

Planning Proposal

Planning Proposal to amend Wingecarribee Local Environmental Plan 2010 to Rezone the following three Sites:

- Part of 7 Ellen Street, Bowral from RE1 Public Recreation to E2 Environmental Conservation
- 45 Hoskins Street, Moss Vale RE1 Public Recreation to R2 Low Density Residential
- Lot 126 Anembo Street, Moss Vale RE1 Public Recreation to R2 Low Density Residential
- And Reclassify Lot 126 Anembo Street from Community to Operational

Version 2 – For Gateway Determination

July 2014



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ATTACHMENTS WHICH FORM PART OF THIS PLANNING PROPOSAL
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1	Council Report 12 October 2011 (Lot 126 Anembo Street, Moss Vale)
2	Site Contamination Report by SEEC – 29 April 2014
3	Sydney Catchment Authority Comments – 2 July 2014
4	Delegation Evaluation Form

LOCAL GOVERNMENT AREA : WINGECARRIBEE SHIRE COUNCIL

LOCALITY OF PROPERTIES

SHIRE WIDE LOCATION



SITE LOCATION & DESCRIPTION

The Planning Proposal involves the following 3 properties:

- No 45 Hoskins Street, Moss Vale – Lot 1 DP 781256
- Part of No. 7 Ellen Street, Bowral – Lot 10 DP 597322
- Public Land Anembo Street, Moss Vale – Lot 126 DP 263356

Maps are provided in Part 4 of this report.

PART 1 : OBJECTIVES OR INTENDED OUTCOMES

The Planning Proposal has 3 separate components due to the 3 separate parcels of land involved. The intended outcomes of the Planning Proposal are therefore addressed in relation to the three properties as follows:

No 45 Hoskins Street, Moss Vale – Lot 1 DP 781256

The intended outcome is for this property is:

- Remove the RE1 Public Recreation Zone and replace with R2 Low Density Residential
- Remove the property from the Land Acquisition Maps
- Apply a minimum Lot size of 700m² (Q)

Part of No. 7 Ellen Street, Bowral – Lot 10 DP 597322

The intended outcome is for this property is:

- Remove the RE1 Public Recreation Zone at the rear part of the property and replace with E2 Environmental Conservation
- Remove part of affected property from the Land Acquisition Maps
- Minimum Lot Size remains as is (no minimum lot size)

Public Land Anembo Street, Moss Vale – Lot 126 DP 263356

The intended outcome is for this property is:

- Remove the RE1 Public Recreation Zone and replace with R2 Low Density Residential
- Apply a minimum Lot size of 700m² (Q)
- Reclassify the site from Community to Operational
- Create an appropriate plan of subdivision for the site and sell of the newly created individual residential properties

PART 2 : EXPLANATION OF THE PROVISIONS

The provisions of the Planning Proposal will amend the Wingecarribee Local Environmental Plan 2010 by amending the maps and clauses as follows:

Schedule 4 – amend Part 1 by inserting “Moss Vale” in Column 1 and inserting “Lot 126 DP 263356, Anembo Street” in Column 2

Map to be amended	Nature of map amendment
Sheet LZN_007F	Amend zoning of Part of Lot 10 DP597322 from RE1 Public Recreation to E2 Environmental Conservation
Sheet LZN_007D	Amend zoning of Lot 126 DP 263356 from RE1 Public Recreation to R2 Low Density Residential
Sheet LZN_007H	Amend zoning of Lot 1 DP 781256 from RE1 Public Recreation to R2 Low Density Residential
Sheet LSZ_007D	Amend minimum lot size of Lot 126 DP 263356 from no minimum lot size to 700m ² “Q”
Sheet LSZ_007H	Amend minimum lot size of Lot 1 DP781256 from no minimum lot size to 700m ² “Q”
Sheet LRA_007B	Amend Land Reservation Acquisition Map by removing “yellow” colour and notation “Local Open Space (RE1)” from Part of Lot 10 DP597322
Sheet LRA_007D	Amend Land Reservation Acquisition Map by removing “yellow” colour and notation “Local Open Space (RE1)” from Lot 1 DP781256

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PART 3 : JUSTIFICATION OF OBJECTIVES, OUTCOMES & PROCESS

The required changes to the three (3) subject properties are generated by Council's review of properties currently owned by Council and subject to acquisition by Council. The reviews have been undertaken as part of Council's *Operational and Delivery Plans*; and *Section 94 Developer Contributions Plan for Open Space, Recreation, Community and Cultural Facilities 2013 to 2036*.

Section A – Need for the Planning Proposal

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

YES – All three properties are the result of two separate reports considered by Council as follows:

- **No 45 Hoskins Street, Moss Vale – Lot 1 DP 781256 and Part of No. 7 Ellen Street, Bowral – Lot 10 DP 597322** were part of a Closed Report (cc-GM1) considered by Council on 13 November 2013 in respect of properties currently notated in Wingecarribee Local Environmental Plan 2010 on the Land Reservation Acquisition Maps as “Local Open Space RE1”, being included in (at the time) *Draft Section 94 Developer Contributions Plan for Open Space, Recreation, Community and Cultural Facilities 2013 to 2036*. The report was closed (confidential) as it contained property valuations carried out on behalf of Council for most of the properties listed in the below resolution including No. 45 Hoskins Street, Moss Vale and No 7 Ellen Street, Bowral. The valuations for these properties, the subject of this Planning Proposal, remain confidential. The resolution resulting from the Closed Report (cc 56/13) is reproduced as follows:

1. THAT the following properties be included in the Draft Section 94 Plan for Open Space, Recreation, Community and Cultural Facilities 2012 to 2036 for future acquisition by Council:

