGREEMENT UNDER SECTION 127D, OF THE *THREATENED SPECIES CONSERVATION ACT 1995*?

No



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BIODIVERSITY CERTIFIED LAND

23. IS THE LAND BIODIVERSITY CERTIFIED? (within the meaning of Part 7AA of the Threatened Species Conservation Act 1995).

NO

24. RIPARIAN LAND

The land or part of the land is identified as, "*Riparian Land*".

Refer Wingecarribee LEP 2010 7.5. Also refer Natural Resources Sensitivity Map.

END OF 149 (2)



WINGECARRIBEE SHIRE COUNCIL
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THE FOLLOWING ADDITIONAL INFORMATION IS ISSUED UNDER SECTION 149(5).

Land Use Applications received by Council since 2008:

NIL

Termite Management for Buildings:

Australian Standards 3660.01-2000 (New Buildings) AS 3660.2-2000 (Existing Buildings) Termite Management (as amended), recommends that buildings be inspected and be maintained in order to achieve termite management of buildings. Licensed Pest Control Contractors should be contacted to achieve necessary termite control.

Lead Paint and Building Renovations:

Your attention is drawn to the hazards associated with lead-based paints during building renovation. Suitable precautions should be taken when removing flaking paint or sanding painted surfaces suspected to have been treated with lead-based paint to prevent contamination of the immediate environment and associated health risk from lead dust.

AS 4361 – Part 2 – Guide to Lead Paint Management – Residential and Commercial.

Sewerage Management Systems:

Where a property has on-site sewerage management system (this includes septic tanks, disposal trenches, aerated waste water treatment systems, composting toilets and pump out systems) the new owner must obtain an "Approval to Operate" from Council within 3 months of land ownership being transferred or otherwise conveyed.

Tree Preservation Order

The land is subject to Clause 5.9 of the Wingecarribee LEP 2010.

Available at www.wsc.nsw.gov.au.

Note: Enquiries should be made of the relevant Catchment Management Authority as to whether the *Native Vegetation Act 2003* applies.



Planning &
Infrastructure

SCANNED

Mr Jason Gordon
General Manager
Wingecarribee Shire Council
PO Box 141
MOSS VALE NSW

WINGECARRIBEE SHIRE COUNCIL	Doc No	1938556
City of Wollongong	DATE	14 MAR 2012
Doc No	1938556	
DATE	14 MAR 2012	
2577		

Contact: Jenna Tague
Phone: (02) 4224 9461
Fax: (02) 4224 9470
Email: Jenna.Tague@planning.nsw.gov.au
Postal: PO Box 5475, Wollongong NSW 2520

Our ref: PP_2012_WINGE_002_00 (12/01886)
Your ref: 5901/14

Dear Mr Gordon,

Re: Planning Proposal to amend the land use table in the Wingecarribee LEP 2010 in accordance with the directions of the Standard Instrument (Local Environmental Plans) Amendment Order 2011

I am writing in response to your Council's letter dated 25 January 2012 requesting a Gateway Determination under section 56 of the Environmental Planning and Assessment Act 1979 ("EP&A Act") in respect of the planning proposal to amend the land use tables for the RU1, RU2, RU4, R3, R5, B1, B2, B4, B5, B7, IN1, IN2, IN3, SP3, RE1, RE2, E3 and E4 Zones in the Wingecarribee LEP 2010 in accordance with the directions of the Standard Instrument (Local Environmental Plans) Amendment Order 2011.

As delegate of the Minister for Planning and Infrastructure, I have now determined that the planning proposal should proceed subject to variations as required by the conditions in the attached Gateway Determination.

