



## **13.4 Planning Proposals to reduce the minimum lot size of land in north-west Moss Vale**

Reference:	PN125700, PN1700395, PN1748440
Report Author:	Senior Strategic Land Use Planner
Authoriser:	Coordinator Strategic Land Use Planning
Link to Community Strategic Plan:	Provide a mixture of housing types that allow residents to meet their housing needs at different stages of their lives and support affordable living

### **PURPOSE**

The purpose of this report is to enable Council to consider three (3) Planning Proposals to amend WLEP 2010 to rezone and reduce the minimum lot size of land to the north-west of Moss Vale in order to permit residential development.

### **VOTING ON THE MOTION**

Councillors are required to record their votes on this matter.

### **RECOMMENDATION**

1. **THAT** the proposed zoning and minimum lot size plan for the north-west Moss Vale study area be adopted.
2. **THAT** in accordance with the plan adopted at 1 above, a Planning Proposal be prepared and submitted to the NSW Department of Planning & Environment for a Gateway Determination to:
  - A) Rezone Lots 1-6 & 8 DP502535 and Lot 2 DP502535, 77 Beaconsfield Road, Moss Vale and that part of Lot 11 DP1084421, 74-76 Beaconsfield Road Moss Vale currently zoned RU2 Rural Landscape, to E4 Environmental Living and apply a minimum lot size of 2 hectares, and
  - B) Rezone Lot 1 DP812628, 69 Bulwer Road Moss Vale currently zoned RU4 Rural Landscape to E4 Environmental Living and apply a minimum lot size of 1 hectare.

### **REPORT**

#### **BACKGROUND**

During the preparation of the Wingecarribee Local Planning Strategy 2015-2031 Council received three (3) Planning Proposals seeking to reduce the minimum lot size of land to the

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north-west of Moss Vale (the study area). The location of the study area is indicated in **Figure 1** below.

The northern portion of the study area is zoned RU2 Rural Landscape under Wingecarribee Local Environmental Plan (WLEP) 2010 with a minimum lot size of 40 hectares. The remainder of the site is zoned RU4 Primary Production Small Lots with a minimum lot size of 2 hectares.

The study area is surrounded by IN1 General Industrial zoned land to the north and west and IN3 Heavy Industrial zoned land across Lackey Road to the east. To the south lies predominantly R2 Low Density Residential zoned land with a minimum lot size of 700m<sup>2</sup> although the south-eastern portion of the subject land is bordered by IN1 General Industrial zoned land.

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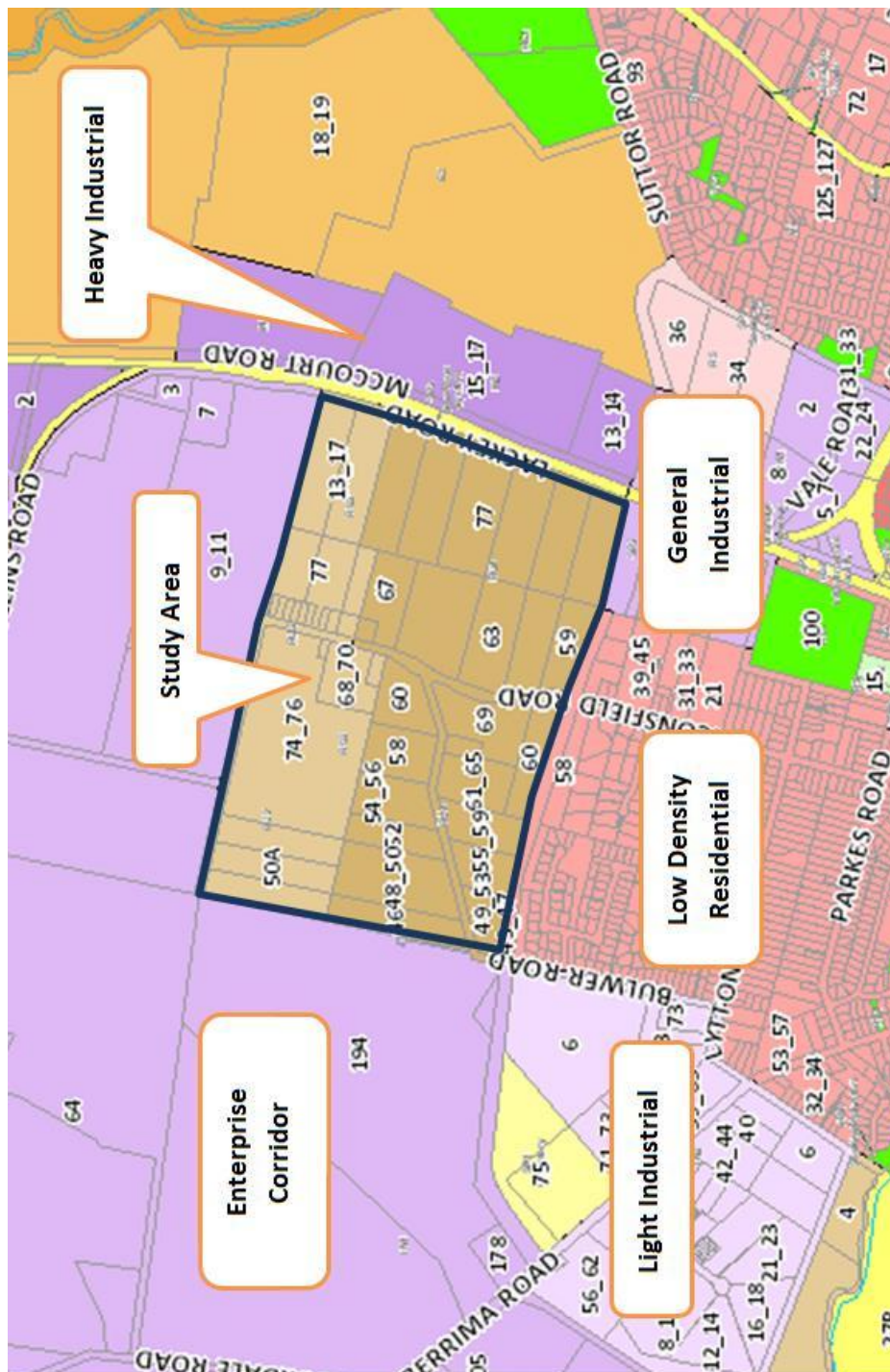