- **Part of 1 Duke Street, Bowral – Lot 137 DP15496**
- **Part of 3 Soma Avenue, Bowral – Lot 21 DP11372**
- **Part of 15-17 Soma Avenue, Bowral – Lot 18 DP11372**
- **Part of 19-21 Soma Avenue – Lot 17 DP11372**
- **Part of 18 Centennial Road, Bowral – Lot 1 DP1101892**
- **Part of 40 Oxleys Hill Road, Bowral – PT Lot 1 DP404276**
- **Part of 8 Willow Drive, Bowral – Lot 4 DP614505**
- **Part of 7000 Illawarra Hwy, Moss Vale – Lot 4 DP10658**
- **Part of 4 Berrima Road, Moss Vale – Lot 1 DP329230**
- **31 Harold Street, Hill Top – Lot 45 Sec 3 DP10173**
- **Lots 70 & 71 Fitzroy Street, Hill Top – Lots 70 & 71 Sec 66 DP1717**

2. ***THAT the owners of the above properties in Item 1 be informed of Council's decision and provided with a copy of the Valuation Report for their property/part property.***
3. ***THAT the a Planning Proposal to amend Wingecarribee Local Environmental Plan 2010 to remove 45 Hoskins Street, Moss Vale (Lot 1 DP781256) and Part of 7 Ellen Street, Bowral (Lot 10 DP597322) from the Land Reservation Acquisition Maps and be rezoned from RE1 Public recreation to an appropriate zone, be prepared and forwarded to the NSW Department of Planning and Infrastructure for a Gateway Determination under Section 55 of the Environmental Planning and Assessment Act 1979.***
4. ***THAT the owners of properties in Item 3 above be informed in writing of Council's decision.***

This Planning Proposal report is made in response to Item 3 in the above resolution, as Council no longer sees benefit in acquiring these properties/part properties for public open space. Further, the properties contained in Item 3 have not been included in the *Section 94 Developer Contributions Plan for Open Space, Recreation, Community and Cultural Facilities 2013 to 2036*, which can be viewed here:

www.wsc.nsw.gov.au/uploads/627/section-94-plan-for-open-space-recreation-community-cultural-facilities-2013-to-2036-.pdf

- **Public Land Anembo Street, Moss Vale** – Lot 126 DP 263356 is the result of report (Attachment 1) considered by Council on 12 October 2011. The resolution of Council (OC 214/11) resulting from the report is reproduced as follows:
 1. ***THAT any past or present potential contaminating activities be identified and a preliminary assessment of any site contamination be prepared with respect to (No Street Number) Lot 126 Deposited Plan 263356 Anembo Street, Moss Vale.***
 2. ***THAT subject to Council satisfaction with the site contamination report, a Planning Proposal be prepared to appropriately rezone the land known as (No Street Number) Lot 126 Deposited Plan 263356 Anembo Street, Moss Vale.***
 3. ***THAT subject to Council satisfaction with the site contamination report, a Draft Plan of Subdivision be prepared for the purpose of community consultation and public exhibition AND THAT following public exhibition of the Draft Plan a further Report be brought back to Council for final approval (or otherwise) of the Proposed Plan of Subdivision.***

In respect of the above resolution the contamination reports are included as Attachment 2.

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

In respect of all three properties, a Planning Proposal is the only means of achieving the intended outcomes, which are to remove two (2) properties from being acquired by Council and disposing of one (1) property excess to Council's requirements. There is no other method available to amend WLEP 2010, which will rezone the subject sites; amend the minimum lot size of two (2) of the subject sites; and remove two (2) of the subject sites from the Land Reservation Acquisition Maps.

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 Planning Proposal is considered consistent with the objectives and actions contained in the *Sydney-Canberra Corridor Regional Strategy 2006 to 2031* as published by the NSW Department of Planning and Environment.

In terms of relevance the Planning Proposal is more aligned with Chapter 7 – Housing and Settlement, as the Planning Proposal will retain current housing stock by not acquiring properties for Open Space purposes; and disposing of excess open space lands by rezoning for residential purposes.

The intended outcomes of the Planning Proposal will result in meeting housing demands in Moss Vale by making use of existing infrastructure and without having any effect on increasing the urban fringe.

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

The Planning Proposal is consistent with Council's Operational Plan, which includes the disposal of properties excess to Council's needs and reconsidering the need to acquire particular properties for open space requirements.

Both 7 Ellen Street, Bowral and 45 Hoskins Street, Moss Vale were considered as part of a report to Council that examined the value (cost vs. benefit to public) of acquiring land notated under WLEP 2010 RE1 Open Space. Both properties were not considered to be of high benefit to the public as, there is already significantly large area of open space land in Hoskins Street (adjacent Goode Park) that is currently underutilised and the dwelling (45 Hoskins Street) is used for a residence and home business; and the environmental significance of the land at rear of 7 Ellen Street was of lesser value due to the "residential garden" improvements that the owners had made to the property

compared to other lands listed to be acquired for the Mt Gibraltar Reserve, which have undergone regeneration works by Local Bushcare Groups.

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

State Environmental Planning Policy (Sydney Drinking Water Catchment) 2011

In accordance with the Section 117 Directions the planning proposal was referred to the Sydney Catchment Authority (SCA) on 17 June 2014 for comment. Attachment 4 contains the submission from the SCA in its entirety; however, in summary the SCA was supportive of the Planning Proposal and raised no concerns regarding 7 Ellen Street, Bowral and 45 Hoskins Street, Moss Vale. Although supportive of Anembo Street, Moss Vale the SCA raised the following concerns:

- An extract of the 12 October 2011 Council report indicates that at that time it was intended that a large portion of the land would remain dedicated as public reserve with up to four residential lots being created. However, the entire lot is proposed to be zoned R2 Low Density Residential, rather than be zoned part R2 Low Density where the four lots would be proposed and remain RE1 Public Recreation for the land to remain open space.
- It is imperative that the development site be connected to the reticulated sewerage system.
- Any future subdivision will need to demonstrate a neutral or beneficial effect on water quality (NorBE) and referred to the SCA for concurrence.
- It is noted from the Contamination report the site, it appears there is no contamination on the site.
- In respect to Test Pit 2 (Contamination Report), it is noted that significant water was found at 1metre depth within a gravel layer and such, further understanding of the site's hydrology is likely to be required prior to development. This can be conducted at the development application stage when the subdivision is proposed.

