

Planning Proposal

To amend Wingecarribee Local Environmental Plan 2010 to rezone and reduce the minimum lot size of certain land at north-west Moss Vale.

**Prepared by
Wingecarribee Shire Council
Strategic Planning**

Version 1 – For Gateway Determination

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ATTACHMENTS WHICH FORM PART OF THIS PLANNING PROPOSAL

1	Report to Council 12 December 2018
2	Resolution of Council 12 December 2018
3	Delegation Request Evaluation Form

LOCAL GOVERNMENT AREA : WINGECARRIBEE SHIRE COUNCIL

SHIRE WIDE LOCATION



SITE LOCATIONS & DESCRIPTION

This Planning Proposal seeks to amend the development standards for certain land within an area identified as North-west Moss Vale Local Area in accordance with an adopted zoning and minimum lot size plan. The resulting amendments will enable applications to be made to Council for the creation of some 12-14 rural residential lots, subject to adequate infrastructure and access provisions.

The specific sites which will be amended through this Planning Proposal are:

Site Ref	Property	Site Description
Site 1	77 Beaconsfield Road (Lots 1-6 & 8 DP502535 and Lot 2 DP502535) & 71 Beaconsfield Road (Lot 1 DP 502535)	No.77 is 15.9 ha and No.71 is 2.4 ha. Currently zoned RU2 Rural Landscape with a minimum lot size of 40 ha.
Site 2	74-76 Beaconsfield Road (Part of Lot 11 DP1084421)	Comprises two portions separated by an unformed road. The northern portion is zoned IN1 General Industrial. The southern portion, is 11.7 ha & zoned RU2 Rural Landscape. To

Site Ref	Property	Site Description
		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)	Area of approximately 2.6ha and is zoned RU4 Primary Production Small Lots with a minimum lot size of 2ha.

The contextual location of the North-west Local Area is indicated in **Figure 1** below.

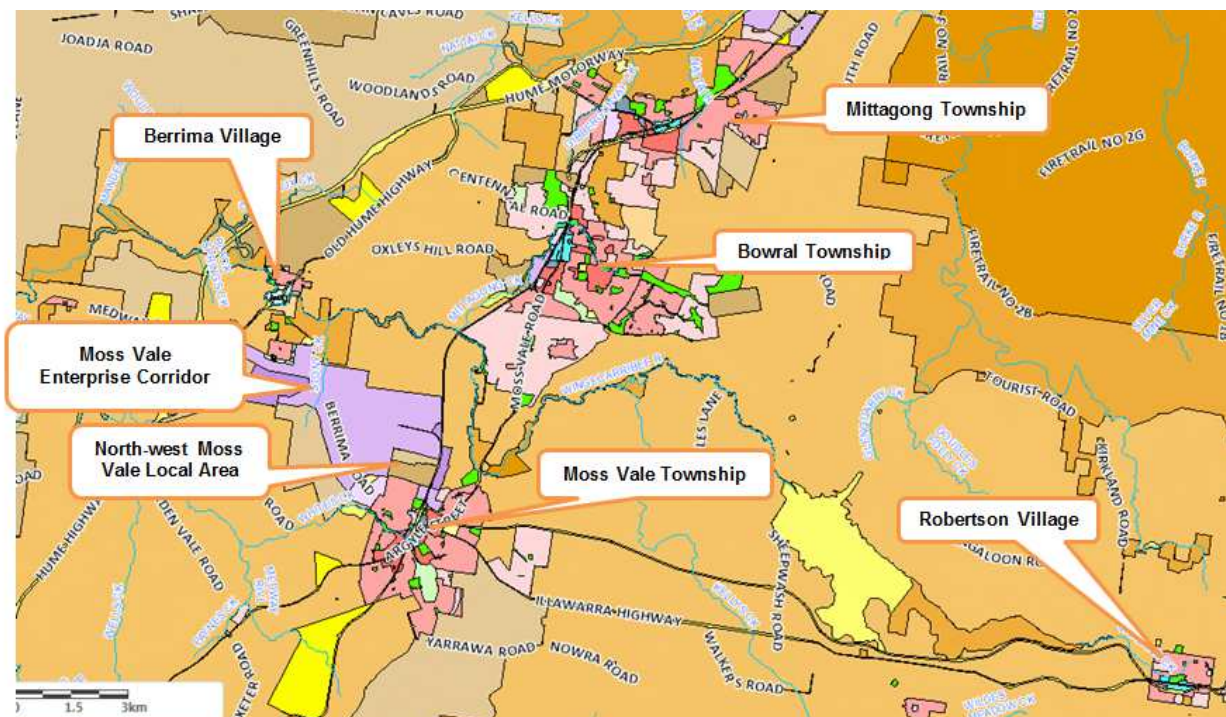


Figure 1 Contextual location of Local Area

The zoning of the Local Area and the location of the subject sites are indicated in **Figure 2** below.