It is noted that Council proposes to prohibit 'Open cut mining' in the RU1 Primary Production, IN1 General Industrial, IN2 Light Industrial and IN3 Heavy Industrial zones. Council is advised that 'Open cut mining' is a mandated use in the RU1 Zone under the Standard Instrument by item '3 Permitted with Consent', and therefore the Department does not support the removal of the subject land use from the land use table. Therefore, Council is to amend the planning proposal to ensure consistency with the Standard Instrument template. In addition Council is also advised that the SEPP (Mining, Petroleum Production and Extractive Industries) 2007 permits development with consent for the purposes of 'mining' on land where development for the purposes of 'agriculture' or 'industry' may be carried out. Given the inconsistency of the proposed amendment with the Mining SEPP, Council is to remove reference to prohibiting 'Open cut mining' in the IN1 General Industrial, IN2 Light Industrial and IN3 Heavy Industrial zones to avoid conflicting permissibility between Councils LEP and the SEPP, and to ensure that land use controls are as open and transparent as possible. Council is to ensure these amendments are undertaken prior to the commencement of consultation.

In relation to the planning proposal's inconsistencies with S117 Direction 1.3 Mining, Petroleum Production and Extractive Industries, Council is to consult with the NSW Department of Primary Industries – Minerals and Petroleum to undertake community consultation. Council is to take into account any comments made and amend the planning proposal if necessary.

In relation to the planning proposal's inconsistencies with S117 Direction 4.4 Planning for Bushfire Protection, Council is to consult with the Commissioner of the NSW Rural Fire Service prior to undertaking community consultation. Council is to take into account any comments made and amend the planning proposal if necessary.

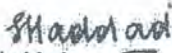
In relation to the planning proposal's inconsistencies with S117 Direction 5.2 Sydney Drinking Water Catchments, Council is to consult with the Sydney Catchment Authority prior to undertaking community consultation. Council is to take into account any comments made and amend the planning proposal if necessary.

The amending Local Environmental Plan (LEP) is to be finalised within 12 months of the week following the date of the Gateway Determination. Council's request for the Department to draft and finalise the LEP should be made six (6) weeks prior to the projected publication date.

The State Government is committed to reducing the time taken to complete LEPs by tailoring the steps in the process to the complexity of the proposal, and by providing clear and publicly available justification for each plan at an early stage. In order to meet these commitments, the Minister may take action under s54(2)(d) of the EP&A Act if the time frames outlined in this determination are not met.

Should you have any queries in regard to this matter, please contact Jenna Tague of the Regional Office of the Department on 02 4224 9461.

Yours sincerely,



Sam Haddad
Director-General

9/3/2012



Gateway Determination

Planning Proposal (Department Ref: PP_2012_WINGE_002_00): to amend the land use table in the Wingecarribee LEP 2010 in accordance with the directions of the Standard Instrument (Local Environmental Plans) Amendment Order 2011.

I, the Director General, Department of Planning and Infrastructure as delegate of the Minister for Planning and Infrastructure, have determined under section 56(2) of the EP&A Act that an amendment to the Wingecarribee Local Environmental Plan 2010 to amend the land use tables for the RU1, RU2, RU4, R3, R5, B1, B2, B4, B5, B7, IN1, IN2, IN3, SP3, RE1, RE2, E3 and E4 Zones in accordance with the directions of the Standard Instrument (Local Environmental Plans) Amendment Order 2011 should proceed subject to the following conditions:

1. The prohibition of 'Open cut mining from the RU1 Primary Production, IN1 General Industrial, IN2 Light Industrial and IN3 Heavy Industrial zones is not supported by the Department as it is inconsistent with the Standard Instrument template and the SEPP (Mining, Petroleum Production and Extractive Industries) 2007. Therefore, Council is to retain 'Open cut mining' under item '3. Permitted with Consent' in the RU1 Primary Production zone and remove reference to inserting 'Open cut mining' under item '4 Prohibited' in the IN1 General Industrial, IN2 Light Industrial and IN3 Heavy Industrial zones. Council is to ensure compliance with this condition prior to public authority consultation.
2. 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 **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 4.5 of *A Guide to Preparing LEPs (Department of Planning 2009)*.
3. Consultation is required with the following public authorities under section 56(2)(d) of the EP&A Act:
 - Hawkesbury - Nepean Catchment Management Authority
 - Office of Environment and Heritage
 - NSW Rural Fire Service
 - NSW Department of Primary Industries – Mining and Petroleum
 - Sydney Catchment Authority
 - Southern Rivers Catchment Management Authority

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.