As the SEPP applies, Council must ensure any future development results (Lot 126 Anembo Street, Moss Vale) in a neutral or beneficial effect on water quality resulting from the site once developed. Such detail will likely be submitted with a future development application.

State Environmental Planning Policy (Rural Lands) 2008

Section 117 Direction 2.1 requires Council to consider whether or not the Planning Proposal is consistent with the Rural Planning Principles and Rural Subdivision Principles of the Rural Lands SEPP. The Planning Proposal is considered consistent with the principles of the Rural Lands SEPP, as Part of No. 7 Ellen Street, Bowral is to be rezoned from RE1 Public Recreation to E2 Environmental Conservation.

This is consistent with the SEPP as the area of the E2 Environmental Conservation land adjoining the Mt Gibraltar reserve will increase and the land area of E2 Zone and will act

as a buffer to adjacent residential development, including that contained on the subject property. One of the Rural Planning Principles under the SEPP in relation to environmental protection zoned land is:

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,

Whilst the particular land will remain in private ownership, the E2 zoning will restrict the land from being subdivided and used for residential purposes, thus protecting the native vegetation and maintaining the remaining biodiversity of the land.

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

Direction	Assessment
1. Employment and Resources	
1.1 Business and Industrial Zones	Not Relevant
1.2 Rural Zones	Not Relevant
1.3 Mining, Petroleum Production and Extractive Industries	Not Relevant
1.4 Oyster Aquaculture	Not relevant
1.5 Rural Lands	Consistent – refer to SEPP Rural Lands 2008 discussion in previous section.
2. Environment and Heritage	
2.1 Environment Protection Zones	Consistent – the Planning Proposal does not propose any reduction to environmental standards contained in WELP 2010; and will increase the area on land that E2 Environmental Protection zone applies.
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	Consistent – This Planning Proposal is considered consistent with this direction for the following reasons: • The release of urban land in Anembo Street will broaden the choice of building types and locations available in the local housing market • Make efficient use of existing infrastructure and services • Will not increase the urban fringe of Moss Vale • and will not reduce permissible residential density of land

3.2 Caravan Parks and Manufactured Home Estates	Consistent – no changes proposed to WLEP 2010 that will affect the permissibility of Caravan Parks and Manufactured Home Estates.
3.3 Home Occupations	Consistent - no changes proposed to WLEP 2010 that will affect the permissibility of Home Occupations. In fact for 45 Hoskins Street, Moss Vale the owner will be able to maintain their current home business, as Council no longer has a need to acquire their property.
3.4 Integrating Land Use and Transport	Consistent – as the Planning Proposal will not have any impact upon Transport Choice and land use related to transport.
3.5 Development Near Licensed Aerodromes	Not Relevant
3.6 Shooting Ranges	Not Relevant
4. Hazard and Risk	
4.1 Acid Sulfate Soils	Not Relevant
4.2 Mine Subsidence and Unstable Land	Not Relevant
4.3 Flood Prone Land	Not Relevant
4.4 Planning for Bushfire Protection	Inconsistent – Both 45 Hoskins Street and Lot 126 Anembo Street, Moss Vale are unaffected by Bushfire Mapping. However 7 Ellen Street, Bowral is significantly impacted by Bushfire Mapping. The Planning Proposal will require NSW RFS comments following Gateway Determination. However it should be noted that the existing risk to the dwelling currently located on the property would remain unchanged following the completion of the Planning Proposal.
5. Regional Planning	
5.1 Implementation of Regional Strategies NB: This Direction has been revised to include previous Directions 5.6 and 5.7.	Consistent – the Planning Proposal is consistent with this Direction as it is consistent with the Sydney-Canberra Corridor Regional Strategy as discussed previously in this report.
5.2 Sydney Drinking Water Catchments	Consistent – The Planning Proposal was referred to the Sydney Catchment Authority (SCA) and their comments are included as Attachment 3.
5.3 Farmland of State and Regional Significance on the NSW Far North Coast	Not Relevant
5.4 Commercial and Retail Development	Not Relevant

along the Pacific Highway, North Coast	
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	Consistent – It is unlikely that the Planning Proposal will result in the need for additional concurrence, consultation or referral of development applications to a Minister or public authority.
6.2 Reserving Land for Public Purposes	Inconsistent – The Planning Proposal is inconsistent with this Direction as it proposes to alter and reduce existing zonings and reservations of land for public purposes. The inconsistency is considered to be of a minor significance as the 3 subject properties have little public benefit in being retained or acquired for public purposes.
6.3 Site Specific Provisions	Not Relevant
7. Metropolitan Planning	
7.1 Implementation of the Metropolitan Plan for Sydney 2036	Not Relevant

Section C – Environmental, Social & Economic Impacts

8. 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?

There is little to no likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats will be adversely affected by this Planning Proposal. The two (2) Moss Vale sites will have no impact as 45 Hoskins Street is currently used for residential purposes and will remain in situ following the amendment and Lot 126 Anembo Street contains only a few trees and is mostly mown grassland.

The Part of No. 7 Ellen Street, Bowral to be zoned from RE1 to E2 is likely to remain in situ as well. This land is currently used as an extended urban garden making use of the native trees. The E2 zone will overlay a higher level of protection to this land than that currently existing under the RE1 zone.

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

Unlikely – As per Item 8 above.

