

Planning Proposal

Planning Proposal to rezone and reduce the minimum lot size of Lot 12 DP 866036, 32 Lovelle Street, Moss Vale (Chelsea Gardens) and Lot 3 DP 706194, 141 Yarrowa Road, Moss Vale (Coomungie) for the purposes of residential and ancillary development.

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DOCUMENTS WHICH COMPRISE THIS PLANNING PROPOSAL

1. Planning Proposal.
2. Evaluation Criteria for the Delegation of Plan Making Functions.
3. Department of Planning & Infrastructure Pre-Gateway Review Notification.
4. Notification to DP&I that Council will act as RPA.
5. Pascoe Planning Solutions – Planning Proposal – April 2013.
6. Report to Council of 9 October 2013.
7. Resolution of Council 9 October 2013.
8. Report to Council 23 June 2010.
9. Resolution of Council 23 June 2013.

PLANNING PROPOSAL

LOCAL GOVERNMENT AREA: WINGECARRIBEE SHIRE COUNCIL

ADDRESS OF LAND: The 'subject land' for the purposes of this Planning Proposal comprises Lot 12 DP 866036, Chelsea Gardens, 32 Lovelle Street, Moss Vale and Lot 3 DP 706194, Coomungie, 141 Yarrowa Road, Moss Vale.



SITE DESCRIPTION

The subject land comprises two adjoining lots located on the southern edge of the Moss Vale Township. The site covers an area of 123.7 hectares and is currently used for extensive agriculture. Both properties contain a dwelling house and sundry farm buildings.

The land is zoned RU2 Rural Landscape under the provisions of WLEP 2010. A minimum lot size of 40 hectares currently applies. The site is identified as an Urban Release Area under WLEP 2010. A Category 3 Stream crosses the northern part of the site, requiring a 10 metre riparian corridor.