4. Further to Condition 3 above, Council is to consult with the NSW Department of Primary Industries – Minerals and Petroleum prior to undertaking community consultation and take into account any comments made and amend the planning proposal (if necessary) as per the requirements of S117 Direction 1.3 Mining, Petroleum Production and Extractive Industries.



Planning & Infrastructure

5. Further to Condition 3 above, Council is to consult with the Sydney Catchment Authority prior to undertaking community consultation and take into account any comments made and amend the planning proposal (if necessary) as per the requirements of S117 Direction 5.2 Sydney Drinking Water Catchments.
6. Further to Condition 3 above, Council is to consult with the Commissioner of the NSW Rural Fire Service prior to undertaking community consultation and take into account any comments made and amend the planning proposal (if necessary) as per the requirements of S117 Direction 4.4 Planning for Bushfire Protection.
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).
8. The timeframe for completing the LEP is to be 12 months from the week following the date of the Gateway determination.

Dated 9th day of March 2012.

Sam Haddad

Sam Haddad
Director-General
Delegate of the Minister for Planning and
Infrastructure

**PLANNING PROPOSAL TO AMEND WINGECARRIBEE LOCAL ENVIRONMENTAL PLAN
2010 LAND USE TABLE – MARCH 2012**

The provisions of the Planning Proposal will result in an amendment to the Wingecarribee Local Environmental Plan 2010 Land Use Table as follows:

Zone affected	Amended to
RU1 Primary Production	o Insert <i>Ecotourist facility</i> under 3 Permitted with consent.
RU2 Rural Landscape	o Insert <i>Ecotourist facility</i> under 3 Permitted with consent.
RU4 Primary Production Small Lots	o Insert <i>Ecotourist facility</i> under 3 Permitted with consent.
R3 Medium density Residential	o Insert <i>Highway service centre</i> under 4 Prohibited.
R5 Large Lot Residential	o Insert <i>Highway service centre</i> under 4 Prohibited.
B1 Neighbourhood Business	o Remove <i>Plant nurseries</i> from 4 Prohibited (thereby permitting with consent). o Insert <i>Highway service centre</i> under 4 Prohibited.
B2 Local Centre	o Insert <i>Highway service centre</i> under 4 Prohibited.
B4 Mixed Use	o Insert <i>Highway service centre</i> under 4 Prohibited.
B5 Business Development	o Insert <i>Highway service centre</i> under 4 Prohibited.
B7 Business Park	o Remove <i>Garden centres</i> from 4 Prohibited (thereby permitting with consent). o Insert <i>Highway service centre</i> under 4 Prohibited.
IN1 General Industrial	o Insert <i>Camping grounds</i> under 4 Prohibited. o Remove <i>Animal boarding and training establishments</i> from 4 Prohibited (thereby permitting with consent).
IN2 Light Industrial	o Insert <i>Camping grounds</i> under 4 Prohibited.
SP3 Tourist	o Insert <i>Highway service centre</i> under 4 Prohibited. o Remove <i>Eco-tourist facilities</i> from 4 Prohibited (thereby permitting with consent).
RE1 Public Recreation	o Insert <i>Recreation facility (outdoor)</i> and <i>Recreation facility (major)</i> under 3 Permitted with consent.
RE2 Private Recreation	o Insert <i>Ecotourist facility</i> under 3 Permitted with consent.
E3 Environmental Management	o Insert <i>Agricultural produce industry</i> under 3 Permitted with consent. o Insert <i>Ecotourist facility</i> under 3 Permitted with consent. o Insert <i>Cellar Door Premises</i> under 3 Permitted with consent.
E4 Environmental Living	o Insert <i>Ecotourist facility</i> under 3 Permitted with consent.

