

12.3 Planning Proposal to Rezone and Reduce the Minimum Lot Size of 50A Bulwer Road, Moss Vale

Reference: PN 1786790
Report Author: Senior Strategic Land Use Planner
Authoriser: Group Manager Planning, Development and Regulatory Services

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 a Planning Proposal to amend WLEP 2010 to rezone and reduce the minimum lot size for a site in the north-west of Moss Vale, in order to permit rural residential development.

VOTING ON THE MOTION

Councillors are required to record their votes on this matter.

RECOMMENDATION

THAT a Planning Proposal be prepared and submitted to the NSW Department of Planning, Industry & Environment for a Gateway Determination to rezone Lots 8-10 Sec F DP 2810, 50A Bulwer Road, Moss Vale currently zoned RU2 Rural Landscape, to E4 Environmental Living and apply a minimum lot size of 2 hectares, in accordance with the North-West Moss Vale study area adopted by Council in its Ordinary meeting of 12 December 2018.

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 north-west of Moss Vale.

In order to assess these Proposals, a North-West Moss Vale study area (the study area) was established as indicated in **Figure 1** below.

The northern portion of the study area is currently zoned RU2 Rural Landscape under Wingecarribee Local Environmental Plan (WLEP) 2010 with a minimum lot size of 40 hectares. The remainder of the study area 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 700m², although the south-eastern portion of the subject land is bordered by IN1 General Industrial zoned land.

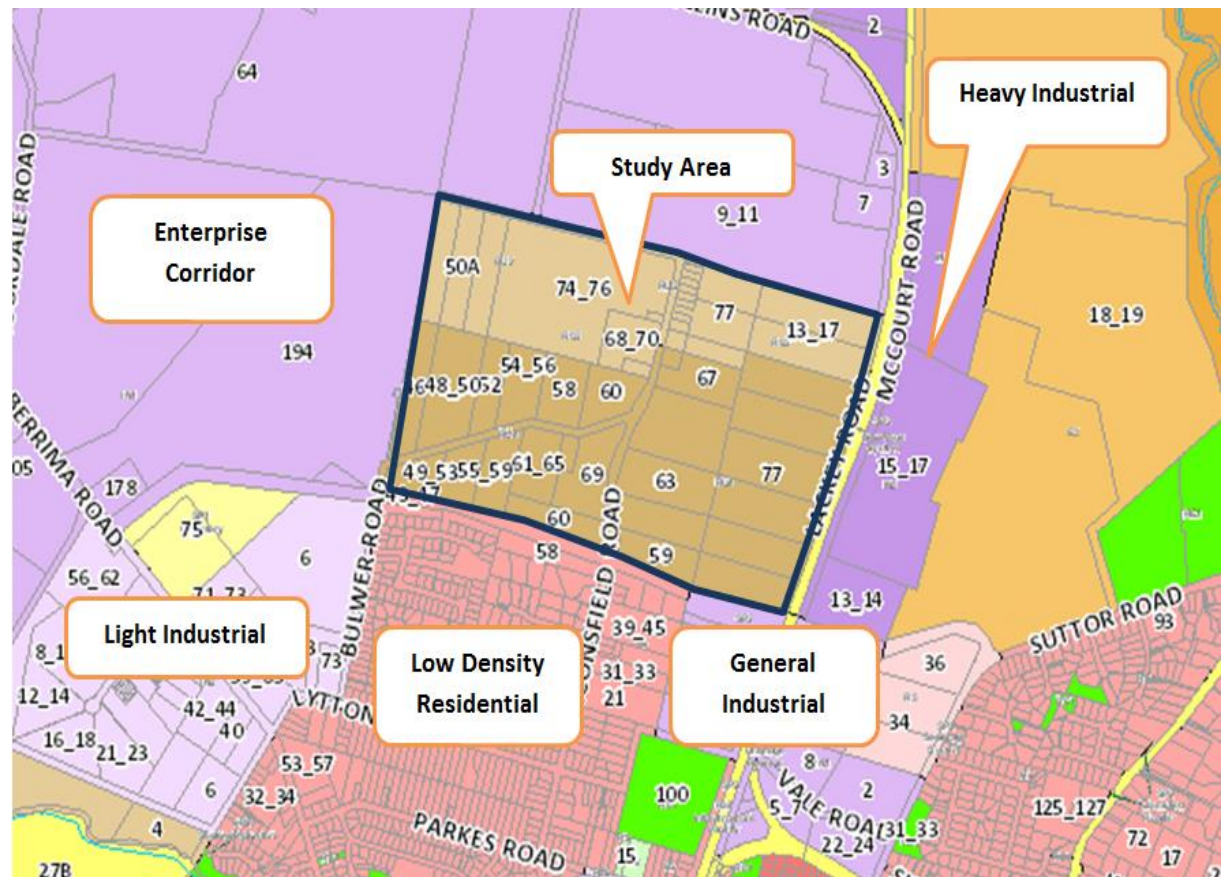


Figure 1 Location of North-West Moss Vale study area (Attachment 1)

The subject site for the purpose of this Planning Proposal is Lots 8-10 Sec F DP 2810, 50A Bulwer Road, Moss Vale, which is currently zoned RU2 and has a minimum lot size of 40 hectares. The property currently covers just over six (6) hectares of area as indicated in **Figure 2** below.