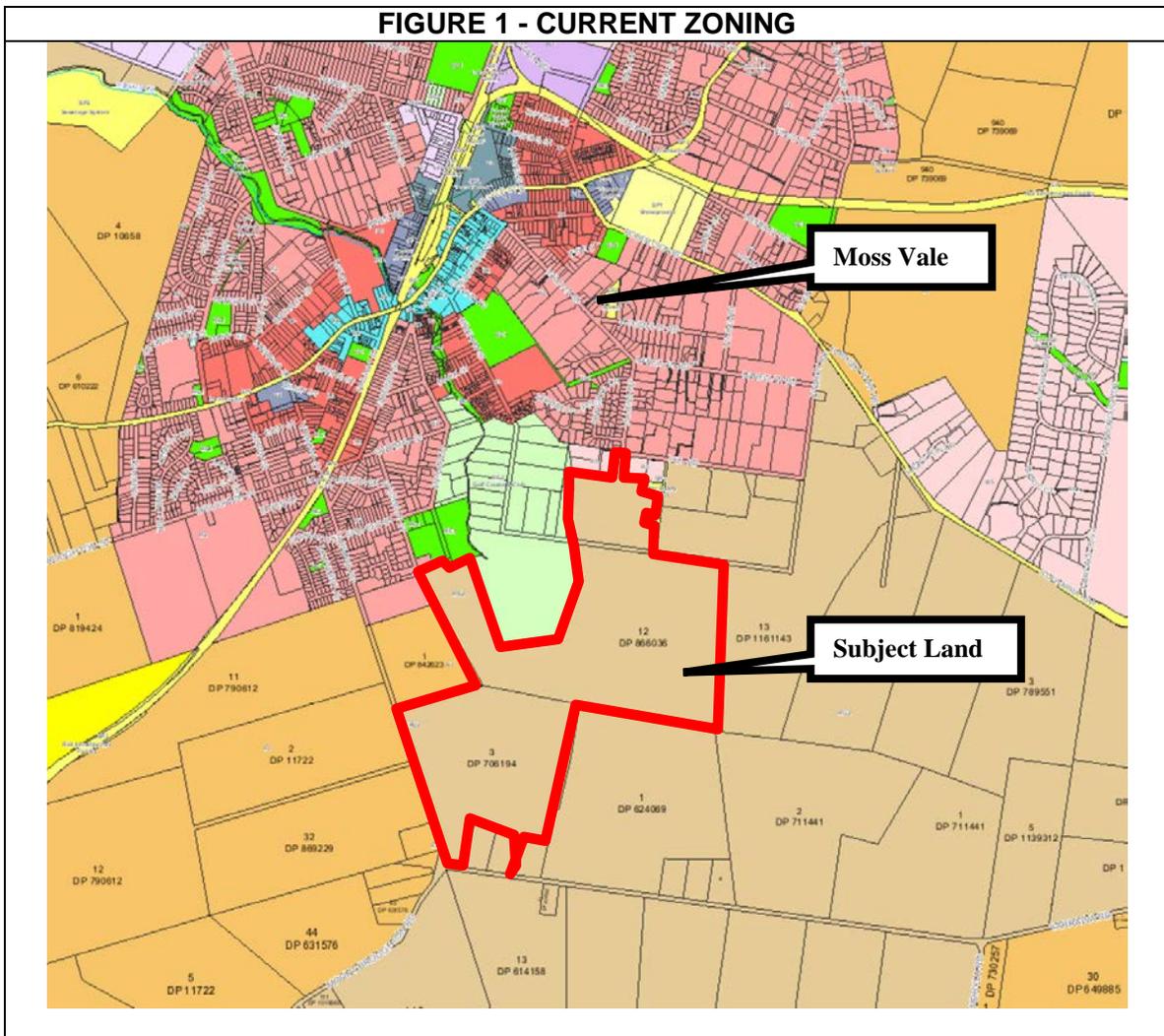
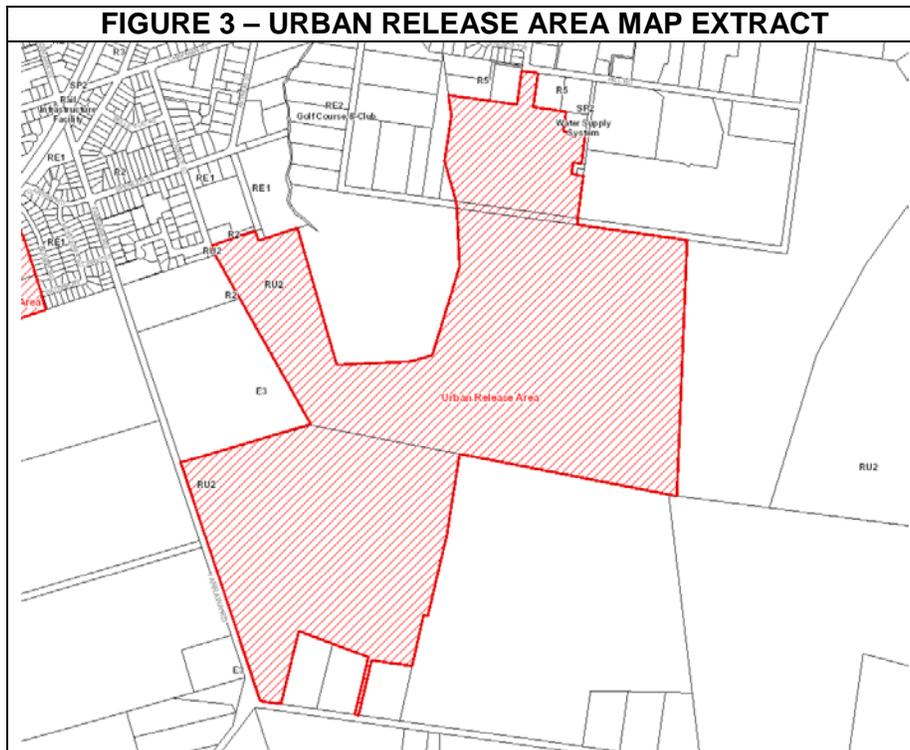
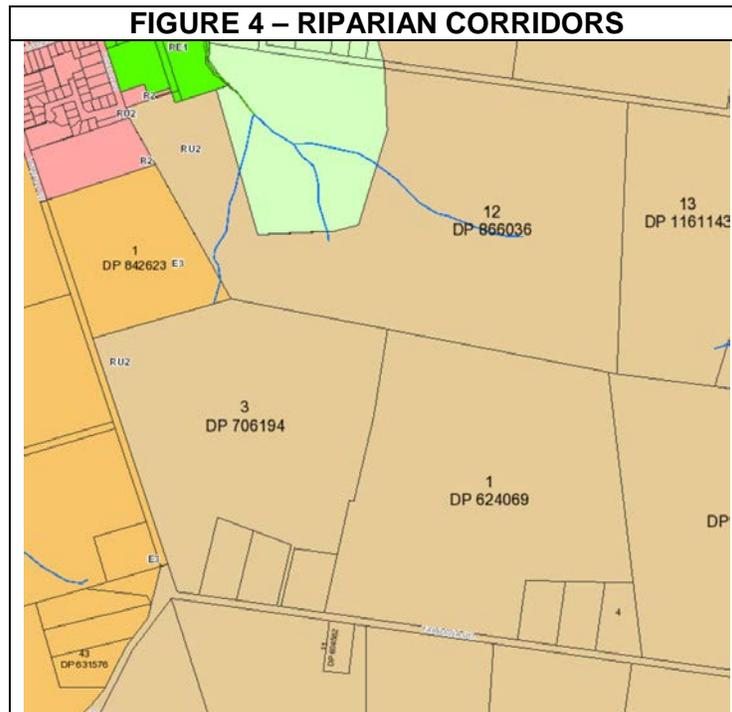