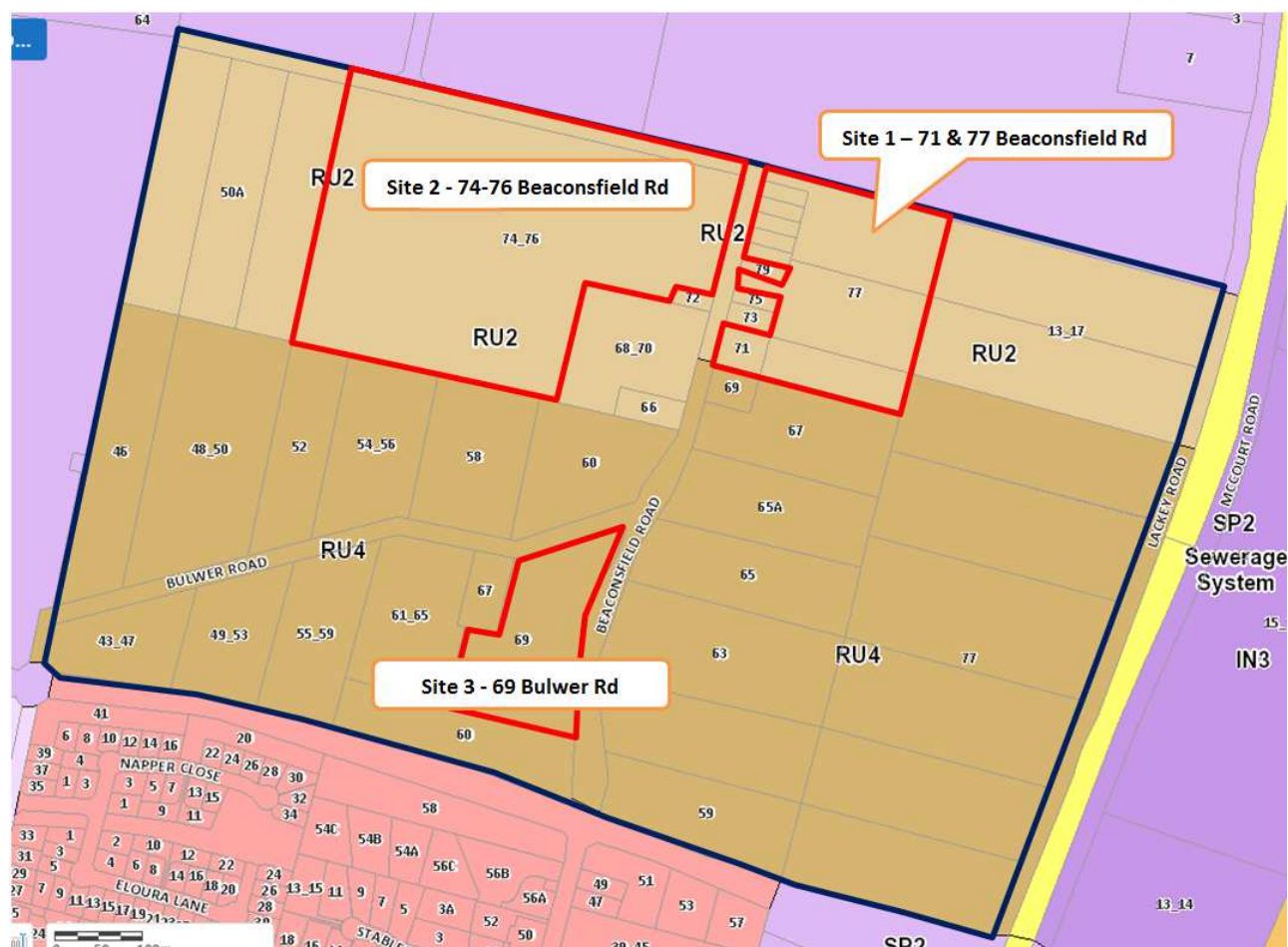


Figure 2 Zoning of Local Area & Subject Sites

PART 1 : OBJECTIVES OR INTENDED OUTCOMES

The objectives outcomes of this Planning Proposal are to amend WLEP 2010 to apply the following zoning and minimum lot size controls to the subject sites in accordance with Council's resolution MN 545/18 of 12 December 2018:

Site 1 - 77 Beaconsfield Road (Lots 1-6 & 8 DP502535 and Lot 2 DP502535) & 71 Beaconsfield Road (Lot 1 DP 502535) – Rezone from RU2 Rural Landscape with a minimum lot size of 40 ha to E4 Environmental Living with a minimum lot size of 2 ha.

Site 2 - 74-76 Beaconsfield Road (part of Lot 11 DP1084421) - Rezone that part of the Lot zoned RU2 Rural Landscape with a minimum lot size of 10 ha to E4 Environmental Living with a minimum lot size of 2 ha.

Site 3 - 69 Bulwer Road (Lot 1 DP812628) – Rezone from RU4 Primary Production Small Lots with a minimum lot size of 2ha to E4 Environmental Living with a minimum lot size of 1 ha.

The intended outcomes of these amendments are to enable rural residential development of the North-west Moss Vale Local Area appropriate to identified current infrastructure and site constraints 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.

PART 2 : EXPLANATION OF THE PROVISIONS

The proposed outcomes will be achieved by:

- Amending the WLEP 2010 Land Zoning Map to rezone the following sites to E4 Environmental Living.
 - 77 Beaconsfield Road (Lots 1-6 & 8 DP502535 and Lot 2 DP502535) & 71 Beaconsfield Road (Lot 1 DP 502535)
 - 74-76 Beaconsfield Road (Part of Lot 11 DP1084421)
 - 69 Bulwer Road (Lot 1 DP812628)



Figure 4 Proposed Zoning

- Amending the WLEP 2010 Lot Size Map to reduce the minimum lot size for the following sites to as indicated on the proposed zoning map shown at Figure 5 below.
 - 77 Beaconsfield Road (Lots 1-6 & 8 DP502535 and Lot 2 DP502535) & 71 Beaconsfield Road (Lot 1 DP 502535) – from 40 ha to 2 ha.
 - 74-76 Beaconsfield Road (Part of Lot 11 DP1084421) from 10ha to 2ha (mapped Z1 below).
 - 69 Bulwer Road (Lot 1 DP812628) – from 2ha to 1ha (mapped Y below).