Figure 1 Location of subject land (enlarged at Attachment 1)

The three sites are as follows:

Site 1 - 77 Beaconsfield Road (Lots 1-6 & 8 DP502535 and Lot 2 DP502535) & 71 Beaconsfield Road (Lot 1 DP 502535) – No 77 covers an area of some 15.9 ha and No 71 covers an area of some 2.4 ha. The site is zoned RU2 Rural landscape with a minimum lot size of 40 ha.

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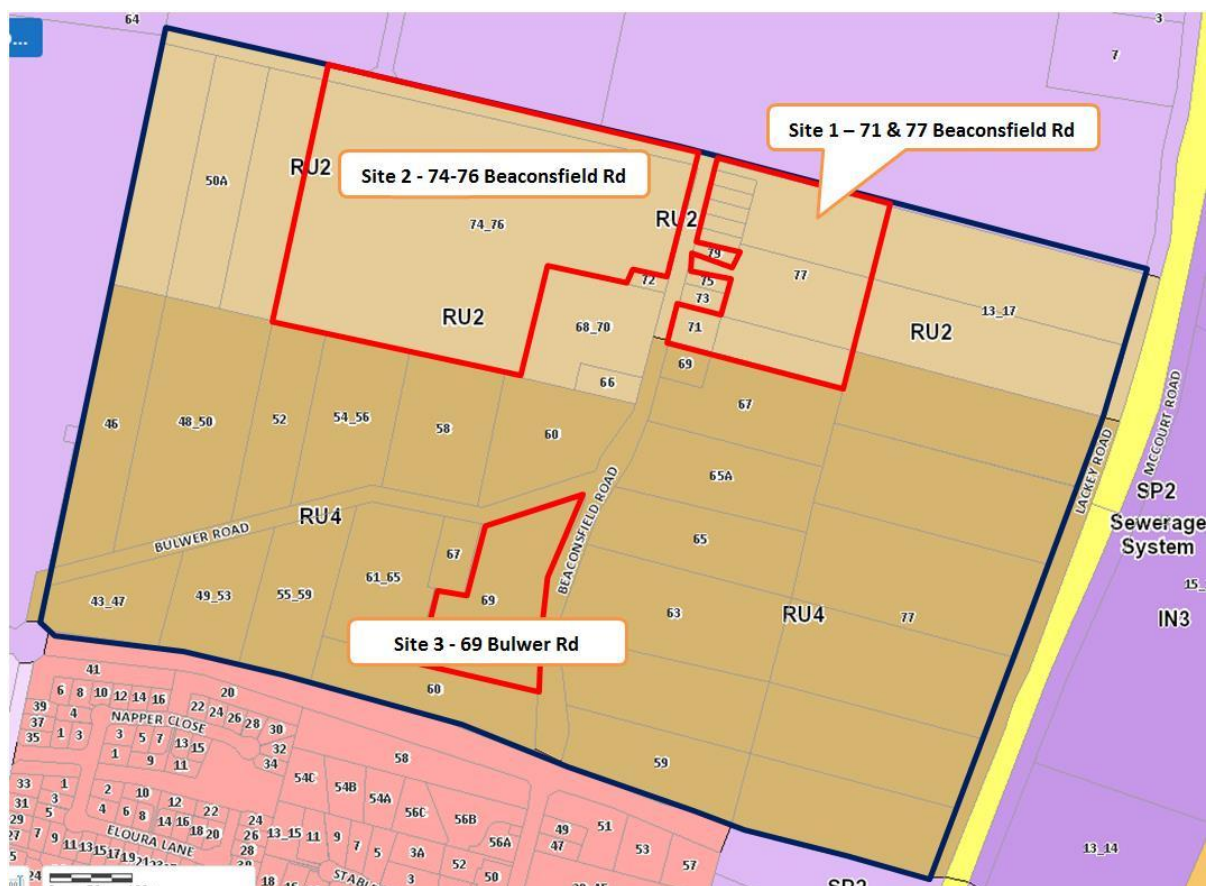
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Site 2 - 74-76 Beaconsfield Road (Lot 11 DP1084421) - comprises two portions separated by an unformed road. The northern portion is zoned IN1 General Industrial. The southern portion, covering an area of some 11.7 ha, is zoned RU2 Rural Landscape. To facilitate the subdivision of the IN1 portion from the RU2 land, Amendment 4 to WLEP 2010 on 11 May 2012 reduced the minimum lot size of the whole site to 10 hectares. This subdivision has yet to occur.