FIGURE 2 - AERIAL PHOTOGRAPH



FIGURE 3 - URBAN RELEASE AREA MAP EXTRACT





PART 1 - OBJECTIVES OR INTENDED OUTCOMES OF PLANNING PROPOSAL

The purpose of the Planning Proposal is to rezone and reduce the minimum lot size of Lot 12 DP 866036, 32 Lovelle Street, Moss Vale (Chelsea Gardens) and Lot 3 DP 706194, 141 Yarrowa Road, Moss Vale (Coomungie) to permit up to 1500 residential lots with associated ancillary development.

The development is intended to contain a total of four zones when completed as indicated on Figure 5 overleaf - R2 Low Density Residential, R3 Medium Density Residential, B1 Neighbourhood Centre and RE1 Public Recreation.

However, due to the fact that a plan of subdivision has yet to be assessed, that the JRPP has suggested that an alternative located for the B1 zone be considered, and that no detailed site analysis has been done to determine how best to protect watercourses, it is proposed that the site is rezoned to R2 Low Density Residential only and that a further Planning Proposal be prepared to apply appropriate zonings for the proposed neighbourhood centre and medium density residential development once those locations have been finalised.

For the purposes of exhibition it is proposed that a standard minimum lot size of 450m² be applied to the subject land, noting that the final range of lots will vary from 350m² to 1,000m² with a maximum yield of 1500 and that it is intended to include an area of R3 Medium Density and an area of B1 Neighbourhood Centre.

Council will also prepare a draft Development Control Plan under Part 6 of WLEP 2010 setting out the controls which will apply to the assessment and subsequent development of this Urban Release Area in accordance with the proposed zonings and site design.

FIGURE 6 – PROPOSED ZONINGS



PART 2 – EXPLANATION OF PROVISIONS

The provisions of the Planning Proposal will amend Wingecarribee Local Environmental Plan 2010 by amending the following maps in WLEP 2010:

Map to be amended	Nature of amendment
LZN_007D	Amend the zoning of that portion of the subject site contained within this map to R2 Low Density Residential.
LZN_007H	Amend the zoning of that portion of the subject site contained within this map to R2 Low Density Residential.
LSZ_007D	Amend the lot size of that portion of the subject site contained within this map to 450m2.
LSZ_007H	Amend the lot size of that portion of the subject site contained within this map to 450m2.

PART 3 - JUSTIFICATION

The Planning Proposal is in response to a Pre-Gateway Review (PGR_2013_WINGE_002_00) requested by the proponent on 8 August 2013.