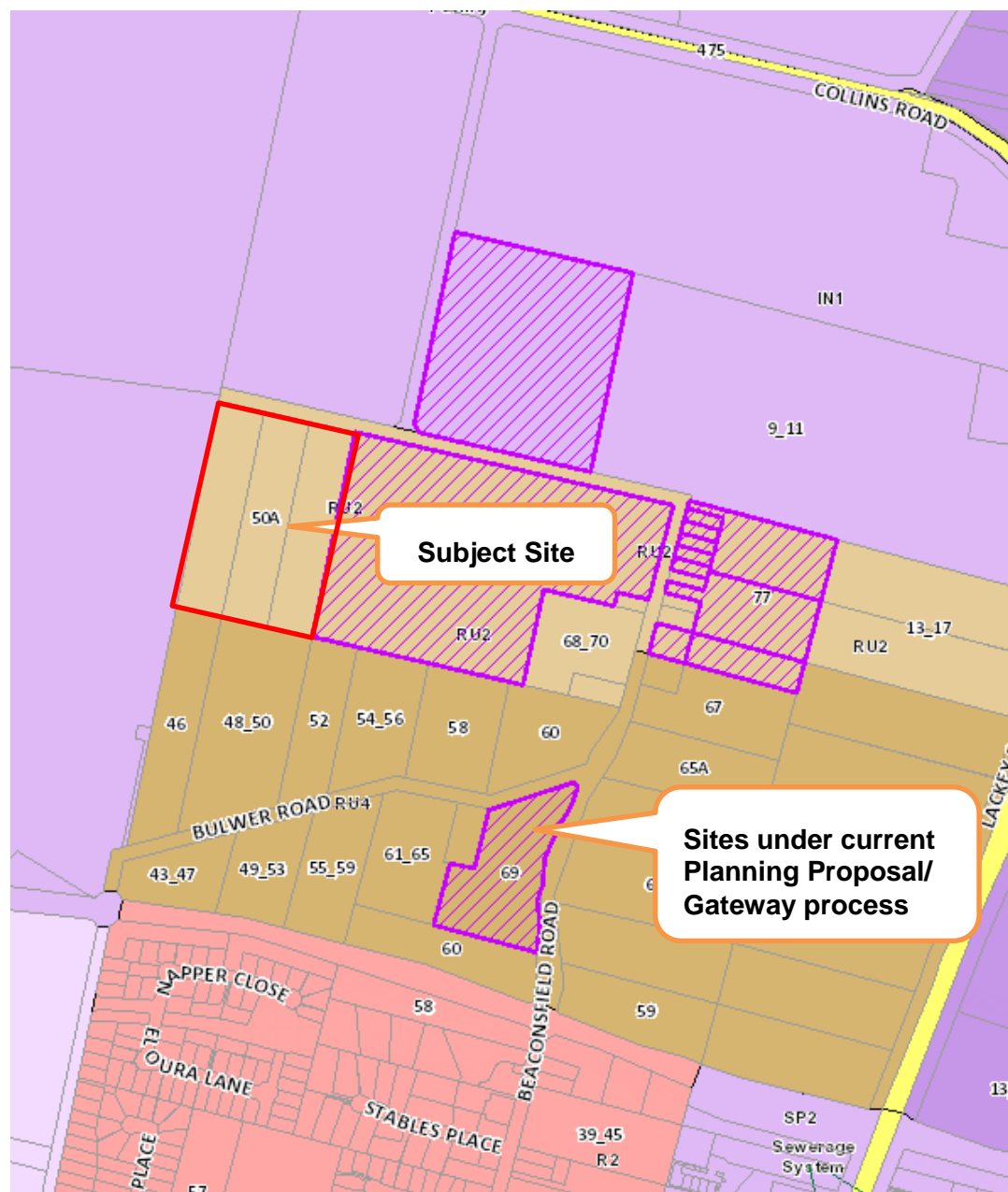


Figure 2 Location of Subject Site (Attachment 2)

The review of the study area noted that it 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 E4 Environmental Living zone is focussed more on rural-residential lifestyle development while affording ongoing protection of existing rural and environmental sensitivities. It also provides a gradual transition of lot sizes from the small lots within the R2 zone towards the South, and a buffer between the residential area and the industrial precinct.

Consequently, at its Ordinary Meeting of 12th December 2018, Council resolved to support a future zoning of the study area of E4 Environmental Living with a minimum lot size of 2 hectares in the Northern section and a minimum lot size of 1 hectare in the south as indicated in **Figure 3** below.