Site 3 - 69 Bulwer Road (Lot 1 DP812628) - covers an area of approximately 2.6ha and is zoned RU4 Primary Production Small Lots with a minimum lot size of 2ha.

The location of each site within the study area is indicated in **Figure 2** below.



**Figure 2 Location of Subject Sites (enlarged at Attachment 2)**

The Planning Proposals were assessed and ultimately included in the Moss Vale Precinct Plan of the Wingecarribee Local Planning Strategy 2015-2031 when it was adopted by resolution of Council of 23 March 2016 as follows:

- 1) ***THAT the rezoning of Lots 1-6 & 8 DP502535, 71 Beaconsfield Road and Lot 2 DP502535, 77 Beaconsfield Road, Moss Vale to RU4 Primary Production Small Lots with a minimum lot size range from 2000m<sup>2</sup> to 4000m<sup>2</sup>, be supported for inclusion in the Moss Vale Precinct Plan of the adopted Wingecarribee Local Planning Strategy 2015-2031.***



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- 2) ***THAT the rezoning of Lot 11 DP1084421, 74-76 Beaconsfield Road, Moss Vale, to RU4 Primary Production Small Lots with a minimum lot size range from 4000m2 to 8000m2, be supported for inclusion in the Moss Vale Precinct Plan of the adopted Wingecarribee Local Planning Strategy 2015-2031.***
- 3) ***THAT a reduction in the minimum lot size to part 2000m2 and part 4000m2 of Lot 1 DP812628, 69 Bulwer Road, Moss Vale, be supported for inclusion in the Moss Vale Precinct Plan of the adopted Wingecarribee Local Planning Strategy 2015-2031.***

In response to the inclusion of these sites in the Wingecarribee Local Planning Strategy, a new Planning Proposal for each site was submitted to Council seeking to progress amendments to WLEP 2010. However, the new Proposals sought to vary the outcome from that supported under the Strategy. It is further noted that although a subsequent submission was received for No 77 Beaconsfield Road, no submission to amend WLEP 2010 has been received for No 71 Beaconsfield Road and it has, therefore, been omitted from this report.

In summary, the new Planning Proposals seek:

Site 1 - 77 Beaconsfield Road - Rezone from RU2 Rural Landscape to RU4 Primary Production Small Lots zone and apply a minimum lot size of 2000m2 (compared with 2000m2 to 4000m2 supported in the Local Planning Strategy).

Area 2 - 74-76 Beaconsfield Road - Rezone the RU2 Rural Landscape portion of the site to RU4 Primary Production Small Lots and apply a minimum lot size of 4000m2 to create the potential for 23 allotments (compared with 4000m2 to 8000m2 supported in the Local Planning Strategy).

Area 3 - 69 Bulwer Road - Rezone the site to R2 Low Density Residential and apply a minimum lot size of 2000m2 to achieve 9 lots with a 10<sup>th</sup> lot at some 5,000m2 containing the existing dwelling (compared with part 2000m2 and 4000m2 supported in the Local Planning Strategy).

These variations prompted Council to adopt a more strategic approach to the future development of the whole study area to determine the extent to which each lot size proposed should apply. As a consequence, Council resolved at its Ordinary Meeting of 12 July 2017:

***THAT the Planning Proposals currently before Council pertaining to 74-76 and 77 Beaconsfield Road and 69 Bulwer Road Moss Vale not be supported at this time, but that a northwest Moss Vale Residential Study be drafted by Strategic Planning staff in consultation with property owners for further consideration by Council.***

This report addresses that resolution.

## **REPORT**

Council was initially concerned from a strategic perspective that the isolated consideration of three (3) individual sites would not ensure the best strategic outcome for the study area. These concerns led to the recommendation that the study area as a whole be considered. Preliminary strategic assessment of the study area has identified three (3) key constraints which will impact on determining the best strategic outcome for the subject land – the water & sewer infrastructure capacity, the extent of flood liable land and the proposed Moss Vale by-pass.