The Review was undertaken by the Southern Joint Regional Planning Proposal (JRPP) on 7 and 8 November 2013 and a Recommendation prepared for the Department of Planning & Infrastructure (DP&I). The Department's Determination that the Planning Proposal proceed to a Gateway assessment was received by Council on 10 December 2013.

The Strategic Merit Assessment undertaken by the JRPP noted the expectations for residential land supply under the Sydney Canberra Corridor Regional Strategy. This Strategy estimates a regional undersupply of 3,000 dwellings to 2031.

The estimates contained in Council's Demographic and Housing Study were noted by the JRPP, as were Council's internal estimates and the Department's revised estimates published in August 2013. Although all estimates indicate that the Shire appears to have an adequate supply of residential land to meet demand to at least 2031, there are discrepancies between the figures. The JRPP has opted for an oversupply rather than an undersupply of residential land.

As the subject land is identified on the WLEP2010 Urban Release Area Map and the release area is included in estimates of future residential land supply, the JRPP supports allowing the Planning Proposal to rezone site and reduce the minimum lot size to proceed to a Gateway Determination.

In doing so, the JRPP also identified a number of additional studies which the proponent should provide. These studies involve modeling and analysis to evaluate the impact of the proposed development on:

- the extent and costs of water and sewer augmentation.
- the extent and costs of road networks augmentation.
- the optimum transport network to link the site to Moss Vale Township.

The Department agrees that these studies are required but has determined that these studies may be required as part of the Gateway Determination and are not required prior to the Planning Proposal proceeding to the Gateway.

Section A – Need for the Planning Proposal

1. Is the Planning Proposal the result of any strategic study or report?

The subject site is identified as an Urban Release Area on the Urban Release Area Map under WLEP 2010.

2. Is the Planning Proposal the best means of achieving the objectives or intended outcomes, or is there a better way?

Because the subject site is currently zoned RU2 Rural Landscape with a minimum lot size of 40 hectares the land needs to be rezoned and the minimum lot size varied. A Planning Proposal is the only mechanism for undertaking such amendments to WLEP2010.

Section B – Relationship to strategic planning framework

3. Is the Planning Proposal consistent with the objectives and actions contained within the applicable regional or sub-regional strategy (including draft strategies)?

The Sydney-Canberra Corridor Regional Strategy 2006-2031 (The Strategy) applies to the local government areas of Wingecarribee, Goulburn Mulwaree, Upper Lachlan, Yass Valley, Palerang and Queanbeyan and covers an area of approximately 25 000 square kilometres. The area of Wingecarribee Shire is 2 700 square kilometres, comprising 10.8% of the region.

The Strategy predicts that Wingecarribee Shire will grow to a population of 58 700 by 2031 and notes that the majority of greenfields development will occur in Mittagong and Moss Vale. The Strategy identifies an additional 1 400 lots from greenfields development in Moss Vale. (Pages 32-33). This total includes the subject land.

However in August 2013, the DP&I releases revised population growth estimates which predicted a population of 51 000 for the Shire by 2031, a decrease of almost 8 000 compared with the Strategy's estimates. At a current household average of 2.7 persons per dwelling, this reduction equates to almost 3 000 fewer lots.

Due to the fact that the subject land is identified as an Urban Release Area (URA) under The Strategy this Planning Proposal is consistent with it.

4. Is the Planning Proposal consistent with a council's local strategy or other local strategic plan?

Due to the fact that the subject site is identified as an Urban Release Area (URA) this Planning Proposal must be considered consistent with Council's current strategic planning although, in view of community opposition, Council has sought (unsuccessfully) to remove the URA designation over the site.

5. Is the Planning Proposal consistent with applicable State Environmental Planning Policies?

Only the Rural Lands SEPP 2008 is considered relevant to this Planning Proposal.

This SEPP provides principles for the planning for and subdivision of rural land. This SEPP applies as the subject site is zoned RU2 Rural landscape under WLEP2010.