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

Yes – The Planning Proposal will result in the owner of 45 Hoskins Street, Moss Vale not been displaced from their home, which they currently run a home business from as well. Further, the owners of 7 Ellen Street, Bowral will be able to maintain the rear of their property fronting the Mt Gibraltar Reserve in situ. The funds not spent acquiring these properties will be able to be put toward other community benefits, such as the acquisition of other RE1 lands of greater value to the community.

In respect of Lot 126 Anembo Street, Moss Vale, the disposal of this land will provide greater housing choice in the Wingecarribee and the funds raised will be able to be used for other community benefits, such as the acquisition of other RE1 lands of greater value to the community.

Section D – State and Commonwealth Interests

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

There is adequate public infrastructure serving all three subject properties.

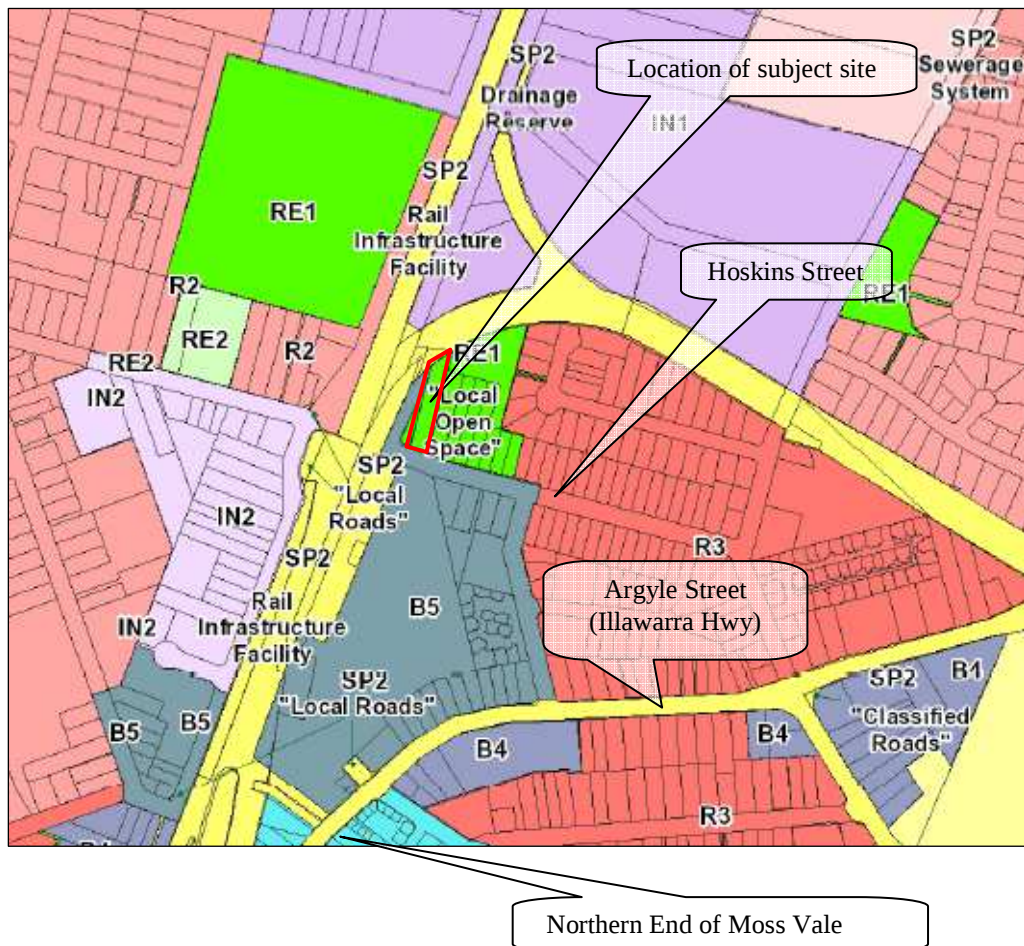
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PART 4 – MAPPING

Each property is dealt with separately as follows:

No 45 Hoskins Street, Moss Vale – Lot 1 DP 781256

Figure 1 - Extract of current Zone Map WLEP 2010



RE1 Zone to be removed from site and replaced with R2 Low Density Residential

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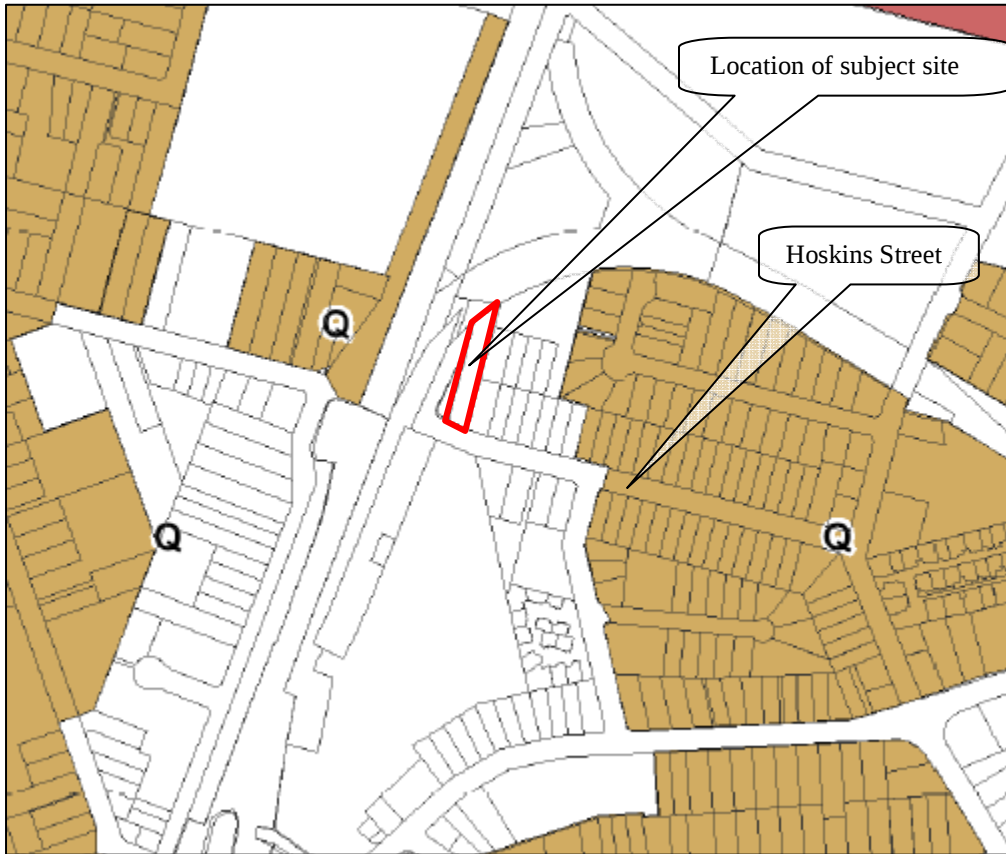
Figure 2 - Aerial Image of 45 Hoskins Street, Moss Vale