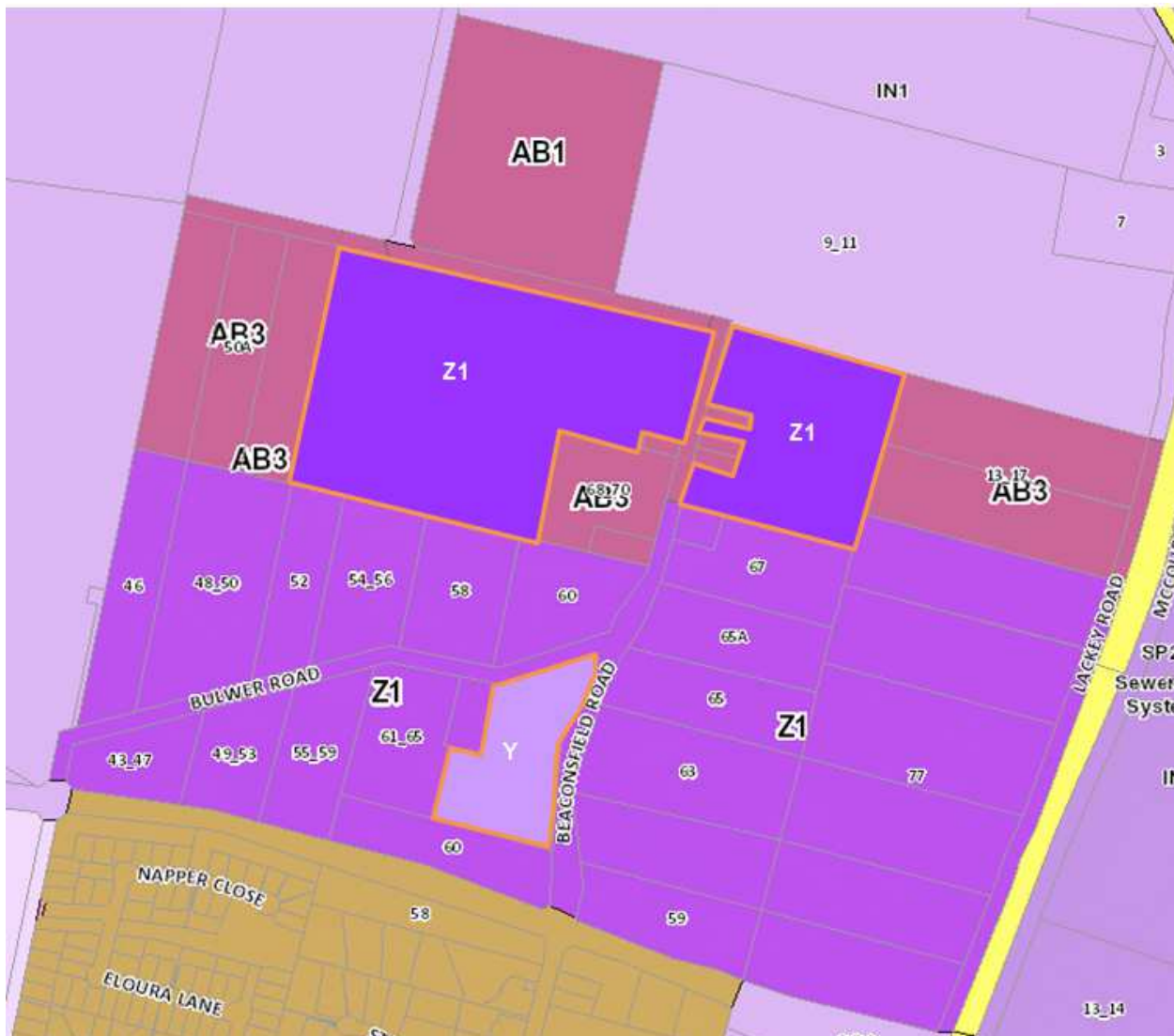


Figure 5 Proposed Minimum Lot Sizes

PART 3 : JUSTIFICATION OF OBJECTIVES, OUTCOMES & PROCESS

The review of the North-west Moss Vale Local Area resulted from Council receiving three (3) Planning Proposals seeking to reduce the minimum lot size of certain sites in north-west Moss Vale during the preparation of the Wingecarribee Local Planning Strategy 2015-2031.

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 2000m² to 4000m², be supported for inclusion in the Moss Vale Precinct Plan of the adopted Wingecarribee Local Planning Strategy 2015-2031.***

- 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, each of the new Proposals sought to vary to some extent the outcome supported under the Strategy leading Council to consider that the isolated consideration of three (3) individual sites may not ensure the best strategic outcome for the study area.

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.

Preliminary strategic assessment of the study area identified three (3) key constraints which would impact on determining the best strategic outcome for the area – water & sewer infrastructure capacity, the extent of flood liable land and the proposed Moss Vale by-pass.

Water & Sewer Infrastructure Capacity

With regard to water & sewer infrastructure, 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.

Extent of Flood Liable Land

With regard to flood risk, across the north-west Moss Vale 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 (74-76 Beaconsfield Road) of the three subject sites appears directly impacted, but there are broader potential impacts for land on the eastern edge.

Figure 6 below indicates the mapped flood prone land within the study area.