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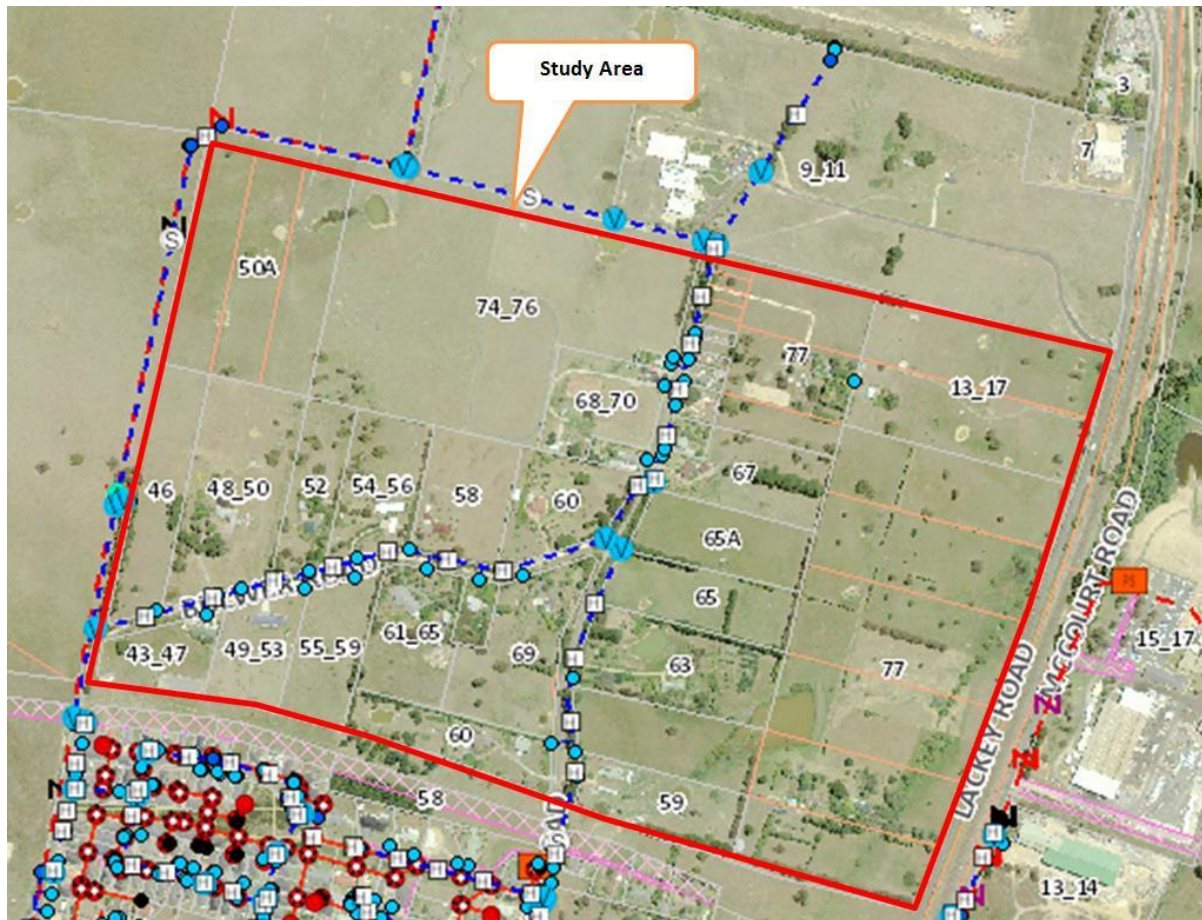
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#### Water & Sewer Infrastructure

As indicated in **Figure 3** below, while reticulated water is available through the study area along Bulwer and Beaconsfield Road, the only sewer infrastructure currently available is along the western boundary of the study area.



Water Infrastructure (blue) Sewer infrastructure (red)

Figure 3 Water & Sewer Infrastructure (enlarged at Attachment 3)

Advice from Assets and Project Delivery Branch is that the elevation of the study area is at the highest that the Hill Road reservoir, which supplies it, can service. Consequently, the area suffers significant pressure loss during peak demand.

Preliminary modelling indicates that the subdivision potential of the study area may well be impacted by limited ability to provide water and sewer infrastructure and the associated costs. As part of any future development application for subdivision, the study area would need to be modelled against Council's future model to determine which mains may require upsizing or duplicating to supply adequate pressure. Sewer modelling would also be required to determine how the area could be serviced as the area is currently not sewered. The proximity of the study area to the enterprise zone may also impact on future demand and supply capacity. A servicing strategy for supplying water to these lots would be developed within the framework of Council's Shire wide plan.



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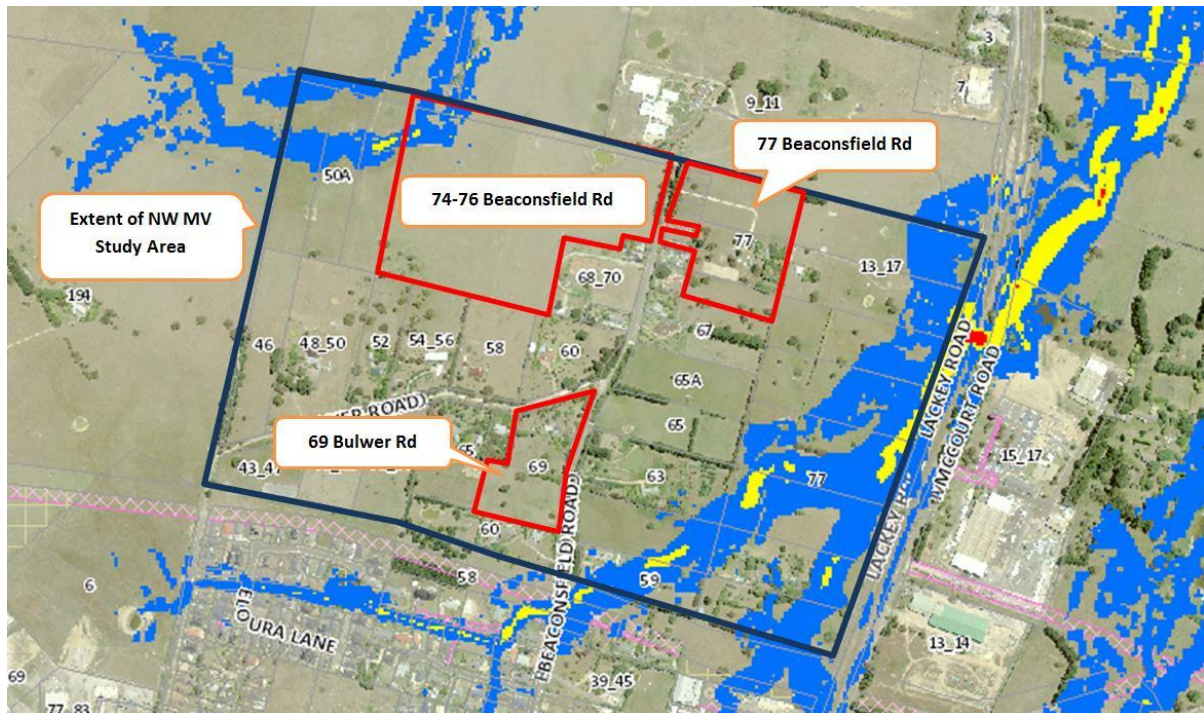
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#### Flood Risk