Figure 3 - Street frontage image of 45 Hoskins Street, Moss Vale



Figure 4 - Extract of current Minimum Lot Size Map WLEP 2010



“Q” = 700m² Minimum Lot Size to be applied to subject site

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Local Open Space (RE1)

Local Road (SP2)

Classified Roads (SP2)

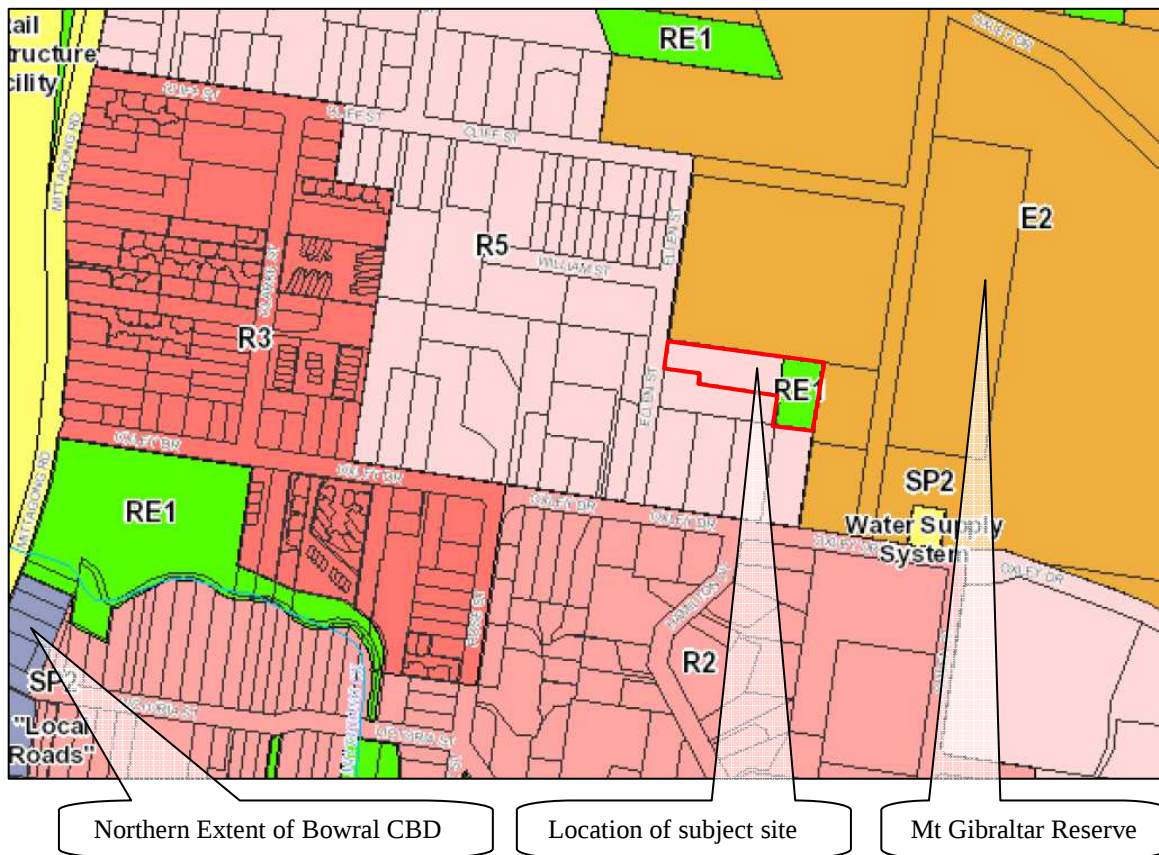
Local Road (SP2)

Location of subject site

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Part of No. 7 Ellen Street, Bowral – Lot 10 DP 597322

Figure 6 - Extract of current Zone Map WLEP 2010



RE1 Part of subject property to be changed to E2 Environmental Conservation

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Figure 7 - Aerial Image of 7 Ellen Street, Bowral