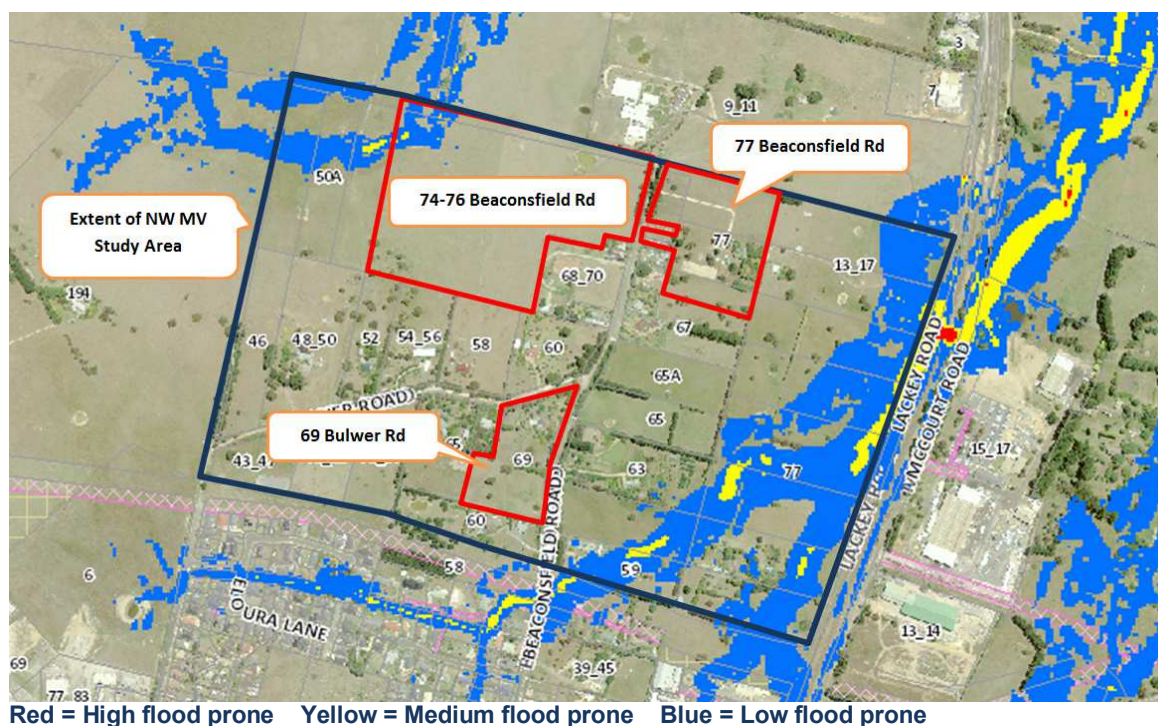


Figure 6 Flooding context of the subject land

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 7** below with the current proposed staging plan, subject to funding, indicated in **Figure 8** 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.

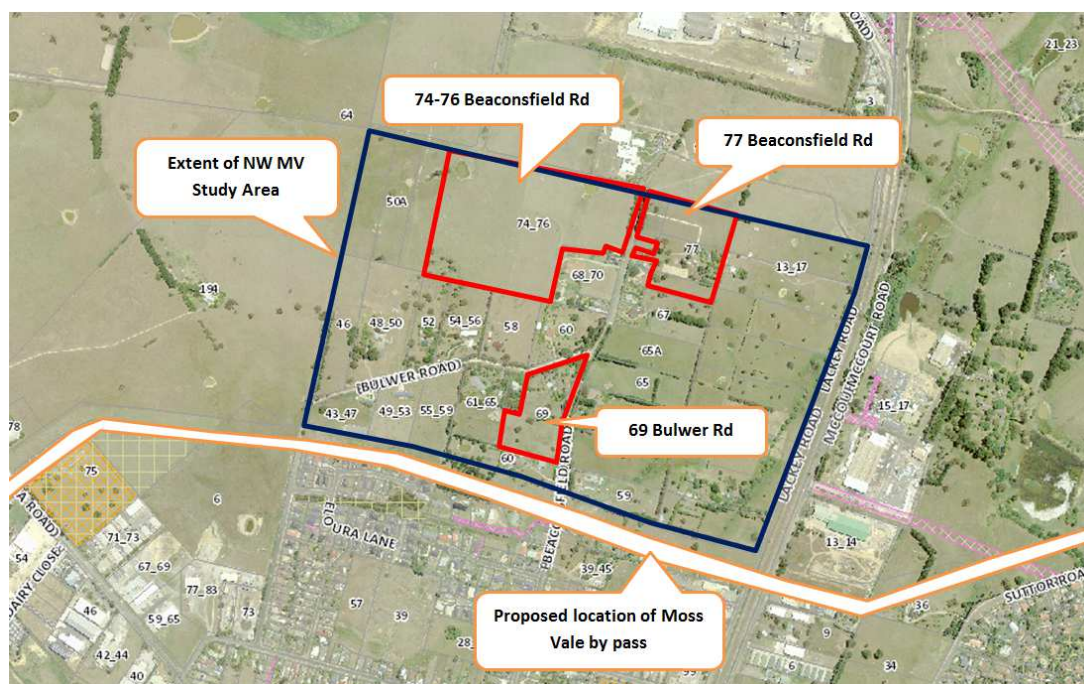


Figure 7 Location of the Proposed Moss Vale By-pass

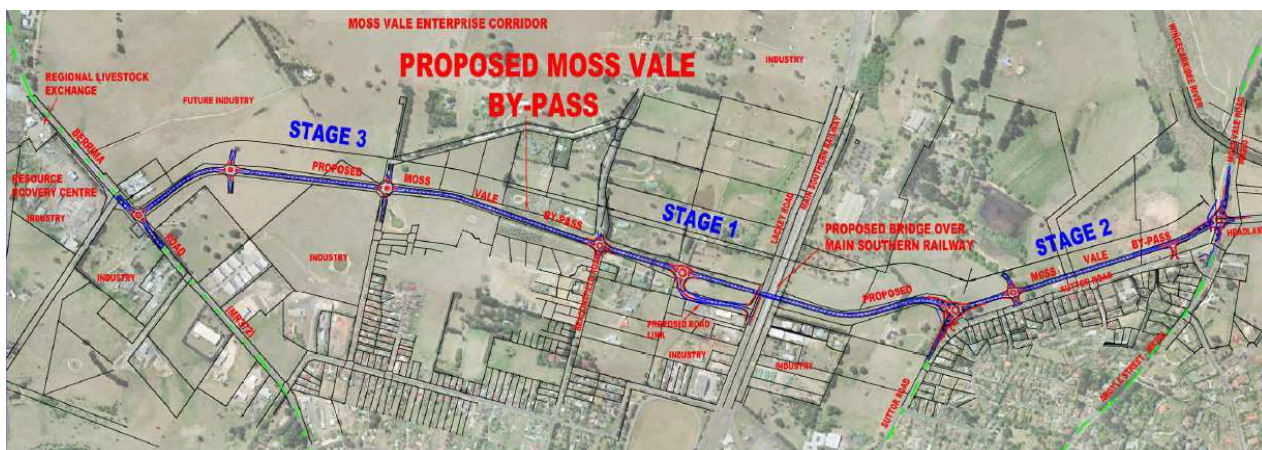


Figure 8 Staging Plan for the Proposed Moss Vale By-pass

Endangered Ecological Community

A further potential impediment to future development in the area is an area of Southern Highlands Shale Woodland, a Threatened Ecological Community (TEC) on both state and national registers, located in the western portion of the north-west Moss Vale area as indicated in **Figure 9** below. This community extends into Site 2.