PLANNING PROPOSAL TO AMEND WINGECARRIBEE LOCAL ENVIRONMENTAL PLAN
2010 LAND USE TABLE – MARCH 2012

Zone affected	Amended to
	- o Remove <i>Landscaping material supplies</i> from 3 Permitted with consent (thereby prohibiting). - o Remove <i>Plant nurseries</i> from 3 Permitted with consent (thereby prohibiting).



Planning & Infrastructure



qB184654
12/02308

Department Generated Correspondence

WINGECARRIBEE SHIRE COUNCIL		
Classification:	MAILIN!	Contact: Jenna Tague
Doc. No.	1911905	Phone: (02) 4224 9461
File No.	5901/10	Fax: (02) 4224 9470
		Email: jenna.tague@planning.nsw.gov.au
		Post: PO Box 5475, Wollongong NSW 2520
- 6 FEB 2012		
OFFICER	ACTION	INFO
B. Kennedy		✓
M. Peppas		✓

Mr Jason Gordon
General Manager
Wingecarribee Shire Council
PO Box 141
MOSS VALE NSW 2577

Our ref: PR_2011_WINGE_004_00 (11/20618)
Your ref: 5901/10

Dear Mr Gordon,

Re: Planning proposal to amend "Schedule 1 - Additional permitted uses" of Wingecarribee Local Environmental Plan 2010 to allow a Rural Fire Service training facility (including a helipad) at Lot 7307 Nattai Street, Welby

I am writing in response to your Council's letter dated 23 September 2011 requesting a Gateway Determination under section 56 of the Environmental Planning and Assessment Act 1979 ("EP&A Act") in respect of the planning proposal to amend "Schedule 1 - Additional permitted uses" of Wingecarribee Local Environmental Plan 2010 to allow a Rural Fire Service training facility (including a helipad) at Lot 7307 Nattai Street, Welby.

As delegate of the Minister for Planning and Infrastructure, I have now determined that the planning proposal should proceed subject to the conditions in the attached Gateway Determination.

While the intent of the planning proposal is generally supported, the Department does not support Council's approach of permitting the use through Schedule 1. Rather, Council should proceed adopting one of the following two options;

- insert 'Emergency service facilities' as permissible with consent in the E2 land use table; or
- rezone the site to E3 Environmental Management and insert 'Emergency service facilities' as permissible with consent in the E3 land use table.

While Council's concerns regarding the potential for an increase in development applications for Emergency service facilities in these zones is noted, the Department considers that any issues which may arise in terms of potential land use impacts can be satisfactorily addressed in development consent conditions.

The Director General's delegate has also agreed that the planning proposal's inconsistencies with S117 Directions 2.1 Environmental Protection Zones, 6.3 Site Specific Provisions and 5.1 Implementation of regional strategies are of minor significance. No further approval is required in relation to these Directions.

Council is to consult with the Commissioner of the NSW Rural Fire Service prior to undertaking community consultation and take into account any comments made as per the requirements of S117 Direction 4.4 Planning for Bushfire Protection.

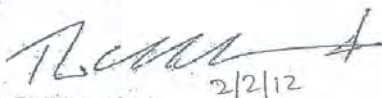
Council is to consult with the Sydney Catchment Authority prior to undertaking community consultation and take into account any comments made on the planning proposal as per the requirements of S117 Direction 5.2 Sydney Drinking Water Catchments.

The amending Local Environmental Plan (LEP) is to be finalised within 6 months of the week following the date of the Gateway Determination. Council should aim to commence the exhibition of the Planning Proposal within four (4) weeks from the week following this determination. Council's request for the Department to draft and finalise the LEP should be made six (6) weeks prior to the projected publication date.

The State Government is committed to reducing the time taken to complete LEPs by tailoring the steps in the process to the complexity of the proposal, and by providing clear and publicly available justification for each plan at an early stage. In order to meet these commitments, the Minister may take action under s54(2)(d) of the EP&A Act if the time frames outlined in this determination are not met.