Figure 8 - Street Image of 7 Ellen Street, Bowral

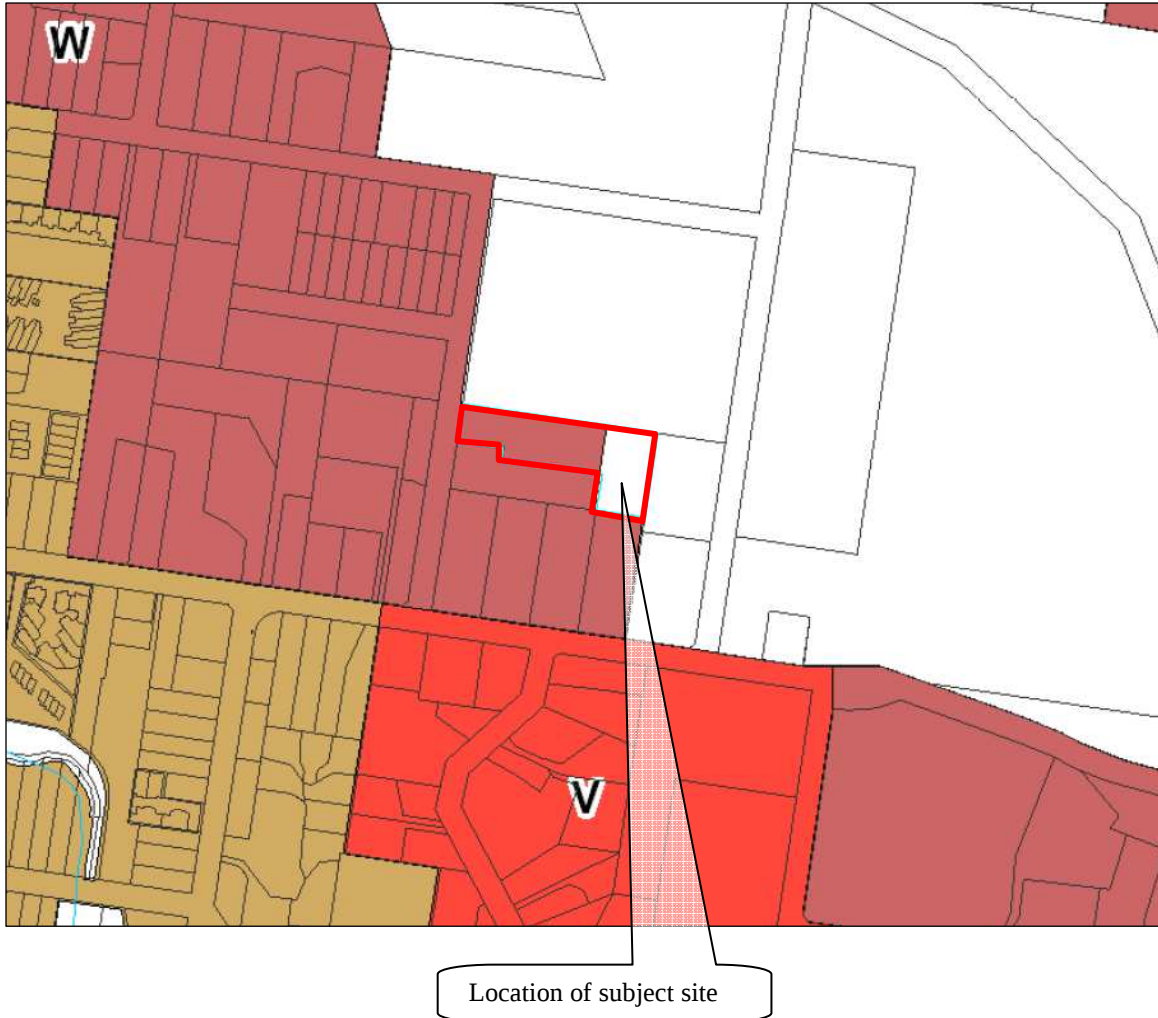


Figure 9 - Image of Part of 7 Ellen Street, Bowral currently zoned RE1 Public Recreation (looking east-northeast)



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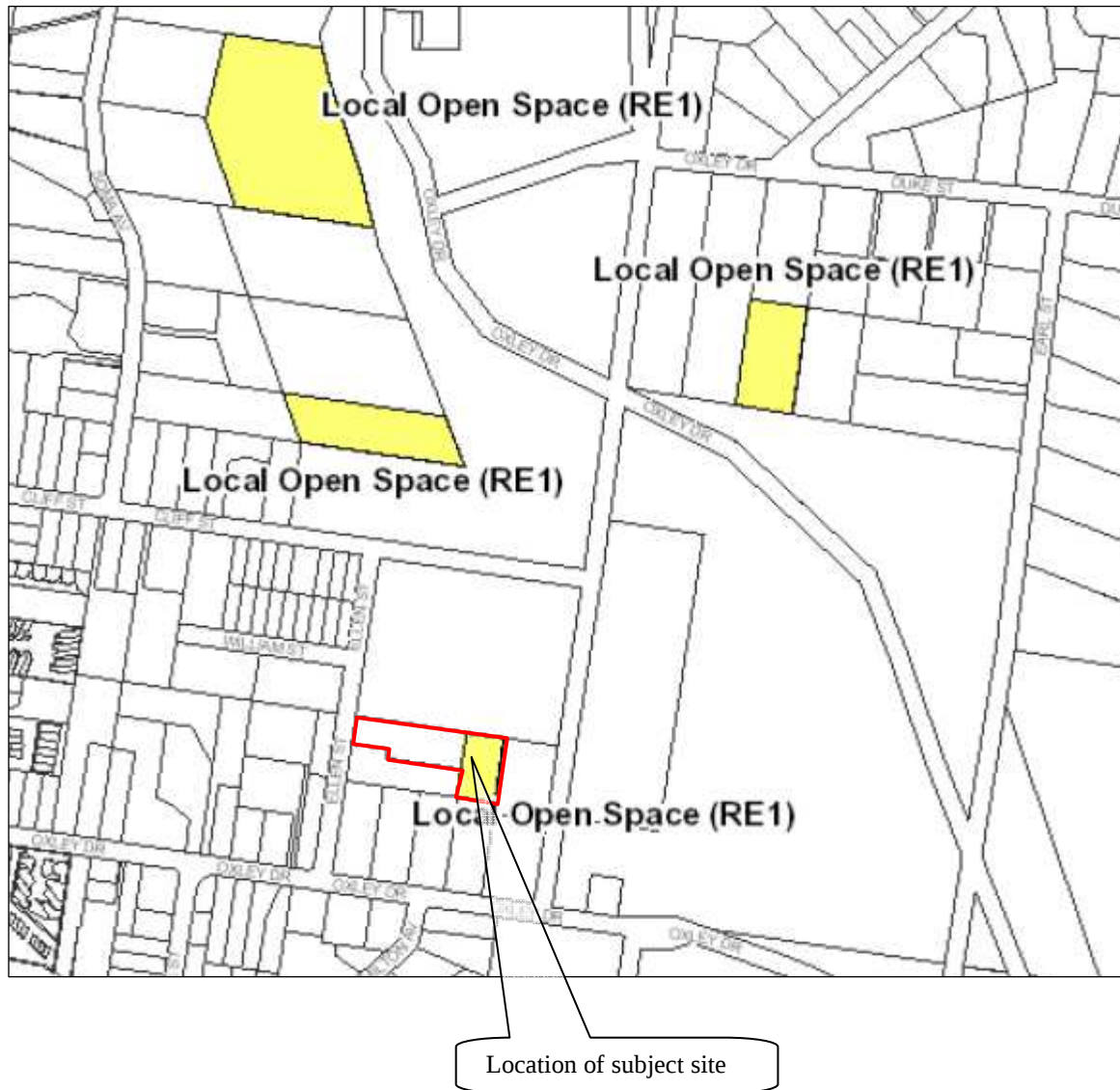
Figure 10 - Extract of current minimum Lot Size Map WLEP 2010