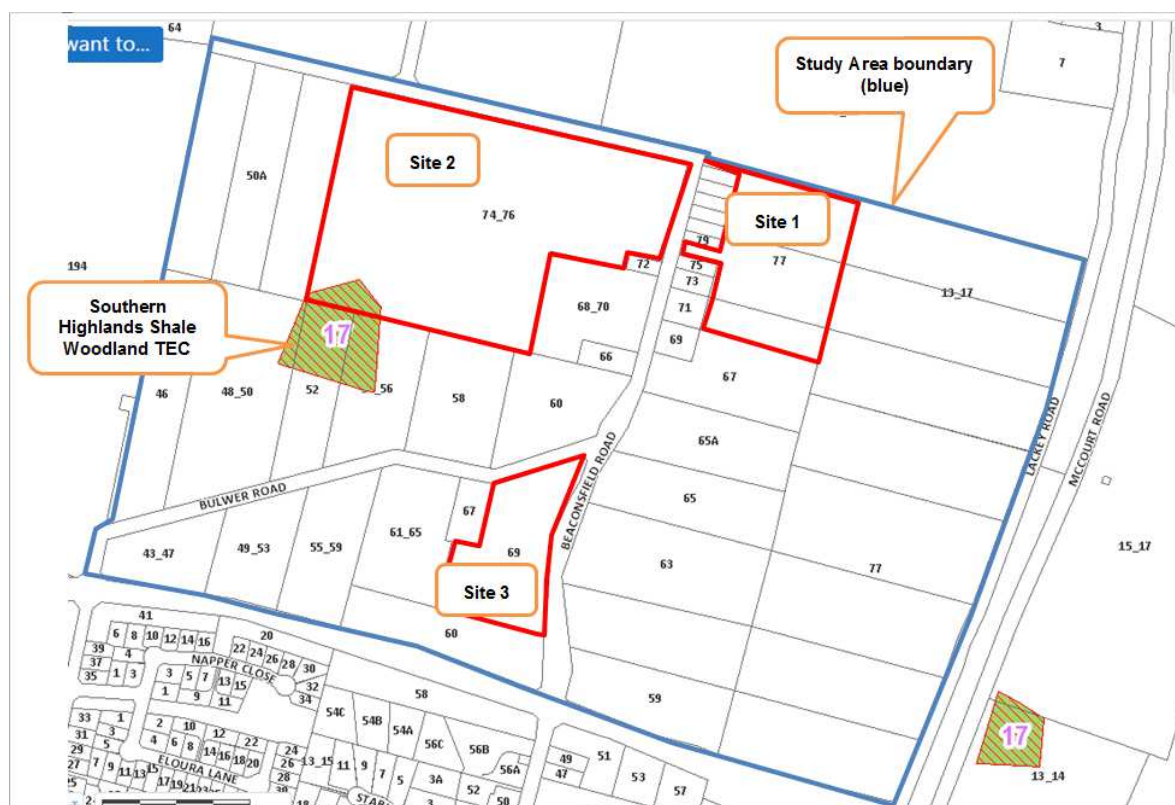


Figure 9 Identified Threatened Ecological Community

North-west Moss Vale Local Area Plan

As a consequence of considering these constraints, Council resolved at its meeting of 12 December 2018 to adopt a Local Area Plan in which the E4 Environmental Living zone would be supported for any Planning Proposal for land within the Local Area and in which a minimum lot size of 2ha (mapped Z1) to most of the Local Area with a 1ha (mapped Y) in the south west as indicated in **Figure 10** below.

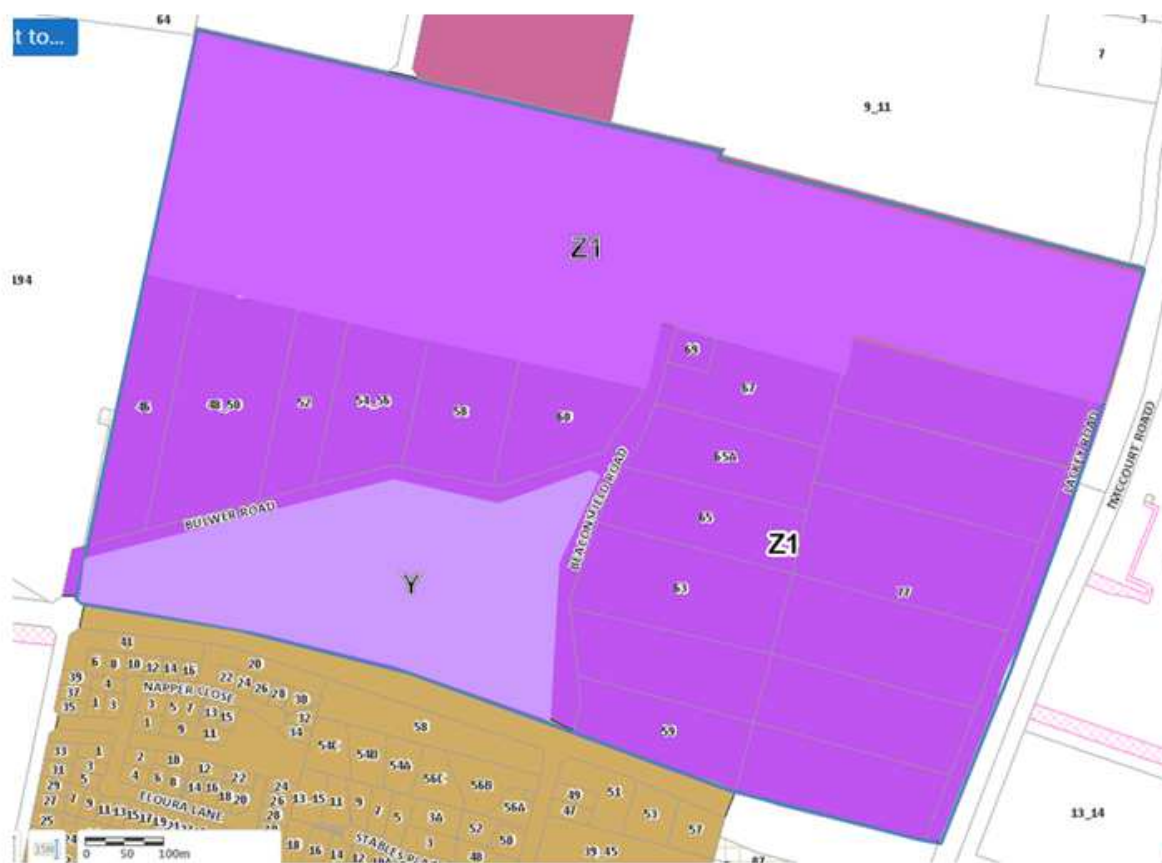


Figure 10 Proposed Minimum Lot Sizes for the North-west Moss Vale Local Area

Regarding the zoning of the Local Area, it is recognised that the current RU2 Rural Landscape and RU4 Primary Production Small Lots zonings may no longer be the most appropriate zones given that the area is effectively 'land locked' on 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 700m².