The Rural Planning Principles enunciated in the SEPP are:

- (a) the promotion and protection of opportunities for current and potential productive and sustainable economic activities in rural areas,
- (b) recognition of the importance of rural lands and agriculture and the changing nature of agriculture and of trends, demands and issues in agriculture in the area, region or State,
- (c) recognition of the significance of rural land uses to the State and rural communities, including the social and economic benefits of rural land use and development,
- (d) in planning for rural lands, to balance the social, economic and environmental interests of the community,
- (e) the identification and protection of natural resources, having regard to maintaining biodiversity, the protection of native vegetation, the importance of water resources and avoiding constrained land,
- (f) the provision of opportunities for rural lifestyle, settlement and housing that contribute to the social and economic welfare of rural communities,
- (g) the consideration of impacts on services and infrastructure and appropriate location when providing for rural housing,
- (h) ensuring consistency with any applicable regional strategy of the Department of Planning or any applicable local strategy endorsed by the Director-General.

The Planning Proposal submission made by the proponent in April 2013 does not include any reference to the Rural Lands SEPP although it does address s117 Direction 1.5

Rural Lands acknowledging that the proposal is not consistent with the Direction, but also noting that the subject site is identified as an Urban Release Area.

The SEPP also provides guidelines for the subdivision of rural lands through application of the Rural Subdivision Principles

Under this SEPP the Rural Subdivision Principles are:

- (a) the minimisation of rural land fragmentation,
- (b) the minimisation of rural land use conflicts, particularly between residential land uses and other rural land uses,
- (c) the consideration of the nature of existing agricultural holdings and the existing and planned future supply of rural residential land when considering lot sizes for rural lands,
- (d) the consideration of the natural and physical constraints and opportunities of land,
- (e) ensuring that planning for dwelling opportunities takes account of those constraints.

It is considered that the Planning Proposal is Justifiably Inconsistent with the SEPP.

6. Is the Planning Proposal consistent with applicable section 117 Directions?

The following Directions have been issued by the Minister for Planning to relevant planning authorities under section 117(2) of the *Environmental Planning and Assessment Act 1979*.

Direction	Assessment
1. Employment and Resources	
1.1 Business and Industrial Zones	<p>The objectives of this direction are to:</p> <ul style="list-style-type: none"> (a) encourage employment growth in suitable locations, (b) protect employment land in business and industrial zones, and (c) support the viability of identified strategic centres. <p>The Planning Proposal is considered consistent with this Direction because the small scale nature of the proposed business area. The precise location of the proposed B1 zone will be determined at the DA stage.</p>
1.2 Rural Zones	<p>(4)(a) of this clause applies to Wingecarribee Shire and states that a planning proposal must not rezone land from a rural zone to a residential, business, industrial, village or tourist zone.</p> <p>As the Planning Proposal seeks to rezone the subject site from RU2 Rural Landscape to R2 Low Density residential, it is inconsistent with the Direction.</p> <p>A Planning Proposal may be inconsistent with this Direction if the Director-General of the Department is satisfied that the Proposal is justified by a strategy identifying the subject land</p>

Direction	Assessment
	<p>which is approved by the Director-General. On 16 June 2010 Wingecarribee LEP 2010 was made identifying the subject site as an Urban Release Area.</p> <p>Therefore the Planning Proposal is considered Justifiably Inconsistent.</p>
1.3 Mining, Petroleum Production and Extractive Industries	Not relevant
1.4 Oyster Aquaculture	Not relevant
1.5 Rural Lands	<p>A Planning Proposal to which Direction applies must be consistent with the Rural Planning Principles listed in <i>State Environmental Planning Policy (Rural Lands) 2008</i> and must be consistent with the Rural Subdivision Principles listed in <i>State Environmental Planning Policy (Rural Lands) 2008</i>.</p> <p>Although the Planning Proposal is not consistent with the SEPP as discussed in Part 5 above, it is considered to be Justifiably Inconsistent due to the fact that the subject land is an identified Urban Release Area.</p>
2. Environment and Heritage	
2.1 Environment Protection Zones	Not relevant
2.2 Coastal Protection	Not relevant
2.3 Heritage Conservation	Not relevant
2.4 Recreation Vehicle Areas	Not relevant
3. Housing, Infrastructure and Urban Development	
3.1 Residential Zones	<p>The objectives of this Direction are:</p> <ul style="list-style-type: none"> (a) to 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. <p>The Planning Proposal is considered to be <i>Consistent</i> with this Direction as it is proposed to develop the subject land for a range of residential purposes from larger lots through to smaller one with some medium density development.</p>
3.2 Caravan Parks and Manufactured Home Estates	Not relevant