Across the study area generally, a low to medium level of flood risk is indicated for the north western corner and down much of the eastern side area. Only Site 2 of the three subject sites appears directly impacted, but there are broader potential impacts for land on the eastern edge. **Figure 4** below indicates the mapped flood prone land within the study area.



Red = High flood prone Yellow = Medium flood prone Blue = Low flood prone

Figure 4 Flooding context of the subject land (enlarged at Attachment 4)

#### Proposed Moss Vale By-pass

A further potential impact on the future development of the study area is the development of the proposed Moss Vale by-pass. Its proposed location is indicated in **Figure 5** below with the current proposed staging plan, subject to funding, indicated in **Figure 6** below. The primary concern at this stage is to avoid higher density subdivision within the study area closest to the proposed route which could occur through a reduction to the minimum lot size.



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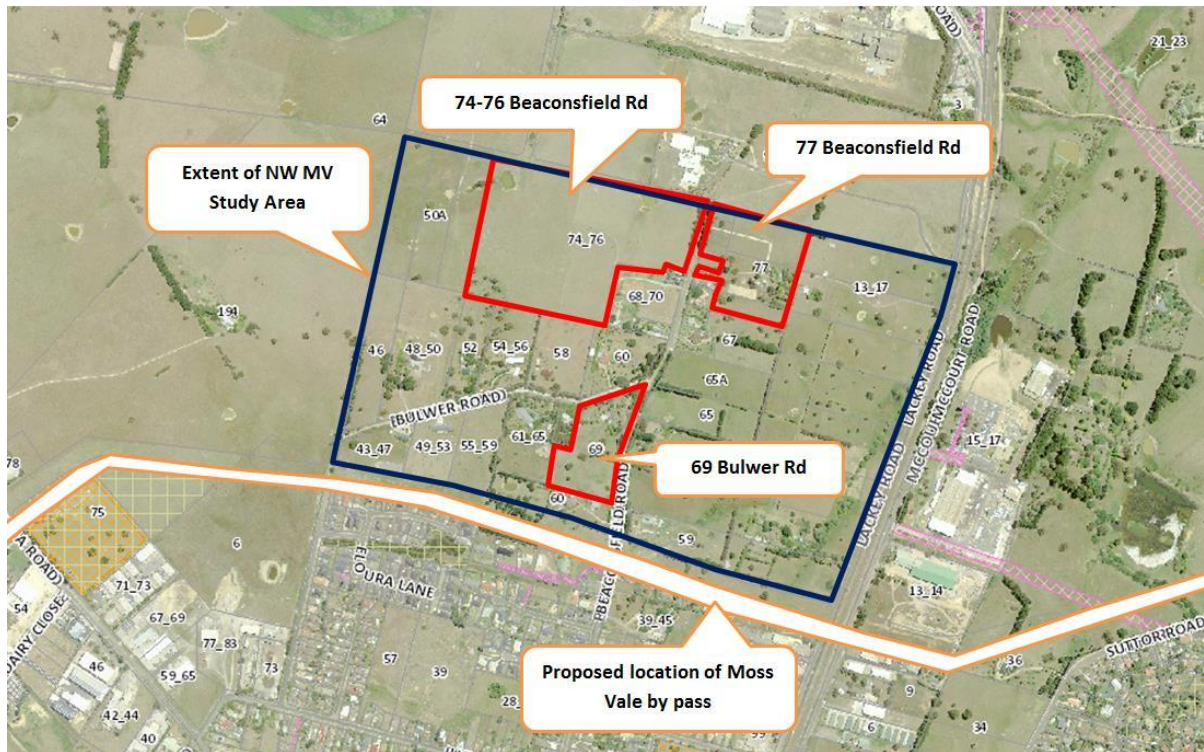


Figure 5 Location of the Proposed Moss Vale By-pass (enlarged at Attachment 5)