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 Local Area is no longer an area of active primary production and is now a rural-residential area where the E4 Environmental Living zone would 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.

The application of the 2 ha minimum lot size as proposed would potentially yield 11 to 13 lots across Sites 1 and 2. The application of the 1ha minimum lot size as proposed would enable Site 3 to achieve one (1) additional lot.

It is noted that only those sites supported for inclusion in the Moss Vale Precinct Plan of the Wingecarribee Local Planning Strategy 2015-2031 are included in this Planning Proposal. However, following the adoption of the North-west Moss Vale Local Area Plan, there is the potential for other sites within the Area to lodge a Planning Proposal for similar consideration.

No other lot within the proposed 1ha minimum lot size area would have subdivision potential, all being below the 2 ha minimum required to achieve a 1 ha subdivision. However some sites within the proposed 2ha area could achieve a higher lot yield. It is estimated that an additional four (4) lots could eventually be achieved under the proposed amendments, bringing the total lot yield to 18.

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.

In conclusion, 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.

However, Council remains conscious of the identified constraints on future development of the area and does not wish at this time to proceed with amending WLEP 2010 for the whole North-

west Moss vale Local Area. Instead, Council prefers to proceed only with the three (3) sites for which Planning Proposals have been received and will assess any future Planning Proposal for land within the Local Area on the basis of any adverse impact on identified constraints.

Section A – Need for the Planning Proposal

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

The Planning Proposal is the result of a preliminary strategic review of the North-west Moss Vale area following inclusion of certain sites within the Moss Vale Precinct Plan of the Wingecarribee Local Planning Strategy 2015-2031 which was adopted by Council on 23 March 2016 and conditionally endorsed by the Department of Planning and Environment on 15 May 2017. The Planning Proposal supports the Department's request that Council identify potential land for rezoning for residential development.

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

The proposed amendments are deemed to be the best way of achieving some rural residential development potential in the north-west Moss Vale area to the extent that current environment and infrastructure constraints permit.

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)?

Key Directions from the South East and Tablelands Regional Plan considered most relevant to this Planning Proposal are:

Direction 8 – Protect important agricultural land
Direction 14 – protect important environmental assets
Direction 24 – Deliver greater housing supply and choice
Direction 25 - Focus housing growth in locations that maximise infrastructure and services
Direction 27 - Deliver more opportunities for affordable housing
Direction 28 – Manage rural lifestyles

Council is fully supportive of all of these Directions. These Directions require a balanced approach to residential development while protecting important agricultural and environmental lands.

The North-west Moss Vale area and the specific sites included in this Planning Proposal provide the opportunity to offer more rural residential housing, for which there is a consistently high demand, in a location where there is no high quality agricultural or environmental land, but where there are environmental constraints which need to be addressed. Although the area also has infrastructure limitations, the alternative of retaining the land as RU2 with a 40ha minimum lot size does not meet any of the Regional Plan objectives or Directions.

Council is aware that a Local Housing Strategy is to be undertaken in 2019 as part of the preparation of a Local strategic Planning Statement and normally such a rezoning would be left for inclusion in that Strategy, but these three sites were supported in the Local Planning

Strategy so it was not deemed appropriate to hold them over for reconsideration in yet another Strategy.

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

The Wingecarribee Local Planning Strategy 2015-2031 was adopted by Council on 23 March 2015 and conditionally endorsed by the Department of Planning and Environment on 15 May 2017. Chapter 4 (Meeting Our Housing Needs) was not endorsed, with the Department recommending that Council identify land which could be rezoned for residential development.

The North-west Moss Vale Local Area is currently zoned Ru2 Rural Landscape with a minimum lot size ranging from 40ha to 10ha. The area is surrounded to the west, north and east by 'low intensity' industrial land and on the south by low density residential development.

The three sites which are the subject of this Planning Proposal were supported for inclusion in the Moss Vale Precinct Plan which formed part of the endorsed Strategy. Therefore, it is concluded that the proposed amendments support the Wingecarribee Local Planning Strategy 2015-2031.

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

The Proposal has been assessed against relevant SEPPs as indicated below.

SEPP	Relevance to Planning Proposal
No.1 Development Standards	<u>NOT RELEVANT</u> – The SEPP was replaced by Clause 4.6 of WLEP2010 as the mechanism for any variation to development standards.
No.14 Coastal Wetlands	<u>NOT RELEVANT</u> – There are no Coastal Wetlands within the Shire.
No.19 Bushland in Urban Areas	<u>NOT RELEVANT</u> – The SEPP does not apply to Wingecarribee Shire.
No.21 Caravan Parks	<u>CONSISTENT</u> because the Planning Proposal will not result in development for the purposes of a caravan park.
No.26 Littoral Rainforests	<u>NOT RELEVANT</u> – The SEPP does not apply to Wingecarribee Shire.
No.30 Intensive Agriculture	<u>CONSISTENT</u> because the Planning Proposal will not result in development for the purposes of intensive agriculture.
No.33 Hazardous and Offensive Development	<u>CONSISTENT</u> because the IN3 Heavy Industry zone on the eastern side of the north-west Moss Vale area is separated by two roads and a railway line. The proposed 2ha minimum lot size enables any resulting housing to be located well away from this eastern boundary.
No.36 Manufactured Home Estates	<u>CONSISTENT</u> because the Planning Proposal will not result in development for the purposes of a manufactured home estate.