Direction	Assessment
3.3 Home Occupations	Not relevant
3.4 Integrating Land Use and Transport	<p>The objective of this Direction is to ensure that urban structures, building forms, land use locations, development designs, subdivision and street layouts achieve the following planning objectives:</p> <ul style="list-style-type: none"> (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. <p>The Planning Proposal is considered to be <i>Consistent</i> with this Direction as it is proposed to require additional studies to evaluate the impact of the proposed development on:</p> <ul style="list-style-type: none"> • the extent and costs of water and sewer augmentation. • the extent and costs of road networks augmentation. • the optimum transport network to link the site to Moss Vale Township. <p>These studies will be requested as part of the Gateway Determination.</p>
3.5 Development Near Licensed Aerodromes	Not relevant
3.6 Shooting Ranges	Not relevant
4. Hazard and Risk	
4.1 Acid Sulfate Soils	Consistent, as the subject land is not affected by acid sulphate soils.
4.2 Mine Subsidence and Unstable Land	Consistent, as the subject land has not been identified as unstable.
4.3 Flood Prone Land	Consistent, subject to a flood study as part of the DA assessment process.
4.4 Planning for Bushfire Protection	Consistent, as any bushfire threat to the subject land can be managed.
5. Regional Planning	
5.1 Implementation of Regional Strategies NB: This Direction has been revised to include previous Directions 5.6 and 5.7.	<p>The objective of this Direction is to give legal effect to the vision, land use strategy, policies, outcomes and actions contained in regional strategies.</p> <p>The subject land is an identified Urban Release Area and therefore the Planning Proposal is considered to be</p>

Direction	Assessment
	consistent with this Direction as it is facilitating the development of the land for residential development with ancillary uses.
5.2 Sydney Drinking Water Catchments	The Planning Proposal has been referred to the SCA for comment and will be amended to include those comments prior to public exhibition.
5.3 Farmland of State and Regional Significance on the NSW Far North Coast	Not relevant
5.4 Commercial and Retail Development along the Pacific Highway, North Coast	Not relevant
5.8 Second Sydney Airport: Badgerys Creek	Not relevant
5.9 North West Rail Link Corridor Strategy	Not relevant
6. Local Plan Making	
6.1 Approval and Referral Requirements	<p>The objective of this direction is to ensure that LEP provisions encourage the efficient and appropriate assessment of development.</p> <p>A Planning Proposal must:</p> <ul style="list-style-type: none"> (a) minimise the inclusion of provisions that require the concurrence, consultation or referral of development applications to a Minister or public authority, and (b) not contain provisions requiring concurrence, consultation or referral of a Minister or public authority unless the relevant planning authority has obtained the approval of: <ul style="list-style-type: none"> (i) the appropriate Minister or public authority, and (ii) the Director-General of the Department of Planning (or an officer of the Department nominated by the Director-General), prior to undertaking community consultation in satisfaction of section 57 of the Act, and (c) not identify development as designated development unless the relevant planning authority: <ul style="list-style-type: none"> (i) can satisfy the Director-General of the Department of Planning (or an officer of the Department nominated by the Director-General) that the class of development is likely to have a significant impact on the environment, and (ii) has obtained the approval of the Director-General of the Department of Planning (or an officer of the Department nominated by the Director-General) prior to undertaking community consultation in satisfaction of section 57 of the Act.