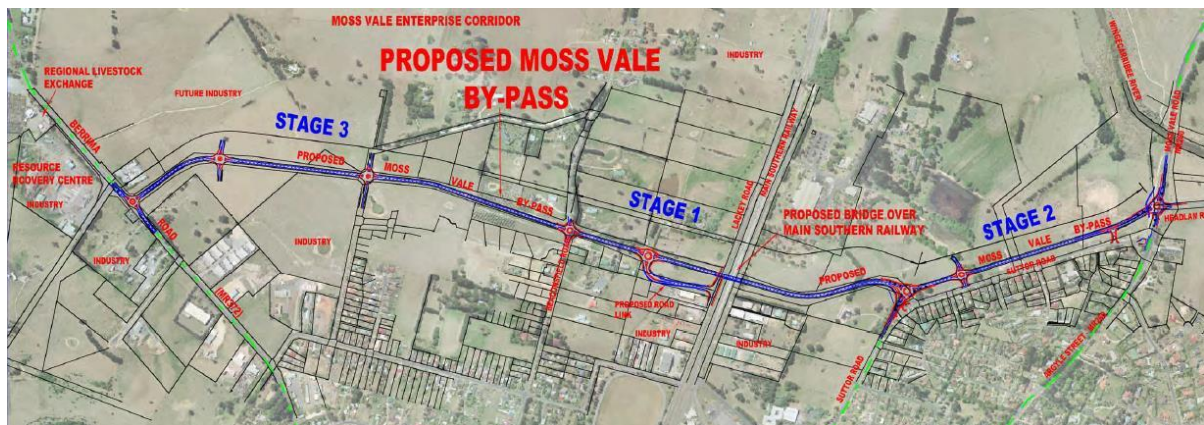


Figure 6 Staging Plan for the Proposed Moss Vale By-pass (enlarged at Attachment 6)

### Endangered Ecological Community

While not a major impediment to future development in the study area, it is noted that an area of Southern Highlands Shale Woodland threatened ecological community exists in the western portion of the study area as indicated in **Figure 7** below. This community extends into Site 2. A second area of TEC is located to the east of the study area. Southern Highlands Shale Woodland is listed as threatened on both state and national registers. There does not appear to be any other environmental sensitivities impacting the study area.



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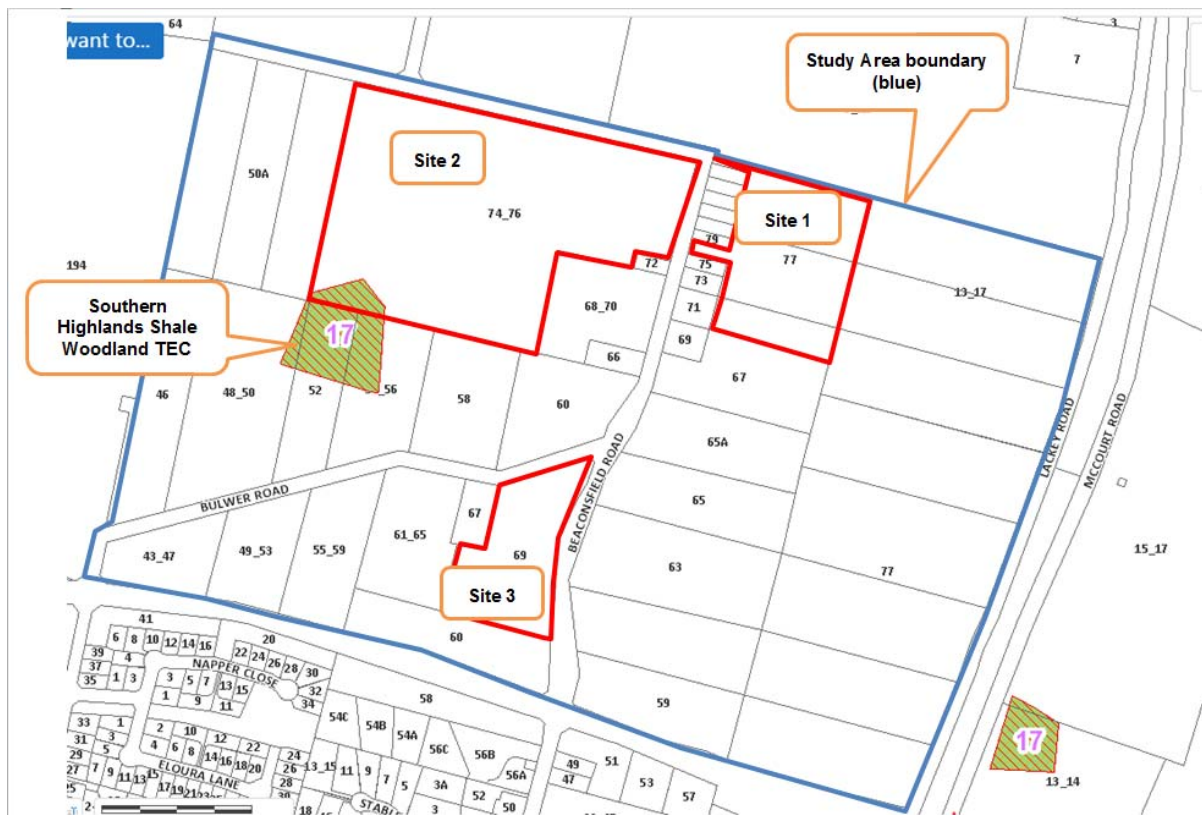


Figure 7 Identified Threatened Ecological Community (enlarged at Attachment 7)

#### Future Zoning & Minimum Lot Size Recommendations

As a consequence of considering these constraints, it is proposed that a local area plan be adopted which supports the following land use planning controls for the north-west Moss Vale study area. These will enable each of the three Planning Proposals supported in the Local Planning Strategy to progress in accordance with this plan although it is noted that none will achieve a lot potential as originally supported in the Local Planning Strategy or requested in their Planning Proposals. It will however enable some level of potential subdivision consistent with water and sewer infrastructure and access constraints.