No.44 Koala Habitat Protection	<u>CONSISTENT</u> because there is no known koala habitat in this area.
No. 47 Moore Park Showground	<u>NOT RELEVANT</u> – The SEPP does not apply to Wingecarribee Shire.
No.50 Canal Estate Development	<u>CONSISTENT</u> because the Planning Proposal will not result in development for the purposes of a canal estate.
No.52 Farm Dams and Other Works in Land and Water Management Plan Areas	<u>NOT RELEVANT</u> – The SEPP does not apply to Wingecarribee Shire.
No.55 Remediation of Land	<u>CONSISTENT</u> because any need to remediate land for residential purposes would be assessed at the Development Application stage.
No. 62 Sustainable Aquaculture	<u>CONSISTENT</u> because the Planning Proposal will not result in development for the purposes of sustainable aquaculture.
No.64 Advertising and Signage	<u>CONSISTENT</u> because any signage resulting from development would require a development application if it did not meet the exempt standards in the DCP.
No.65 Design Quality of Residential Apartment Development	<u>CONSISTENT</u> because the Planning Proposal will not result in development for the purposes of residential apartment development.
No.70 Affordable Housing (Revised Schemes)	<u>CONSISTENT</u> because the SEPP has not been introduced into Wingecarribee Shire as yet.
No.71 Coastal Protection	<u>NOT RELEVANT</u> – The SEPP does not apply to Wingecarribee Shire.
Affordable Rental Housing 2009	<u>CONSISTENT</u> because there will be no restrictions on the permissibility of secondary dwellings in the area.
Building Sustainability Index: Basix 2004	<u>CONSISTENT</u> because the application of BASIX will apply at the Development Application stage.
Educational Establishments and Child Care Facilities 2017	<u>CONSISTENT</u> because the Planning Proposal will not result in development for the purposes of educational establishments or child care facilities. Any such application would be assessed against the relevant provisions of the DCP.
Exempt and Complying Development Codes 2008	<u>CONSISTENT</u> because the provisions of the Codes SEPP will be not restricted by the Planning Proposal.
Housing for Seniors or People with a Disability 2004	<u>CONSISTENT</u> because the E4 zone does not permit seniors housing and the SEPP does not apply due to the area being water catchment.

Infrastructure 2007	<u>CONSISTENT</u> because the Planning Proposal does not restrict the provisions of the Infrastructure SEPP.
Integration and Repeals 2016	<u>NOT RELEVANT</u> – The SEPP does not apply to Wingecarribee Shire.
Kosciuszko National Park - Alpine Resorts 2007	<u>NOT RELEVANT</u> – The SEPP does not apply to Wingecarribee Shire.
Kurnell Peninsula 1989	<u>NOT RELEVANT</u> – The SEPP does not apply to Wingecarribee Shire.
Mining, Petroleum Production and Extractive Industries 2007	<u>CONSISTENT</u> because the Planning Proposal will not impact the objectives of this SEPP.
Miscellaneous Consent Provisions 2007	<u>CONSISTENT</u> because the Planning Proposal will not impact the objectives of this SEPP.
Penrith Lakes Scheme 1989	<u>NOT RELEVANT</u> – The SEPP does not apply to Wingecarribee Shire.
Primary Production & Rural Development 2019	<u>CONSISTENT</u> because the proposed rezoning and reduction in minimum lot size will assist the aim of the policy of not sterilising rural land. Currently the RU2 zoned land is surrounded by industrial land on three sides and residential land on the other.
State and Regional Development 2011	<u>CONSISTENT</u> because the Planning Proposal does not involved state significant development.
State Significant Precincts 2005	<u>CONSISTENT</u> because the area is not identified as a state significant precinct.
Sydney Drinking Water Catchment 2011	<u>CONSISTENT</u> because resulting residential development must demonstrate a neutral or beneficial effect at the development application stage.
Sydney Region Growth Centres 2006	<u>NOT RELEVANT</u> – The SEPP does not apply to Wingecarribee Shire.
Three Ports 2013	<u>NOT RELEVANT</u> – The SEPP does not apply to Wingecarribee Shire.
Urban Renewal 2010	<u>CONSISTENT</u> because the Planning Proposal meets the objectives of the SEPP even though the subject land is not specifically an urban renewal site.
Vegetation in Non-Rural Areas 2017	<u>NOT RELEVANT</u> – The SEPP does not apply to Wingecarribee Shire.
Western Sydney Employment Area 2009	<u>NOT RELEVANT</u> – The SEPP does not apply to Wingecarribee Shire.
Western Sydney Parklands	<u>NOT RELEVANT</u> – The SEPP does not apply to Wingecarribee Shire.

6. Is the Planning Proposal consistent with applicable Section 9.1 Directions?

The Planning Proposal has been assessed against applicable Directions issued by the Minister for Planning under section 9.1 of the *Environmental Planning & Assessment Act 1979*. These assessments are reproduced below. Directions not applicable to Wingecarribee Shire have been excluded.

1. Employment & Resources	Assessment
1.1 Business & Industrial Zones	<u>CONSISTENT</u> because the land is not zoned Industrial or Business and it is not considered that neighbouring industrial land will cause land use conflicts due to the large residential areas proposed.
1.2 Rural Zones	<u>CONSISTENT</u> because the land is not high value rural land and existing environmental conflicts have been addressed in the proposed minimum lot size provisions.
1.2 Mining, Petroleum Production & Extractive Industries	<u>CONSISTENT</u> because the Planning Proposal will not prohibit or restrict mining or the development of mineral resources on the land.
1.4 Oyster Aquaculture	<u>CONSISTENT</u> because the Proposal will not impact any oyster farming or production.
1.5 Primary Production & Rural Development	<u>CONSISTENT</u> because although the land is zoned RU2 Rural Landscape it is not actively used for such and the surrounding land uses are industrial and residential. The minimum lot size is considered sufficient to manage potential land use conflicts between the subject land and the industrial land.
2. Environment & Heritage	Assessment
2.1 Environment Protection Zones	<u>CONSISTENT</u> because identified environmental constraints have been accounted for in the proposed minimum lot size and the proposed E4 Environmental Living zone will provide ongoing protection at the Development Application stage.
2.2 Coastal Management	<u>CONSISTENT</u> because the subject land is not in a coastal zone.
2.3 Heritage Conservation	<u>CONSISTENT</u> because there are Items of Heritage in the vicinity and any Development Application will address potential Aboriginal heritage.
2.4 Recreation Vehicle Areas	<u>CONSISTENT</u> because the Planning Proposal will not be used for a recreation vehicle area.
2.5 E2 & E3 zones in Far North Coast LEPs	<u>NOT APPLICABLE</u> because the land is not located in a Far North Coast LEP.