Direction	Assessment
	<p>The Planning proposal is considered consistent with this Direction as any additional studies deemed required will be requested as part of the gateway determination and will be prepared prior to community consultation.</p>
<p>6.2 Reserving Land for Public Purposes</p>	<p>The objectives of this direction are: (a) to facilitate the provision of public services and facilities by reserving land for public purposes, and (b) to facilitate the removal of reservations of land for public purposes where the land is no longer required for acquisition.</p> <p>The Planning Proposal will facilitate the consideration of a concept subdivision plan for the subject land which includes land which, once determined, will be rezoned to RE1 Public Recreation to protect existing water courses and provide for the recreational needs of the community.</p>
<p>6.3 Site Specific Provisions</p>	<p>The objective of this direction is to discourage unnecessarily restrictive site specific planning controls.</p> <p>A planning proposal that will amend another environmental planning instrument in order to allow a particular development proposal to be carried out must either: (a) allow that land use to be carried out in the zone the land is situated on, or (b) rezone the site to an existing zone already applying in the environmental planning instrument that allows that land use without imposing any development standards or requirements in addition to those already contained in that zone, or (c) allow that land use on the relevant land without imposing any development standards or requirements in addition to those already contained in the principal environmental planning instrument being amended.</p> <p>A planning proposal must not contain or refer to drawings that show details of the development proposal.</p> <p>The Planning Proposal is inconsistent in that a concept development plan forms part of the Planning Proposal.</p> <p>A Planning Proposal may be inconsistent with the terms of this direction only if the relevant planning authority can satisfy the Director-General of the Department of Planning (or an officer of the Department nominated by the Director-General) that the provisions of the planning proposal that are inconsistent are of minor significance.</p> <p>The inconsistency is considered justifiable because the subject land is an Urban Release Area and Part 6 of WLEP 2020 requires the preparation of a site specific DCP by which to assess the proposed development. Because a range of lot sizes is proposed, an area of R3 Medium Density Residential development is proposed and a B1 Neighbourhood Centre</p>

Direction	Assessment
	zone is proposed, the concept design plans assist to inform the Planning Proposal and assist in understanding the proposed development of the subject land.

Section C – Environmental, social and economic impact

7. Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the Planning Proposal?

The subject land contains no EEC land and the protection of adjoining EEC land will be addressed at the DA stage.

8. Are there any other likely environmental effects as a result of the Planning Proposal and how are they proposed to be managed?

The subject land contains Category 3 streams as indicated in Figure 4 above. The management of the associated riparian corridors will be addressed at the DA stage.

9. Has the Planning Proposal adequately addressed any social and economic effects?

The Planning Proposal will provide an additional supply of residential land offering a range of lot size and dwelling density (low to medium). The proposed neighbourhood centre business zone will provide for the needs of the local community without impacting on the existing business centre at Moss Vale.