#### Future Minimum Lot Size

It is proposed that the local area plan support the application of a minimum lot size of 2 ha to the RU2 Rural Landscape zoned land in the northern part of the study area. The current minimum lot size is 40 ha for Site 1 (77 Beaconsfield Road) and 10 ha for Site 2 (74-76 Beaconsfield Road). This would extend the 2 ha minimum lot size current applying across the RU4 Primary Production Small Lots portion of the site to provide a consistent minimum lot size across the whole study area. The 2 ha minimum also reflects the predominant existing lot size across much of the study area.

A 2 ha minimum lot size in this northern portion would provide the opportunity for Sites 1 and 2 to progress a revised Planning Proposal which would enable them to apply for subdivision to that minimum, subject to satisfactory provisions for water and sewer infrastructure and road access. Site 1 (77 Beaconsfield Road) could achieve a potential lot yield of seven (7) or eight (8) lots and the RU2 portion of Site 2 (74-76 Beaconsfield Road) could achieve a potential four (4) or five (5) lots. The subdivision potential of Site 2 is particularly dependent on the creation of adequate road access to the site.

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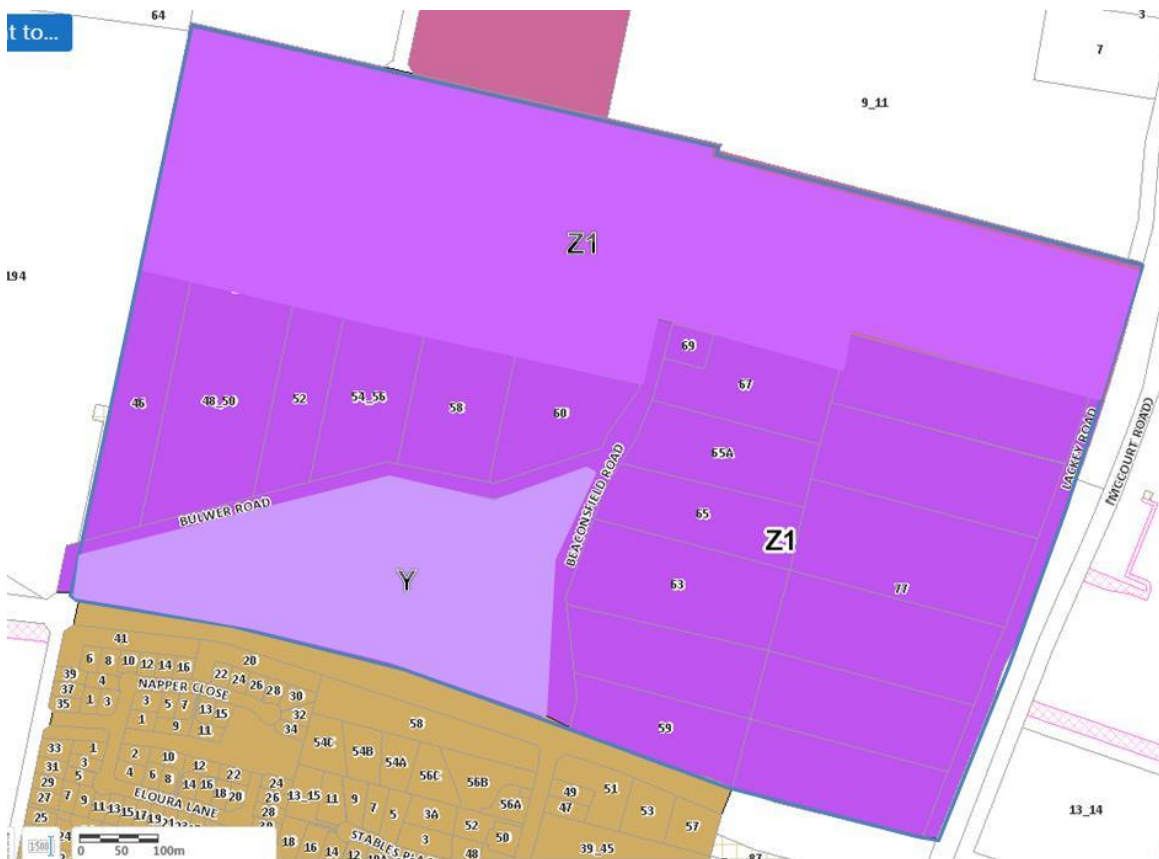


Within the area bounded by Beaconsfield Road and Bulwer Road it is proposed to nominate a minimum lot size of 1 ha in the local area plan. Site 3 (69 Bulwer Road) is the largest lot in this portion (2.6 ha) of the study area and a 1 ha minimum would enable a revised Planning Proposal to be prepared to provide the potential for a two-lot subdivision, i.e one (1) additional lot. No other lot would have subdivision potential within this portion of the study area, all being below the 2 ha minimum required to achieve a 1 ha subdivision.

In addition to a potential yield of 14 lots from the three sites within the study area included in the Local Planning Strategy, the proposed minimum lot size pattern could potentially yield an additional four (4) lots, two (2) on land to the west of Site 2, and two (2) on land to the east of Site (1). It is noted that the latter area (east of Site 1) is already subdivided into two lots. It is also noted that this site has access to Lackey Road. Therefore the potential total lot yield from this minimum lot size amendment would be in the order of 18 lots.

The final lot yield from any of the subject sites or any future Planning Proposal would be dependent on full assessment at the development application stage which would specifically address adequate water and sewer servicing and flood potential.