3. Housing, Infrastructure & Urban Development	Assessment
3.1 Residential Zones	<u>CONSISTENT</u> because the Proposal will enable the development of land for residential purposes to the extent that site constraints permit.
3.2 Caravan Parks & Manufactured Home Estates	<u>CONSISTENT</u> because the Planning Proposal does not include caravan park or manufactured home estate development.
3.3 Home Occupations	<u>CONSISTENT</u> because there will be no prohibition or restriction on home occupations.
3.3 Integrating Land Use & Transport	<u>CONSISTENT</u> because the land provides a modest extension to the Moss Vale Township with access to existing transport infrastructure.
3.5 Development near Licensed Aerodromes	<u>CONSISTENT</u> because the land is not near a licensed aerodrome.
3.6 Shooting Ranges	<u>CONSISTENT</u> because the land is not near a shooting range.
4. Hazard & Risk	Assessment
4.1 Acid Sulphate Soils	<u>CONSISTENT</u> because the land does not contain acid sulphate soils.
4.2 Mine Subsidence & Unstable Land	<u>CONSISTENT</u> because the land is not unstable or in an area of subsidence.
3.3 Flood Prone Land	<u>CONSISTENT</u> because although there is some flood affectation the minimum lot size allows for development to occur outside of the mapped flood areas.
3.4 Planning for Bushfire Protection	<u>CONSISTENT</u> because the minimum lot size is considered sufficient to avoid building in the identified area of bushfire prone land. Referral to NSW RFS will occur at the DA stage and may be required through the Gateway Determination.
5. Regional Planning	Assessment
5.1 Implementation of Regional Strategies	<u>CONSISTENT</u> because the Planning proposal supports the South east and Tablelands Regional Plan as discussed earlier in this report.
5.2 Sydney Drinking Water Catchments	<u>CONSISTENT</u> because any Development Application for residential development will be referred to WaterNSW. Support from WaterNSW will be confirmed once a gateway determination is issued as required under the Determination.
5.3 – 5.9	<u>NOT RELEVANT TO WINGECARRIBEE SHIRE</u>

5. Regional Planning	Assessment
5.10 Implementation of Regional Plans	<u>CONSISTENT</u> because the Planning proposal supports the South east and Tablelands Regional Plan as discussed earlier in this report.
6. Local Plan Making	Assessment
6.1 Approval & Referral Requirements	<u>CONSISTENT</u> because no concurrence, consultation or referral to a Minister is required.
6.2 Reserving Land for Public Purposes	<u>CONSISTENT</u> because no land is being reserved for public purpose.
6.3 Site Specific Provisions	<u>CONSISTENT</u> because no site specific provisions apply.

Section C – Environmental, Social & Economic Impacts

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 Justification section addresses these matters. It is considered that the minimum lot size adequately protects the identified area of TEC.

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

No other environmental issues are applicable.

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

The Proposal provides for rural residential development on land that is current underutilised at a scale which minimises land use conflicts and provides environmental protection. The land is located near to the Moss Vale Township.

Section D – State and Commonwealth Interests

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

The density of the proposed development resulting from the amendment reflects identified infrastructure constraints.

PART 4 – MAPPING

The Local Area is located at the intersection of four maps, therefore the following map(s) will require amendment:

Land Zoning Maps	
LZN_007C	8350_COM_LZN_007C_020_20100520
LZN_007D	8350_COM_LZN_007D_020_20170626
LZN_007G	8350_COM_LZN_007G_020_20181221
LZN_007H	8350_COM_LZN_007H_020_20170626
Lot Size Maps	
LSZ_007C	8350_COM_LSZ_007C_020_20140410
LSZ_007D	8350_COM_LSZ_007D_020_20170626
LSZ_007G	8350_COM_LSZ_007G_020_20181221
LSZ_007H	8350_COM_LSZ_007H_020_20170626

PART 5A – AGENCY REFERRALS

Agency referrals will occur as directed in the Gateway Determination. Council has not yet referred the Planning Proposal to WaterNSW as this is always a requirement of the Gateway and, to avoid duplication of effort, Council prefers to undertake all referrals once all Gateway requirements are known.

PART 5B – COMMUNITY CONSULTATION

Community consultation will occur as directed in the Gateway Determination. Council normally provided 30-31 days of public exhibition which includes, as relevant, notification by letter/email to adjoining property owners and weekly advertising in the Southern Highland News for the duration of the exhibition period. The Planning Proposal will also be listed on Council's What's On Exhibition page and notification of the exhibition will included in Council E-Newsletters sent to over 3,500 recipients.

The principal place of public exhibition is the Customer Service Counter at the Civic Centre, 68 Elizabeth Street, Moss Vale, NSW 2577 and the Planning Proposal is also available for view on Council's website and at all relevant libraries including Council's Rural Outreach & Delivery Service (ROADS) Mobile Library.

PART 6 – TIMELINE

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

MILESTONE	INDICATIVE DATE
Gateway Determination	April 2019
Agency Consultation	May 2019
Public Exhibition	June 2019
Report to Council on exhibition of Planning Proposal	July 2019
Approximate completion date	August 2019

DELEGATIONS

It is noted that Council seeks delegation for the processing of this Planning Proposal. A copy of the Delegation Request Form is attached.

**END OF PLANNING PROPOSAL
VERSION 1 FOR GATEWAY**