Should you have any queries in regard to this matter, please contact Jenna Tague of the Regional Office of the Department on 02 4224 9461.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Tom Gellibrand', with a date '2/2/12' written below it.

Tom Gellibrand
Deputy Director General
Plan Making & Urban Renewal



Gateway Determination

Planning Proposal (Department Ref: PP_2011_WINGE_004_00): to amend "Schedule 1 - Additional permitted uses" of Wingecarribee Local Environmental Plan 2010 to allow a Rural Fire Service training facility (including a helipad) at Lot 7307 Nattai Street, Welby.

I, the Deputy Director General, Plan Making & Urban Renewal as delegate of the Minister for Planning and Infrastructure, have determined under section 56(2) of the EP&A Act that an amendment to the Wingecarribee Local Environmental Plan 2010 to amend "Schedule 1 - Additional permitted uses" to allow a Rural Fire Service training facility (including a helipad) at Lot 7307 Nattai Street, Welby should proceed subject to the following conditions:

1. Council should proceed with the Planning Proposal adopting one of the following two options:
 - insert 'Emergency service facilities' as permissible with consent in the E2 land use table; or
 - rezone the site to E3 Environmental Management and insert 'Emergency service facilities' as permissible with consent in the E3 land use table.

The Planning Proposal should be amended prior to exhibition to reflect Council's preferred approach.

2. In relation to S117 Direction 5.2 Sydney Drinking Water Catchments, Council is to consult with the Sydney Catchment Authority prior to undertaking community consultation for the planning proposal and take into account any comments made in progressing the draft LEP.
3. In relation to S117 Direction 4.4 Planning for Bushfire Protection, Council is to consult with the Commissioner of the NSW Rural Fire Service prior to undertaking community consultation and take into account any comments made in progressing the draft LEP.
4. 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 classified as low impact as described in *A Guide to Preparing LEPs (Department of Planning 2009)* and must be made publicly available for 14 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 4.5 of *A Guide to Preparing LEPs (Department of Planning 2009)*.
5. Consultation is required with the following public authorities under section 56(2)(d) of the EP&A Act:
 - NSW Rural Fire Service
 - Sydney Catchment Authority

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.



Planning & Infrastructure

6. 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).
7. The timeframe for completing the LEP is to be **6 months** from the week following the date of the Gateway determination.

Dated 2nd day of February 2012.

Tom Gellibrand
Deputy Director General
Plan Making & Urban Renewal
Delegate of the Minister for Planning and
Infrastructure

Annexure “H”

OVERVIEW OF STATE ENVIRONMENTAL PLANNING POLICIES

		NOT RELEVANT	CONSISTENT	JUSTIFIABLY INCONSISTENT
SEPP 4	Development without Consent and Miscellaneous Exempt and Complying Development	✓		
SEPP 6	Number of Storeys in a Building	✓		
SEPP 21	Caravan Parks	✓		
SEPP 22	Shops and Commercial Premises		✓	
SEPP 30	Intensive Agriculture	✓		
SEPP 33	Hazardous and Offensive Development		✓	
SEPP 44	Koala Habitat Protection		✓	
SEPP 50	Canal Estate Development	✓		
SEPP 55	Remediation of Land		✓	
SEPP 62	Sustainable Aquaculture	✓		
SEPP 64	Advertising and Signage	✓		
SEPP 65	Design Quality of Residential Flat Development	✓		
SEPP 70	Affordable Housing (Revised Schemes)	✓		
SEPP	(Housing for Seniors or People with a Disability) 2004		✓	
SEPP	(Building Sustainability Index: BASIX) 2004	✓		
SEPP	(Major Development) 2005	✓		
SEPP	(Mining, Petroleum Production and Extractive Industries) 2007		✓	
SEPP	(Temporary Structures) 2007	✓		
SEPP	(Infrastructure) 2007		✓	
SEPP	(Exempt and Complying Development Codes) 2008	✓		
DSEPP	Sydney Regional Environment Plan No. 20 Hawkesbury – Nepean River (No. 2 – 1997)		✓	
SEPP	State Environment Planning Policy (Affordable Rental Housing) 2009	✓		