Minimum Lot Size of subject site to remain the same to be consistent with adjoining Mt Gibraltar Reserve.

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Figure 11 - Extract of Land Reservation Acquisition Map WLEP 2010

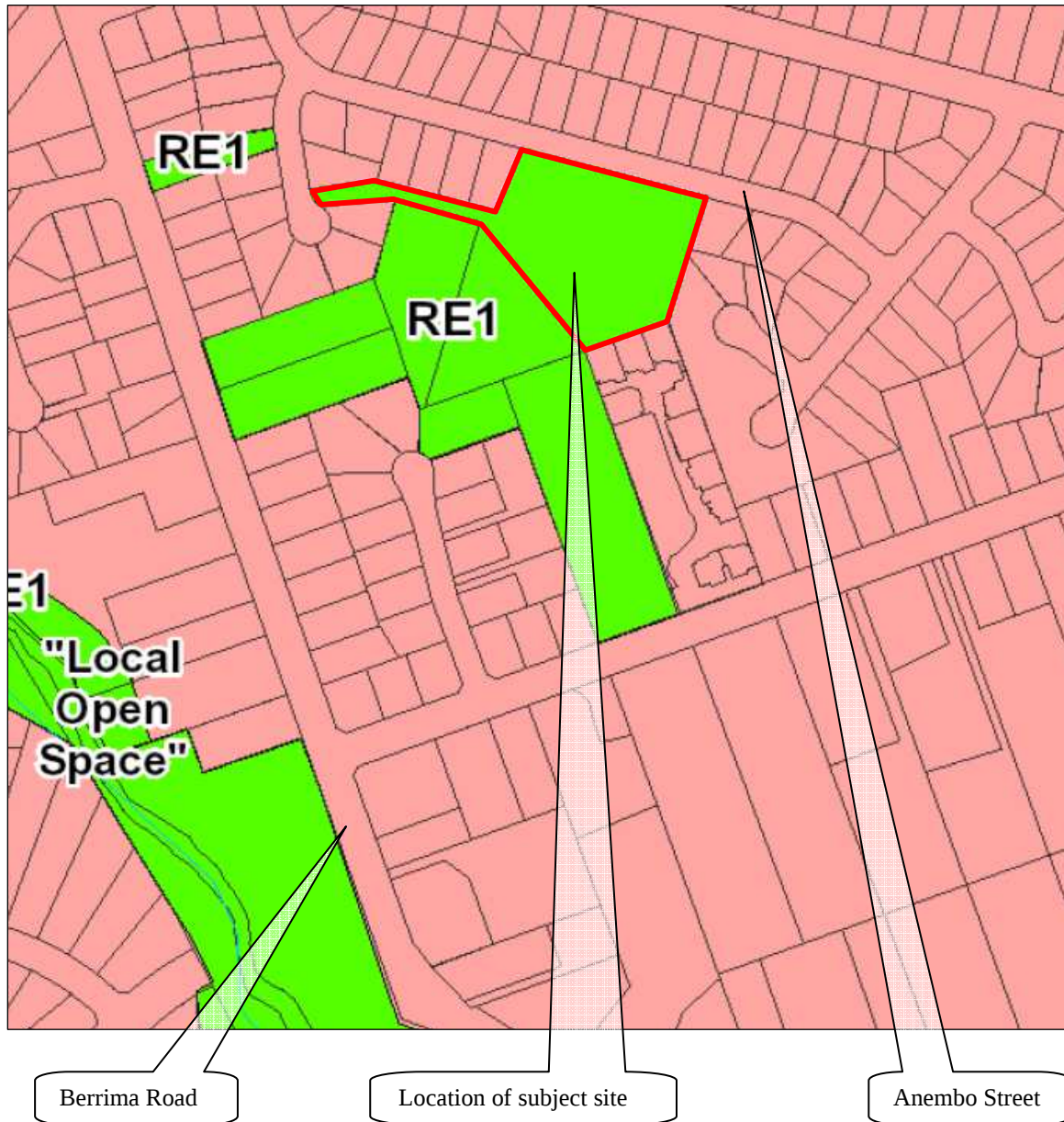


“Yellow” Affectation and “Local Open Space (RE1)” to be removed from site

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Public Land Anembo Street, Moss Vale – Lot 126 DP 263356