This minimum lot size pattern proposed for the local area plan, is indicated in **Figure 8** below, where Z1 is 2 ha and Y is 1 ha.



**Figure 8 Proposed minimum lot sizes (enlarged at Attachment 8)**

Regarding the zoning of the study area, it is recognised that the RU2 Rural Landscape and RU4 Primary Production Small Lots zonings of the north-west Moss Vale area may no longer be the most appropriate zones given that the study area is effectively 'land locked' on

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three sides (west, north and east) by industrial zoned land and on the south by R2 Low Density Residential with a minimum lot size of 700m<sup>2</sup>.

The key objectives of the RU2 Rural Landscape zone are:

- To encourage sustainable primary industry production by maintaining and enhancing the natural resource base.
- To maintain the rural landscape character of the land.

And the key objectives of the RU4 Primary Production Small Lots are:

- To enable sustainable primary industry and other compatible land uses.
- To encourage and promote diversity and employment opportunities in relation to primary industry enterprises, particularly those that require smaller lots or that are more intensive in nature.

The study area is no longer an area of active primary production and is now a rural-residential area where the E4 Environmental Living zone may be more appropriate. The objectives of the E4 Environmental Living zone are:

- To provide for low-impact residential development in areas with special ecological, scientific or aesthetic values.
- To ensure that residential development does not have an adverse effect on those values.
- To encourage the retention of the remaining evidence of significant historic and social values expressed in existing landscape and land use patterns.
- To provide for a restricted range of development and land use activities that provide for rural settlement, sustainable agriculture and other types of economic and employment development, recreation and community amenity in identified drinking water catchment areas.
- To manage land in a way that minimises impact on its environmental and scenic value from adjacent and nearby development and land use activity.
- To minimise the proliferation of buildings and other structures in these sensitive landscape areas.

While these objectives do not preclude any rural land use activity, the E4 Environmental Living zone is focussed more on rural-residential lifestyle development while affording ongoing protection of existing rural and environmental sensitivities. It is therefore proposed that the local area plan support the E4 Environmental Living across the whole area.

The proposed rezoning and minimum lot size amendments will enable a level of rural-residential development appropriate to the infrastructure constraints of the area while continuing to provide a buffer between the low density residential development to the south and the industrial zones to the west, north and east.

## **IMPACT ON COUNCIL'S FIT FOR THE FUTURE IMPROVEMENT PLAN**

There are no implications for Council's Fit for the Future resulting from this report.



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## **COMMUNICATION AND CONSULTATION**

### **Community Engagement**

No community consultation has occurred at this stage but will be undertaken should the Planning Proposal receive a positive Gateway Determination.

### **Internal Communication and Consultation**

Consultation has occurred with the Assets and Project Delivery Branch and Council's Traffic & Transport Planning Engineer.

### **External Communication and Consultation**

No external consultation has occurred.

## **SUSTAINABILITY ASSESSMENT**

- **Environment**

The proposed zoning and minimum lot size amendments to the subject area take into account its environmental sensitivities.

- **Social**

There are no social issues in relation to this report.

- **Broader Economic Implications**

There are no broader economic implications in relation to this report.

- **Culture**

There are no cultural issues in relation to this report.

- **Governance**

There are no governance issues in relation to this report.

## **COUNCIL BUDGET IMPLICATIONS**

There are no budget implications arising from this report.

## **RELATED COUNCIL POLICY**

There are no other related Council policies associated with this report.

## **OPTIONS**

The options available to Council are:

### **Option 1**

Support the recommendations contained in the report.

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#### **Option 2**

Not support the recommendations.

Option 1 is the recommended option to this report.

#### **CONCLUSION**

Planning Proposals for three individual sites were received by Council following the inclusion of these sites in the Wingecarribee Local Planning Strategy 2015-2031. Following further investigation it was determined that significant water and sewer infrastructure constraints apply to the area and future development of the area should be undertaken within a broader strategic framework. It is proposed that a local area plan support extending the predominant minimum lot size of 2 ha into the northern portion of the study area to provide some development potential for Sites 1 and 2 without overburdening infrastructure capacity.

It is also proposed that the local area plan support a minimum lot size of 1 ha in the portion of the study area bounded by Beaconsfield Road and Bulwer Road. This would enable Site 3, which is the largest site in this portion and enjoys access to both Beaconsfield and Bulwer Roads, to achieve one (1) additional lot.

It was also recognised that the land use focus of this area was no longer on primary production, but rather on rural residential living and it is further proposed that the local area plan support the application of the E4 Environmental Living zone, recognising this shift in land use focus while still providing a buffer between the low density residential land to the south and the industrial zoned land to the west, north and east.

#### **ATTACHMENTS**

1. Figure 1 - Location of subject land - *circulated under separate cover*
2. Figure 2 - Location of subject sites - *circulated under separate cover*
3. Figure 3 - Water & Sewer Infrastructure - *circulated under separate cover*
4. Figure 4 - Flooding context of subject land - *circulated under separate cover*
5. Figure 5 - Location of the proposed Moss Vale by-pass - *circulated under separate cover*
6. Figure 6 - Staging Plan for the proposed Moss Vale by-pass - *circulated under separate cover*
7. Figure 7 - Identified Threatened Ecological Community - *circulated under separate cover*
8. Figure 8 - Proposed minimum lot sizes - *circulated under separate cover*