		NOT RELEVANT ¹	CONSISTENT ²	JUSTIFIABLY INCONSISTENT ³
DSEPP	Sydney Regional Environmental Plan No. 9 - Extractive Industries (No. 2, 2005)	✓		
SEPP	State Environmental Planning Policy (Sydney Drinking Water Catchment) 2011		✓	

¹ **Not Relevant:** This provision or planning instrument does not apply to land within the proposed Draft Amendment to WLEP 2010 at this stage of the planning/development process.

² **Consistent:** This provision or planning instrument applies; the Draft Amendment to WLEP 2010 meets the relevant requirements and is in accordance with the provision or planning instrument.

³ **Justifiably Inconsistent:** This provision or planning instrument applies, and is considered to be locally inappropriate.

Annexure “I”

OVERVIEW OF SECTION 117 DIRECTIONS (EP&A ACT)

		NOT RELEVANT	CONSISTENT	JUSTIFIABLY INCONSISTENT
1	EMPLOYMENT AND RESOURCES			
	1.1 Business and Industrial Zones		✓	
	1.2 Rural Zones			✓
	1.3 Mining, Petroleum Production and Extractive Industries		✓	
	1.4 Oyster Aquaculture	✓		
	1.5 Rural Lands			✓
2	ENVIRONMENT AND HERITAGE			
	2.1 Environmental Protection Zones		✓	
	2.2 Coastal Protection	✓		
	2.3 Heritage Conservation		✓	
	2.4 Recreation Vehicle Areas	✓		
3	HOUSING, INFRASTRUCTURE AND URBAN DEVELOPMENT			
	3.1 Residential Zones		✓	
	3.2 Caravan Parks and Manufactured Home Estates	✓		
	3.3 Home Occupations		✓	
	3.4 Integrating Land Use and Transport		✓	
	3.5 Development Near Licensed Aerodromes	✓		
4	HAZARD AND RISK			
	4.1 Acid Sulphate Soils	✓		
	4.2 Mine Subsidence and Unstable Land		✓	
	4.3 Flood Prone Land		✓	
	4.4 Planning for Bushfire Protection		✓	
5	REGIONAL PLANNING			
	5.1 Implementation of Regional Strategies		✓	
	5.2 Sydney Drinking Water Catchments		✓	
	5.3 Farmland of State and Regional Significance on the NSW Far North Coast	✓		

		NOT RELEVANT ¹	CONSISTENT ²	JUSTIFIABLY INCONSISTENT ³
	5.4 Commercial and Retail Development along the Pacific Highway, North Coast	✓		
	5.5 Development in the vicinity of Ellalong, Paxton and Millfield (Cessnock LGA)	✓		
	5.6 Sydney to Canberra Corridor (Revoked 10 July 2008. See amended Direction 5.1)	✓		
	5.7 Central Coast (Revoked 10 July 2008. See amended Direction 5.1)	✓		
	5.8 Second Sydney Airport: Badgerys Creek	✓		
6	LOCAL PLAN MAKING			
	6.1 Approval and Referral Requirements		✓	
	6.2 Reserving Land for Public Purposes		✓	
	6.3 Site Specific Provisions		✓	
7	METROPOLITAN PLANNING			
	7.1 Implementation of the Metropolitan Strategy		✓	