Figure 12 - Extract of Zone Map WLEP 2010



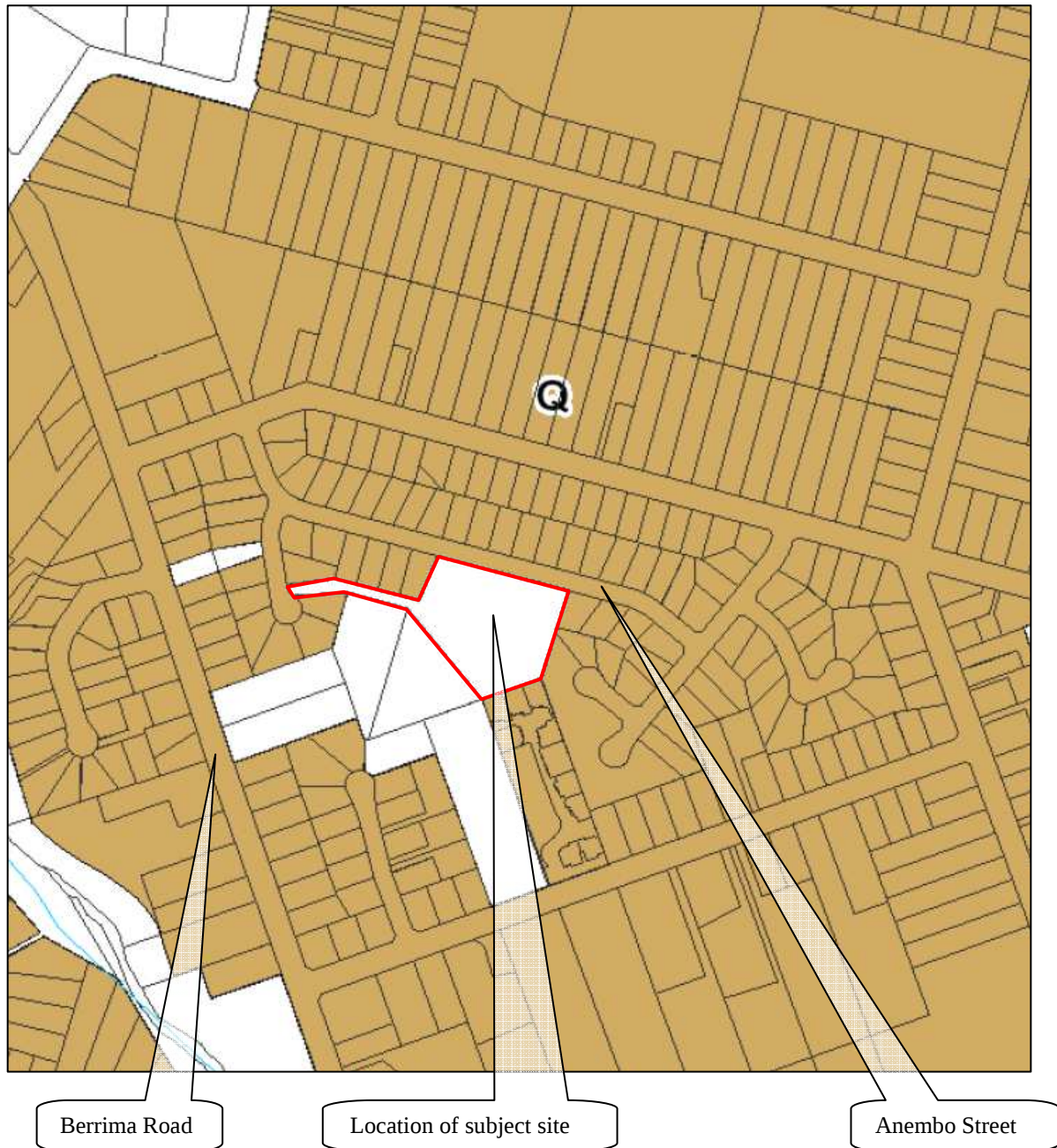
RE1 Zone to be replaced with adjacent R2 Low Density Residential Zone

Figure 13 - Aerial Image of Lot 126 Anembo Street, Moss Vale



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Figure 14 - Extract of Minimum Lot Size Map WLEP 2010



“Q” = 700m² Minimum Lot Size. Lot 126 to be made “Q” colour.

PART 5 – COMMUNITY CONSULTATION

The Planning Proposal is likely to be placed on public exhibition for 28-days, or as otherwise stated by the Gateway Determination.

The public notification will involve:

- Notification in the Southern Highland News (Local News Paper) each Wednesday for the number of weeks the Planning Proposal is on Exhibition
- Notification on Council's website
- Notification in writing to affected land owners (45 Hoskins St and 7 Ellen St only) and the adjoining neighbours (Lot 126 Anembo Street only).

Further, a public hearing will need to be held for Lot 126 Anembo Street, Moss Vale as the property is being reclassified from "Community" to "Operational".

PART 6 – TIMELINE

It is anticipated that the Planning Proposal will progress in accordance with the following key timeline milestones.

MILESTONE	INDICATIVE DATE
Referral to Sydney Catchment Authority	17 June 2014
Gateway Determination	August 2014
Completion of technical studies if required	N/A
Revised/updated Planning Proposal (if required)	N/A
Public Exhibition/Consultation with government agencies	September/October 2014
Public hearing – if required	November 2014
Report to Council on exhibition of Planning Proposal.	December 2014
Documents to DP&I & PCO.	January 2014
Approximate completion date	March 2015

DELEGATIONS

Council is applying to use its delegations to complete this Proposal. The Evaluation Criteria for Delegation of Plan Making Functions has been attached for consideration.