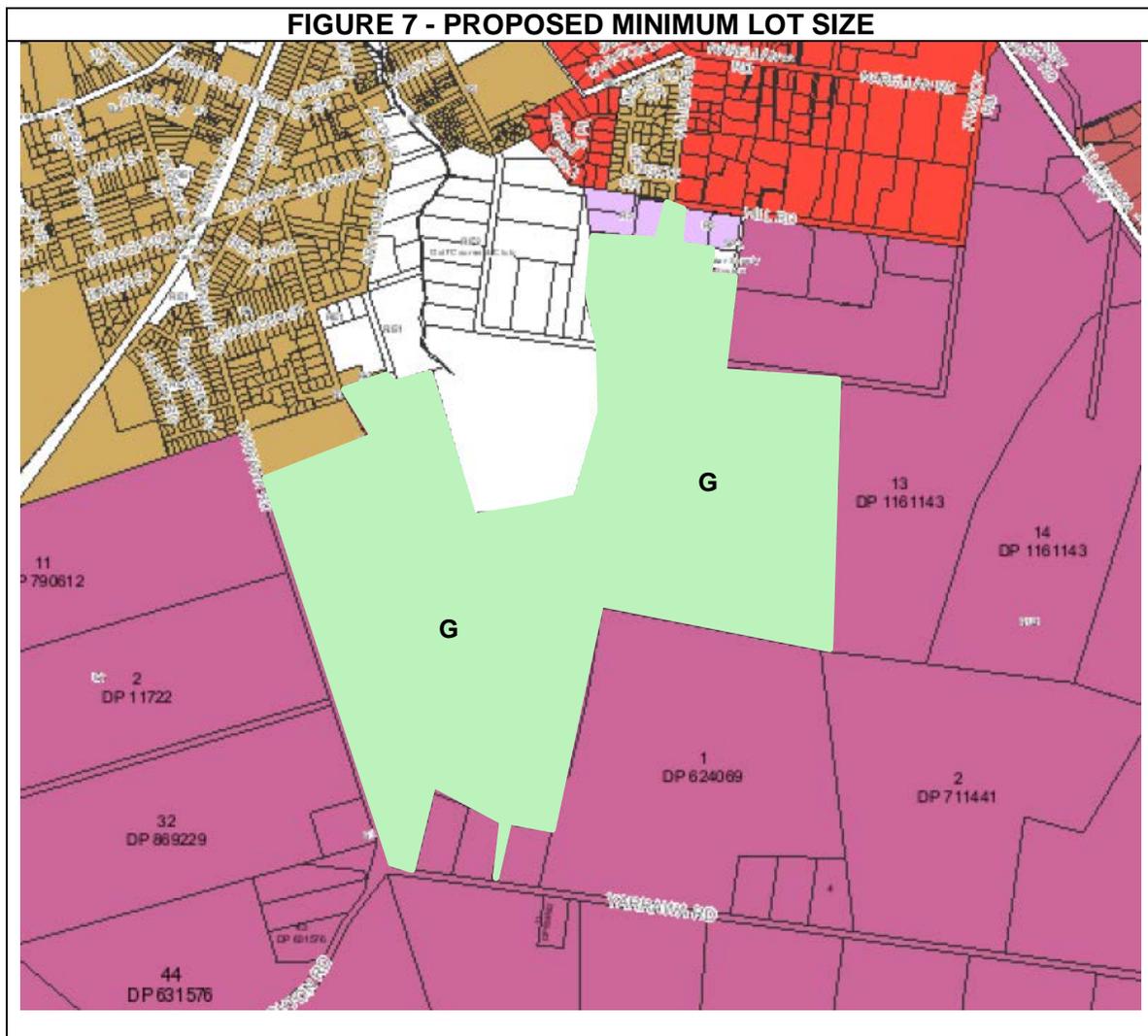
Section D – State and Commonwealth interests

10. Is there adequate public infrastructure for the Planning Proposal?

Development of the subject land would result in up to 1500 new residential lots. The Planning Proposal will seek to ensure that appropriate studies have been undertaken to ensure that adequate provision is made for the additional demand on infrastructure, such as public transport, roads, utilities, waste, or essential services.

11. What are the views of State and Commonwealth public authorities consulted in accordance with the Gateway Determination?

The Planning Proposal has been referred to the SCA for comment and the Planning proposal will be updated prior to community consultation to reflect those comments. Further public authority consultation will also occur prior to community consultation as required in the Gateway Determination.



PART 5 – COMMUNITY CONSULTATION

It is recommended that the Planning Proposal be publicly exhibited for a period of 28 days.

Council proposes to consult with the following Government agencies:

- Sydney Catchment Authority (SCA)
- Roads and Maritime Services (RMS)

Council intends to advertise the Planning Proposal in the local newspaper and make the Planning Proposal available on Council's website and at Council's Customer Service Centre and Council libraries at Mittagong, Bowral and Moss Vale.

Relevant Resident Associations and residents within the vicinity of the proposed development will be notified. Council may also undertake any other consultation deemed appropriate as a result of community feedback to the proposal.

PART 6 – PROJECT TIMELINE

ACTION	INDICATIVE DATE
Gateway Determination	14 March 2014
Completion of technical studies if required	30 May 2014
Revised/updated Planning Proposal (if required)	15 June 2014
Public Exhibition/Consultation with government agencies	1 July-1 August 2014
Report to Council on exhibition of Planning Proposal.	8 October 2014
Documents to DP&I & PCO.	30 October 2014
Approximate completion date	19 December 2014

DELEGATIONS

Council is applying to use its delegation to complete this proposal and an Evaluation Form has been attached for consideration.