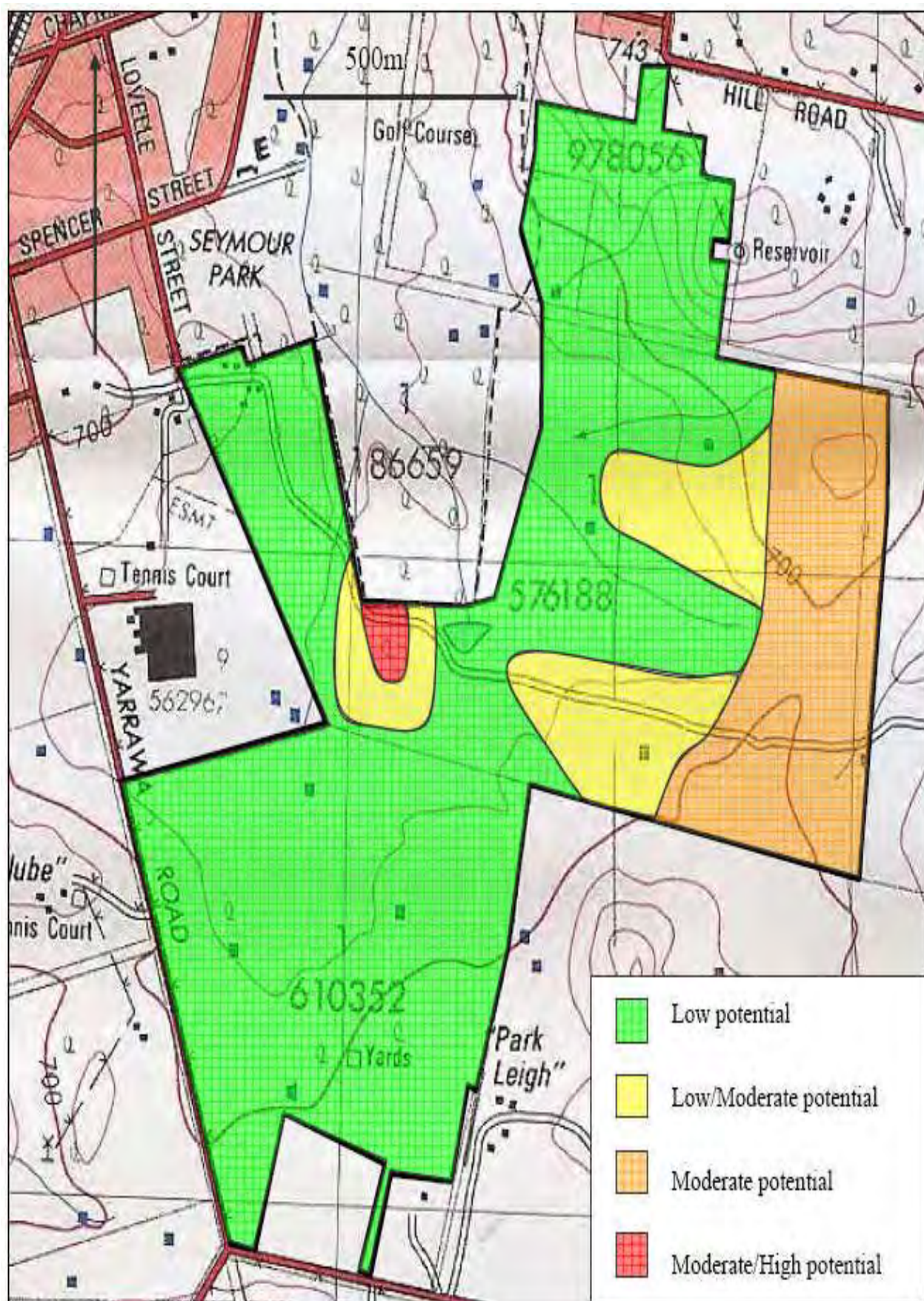
¹ **Not Relevant:** This provision or planning instrument does not apply to land within the proposed Draft Amendment to WLEP 2010 at this stage of the planning or development process.

² **Consistent:** This provision or planning instrument applies; the Draft Amendment to WLEP 2010 meets the relevant requirements and is in accordance with the provision or planning instrument.

³ **Justifiably Inconsistent:** This provision or planning instrument applies, and is considered to be locally inappropriate.

Annexure “J”

ABORIGINAL ARCHAEOLOGICAL OVERVIEW



Annexure “K”

FLOOD IMPACT OVERVIEW

Annexure “L”

INDICATIVE LEP MAP AMENDMENTS