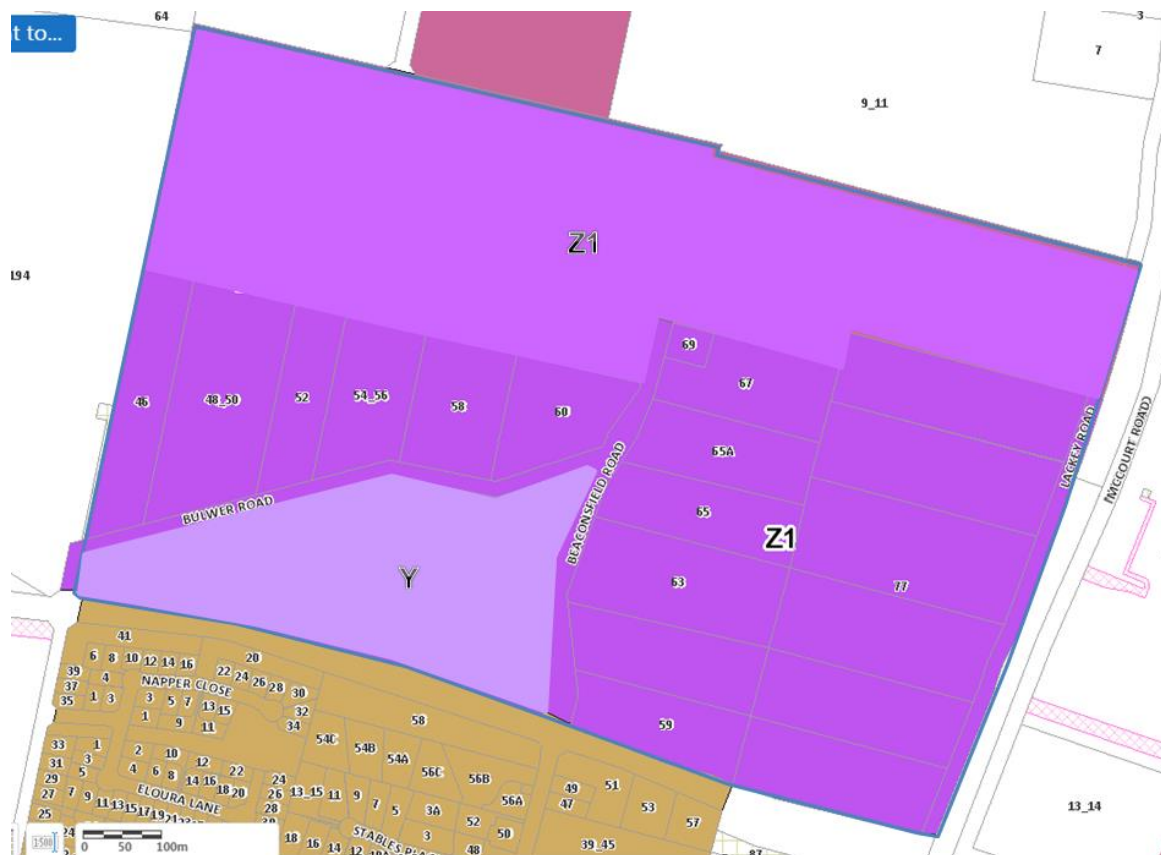


Figure 3 Adopted proposed Zoning and Minimum lot size for the study area (Attachment 3)

The Planning Proposal for the subject land seeks to amend both the zoning and minimum lot size in accordance with the adopted Local Area Plan for the study area.

REPORT

The subject land is part of North West Moss Vale and shares two boundaries with the Moss Vale Enterprise Corridor. It is legally known as Lot 8-10 Sec F DP 2810. The total area of the existing property is approximately six (6) hectares and made up of three separate allotments, each of approximately two hectares in size.

It is part of an area of land zoned currently RU2 Rural Landscape which adjoins IN1 General Industrial zoned land to the west and north. The subject land comprises of three (3) lots of 2 hectares each, consistent with the adopted Local Area Plan. The configuration of the lots however, might change achieving a better outcome in terms of access, services or development around site constraints. **Figure 4** below shows the 3 lots within the subject site.



Figure 4 Location of Dwelling House on the Subject Site (Attachment 4)

During the preparation of the Local Area Plan, preliminary strategic assessment identified three (3) key constraints which will impact on determining the best strategic outcome for the subject area – the water & sewer infrastructure capacity, the extent of flood liable land and the proposed Moss Vale by-pass.

Water and Sewer Infrastructure

As indicated in **Figure 5** below, reticulated water and sewer infrastructure is available along the western boundary of the subject site. These services can be extended into the lots for any future development on the site.



Water Mains – Blue & Sewer Mains – Red

Figure 5 Sewer and Water Infrastructure around the Subject Site (Attachment 5)

As part of any future development application for subdivision or building a Dwelling House, the site would need to be modelled against Council's future model to determine if the any of the mains may require upsizing or duplicating to supply adequate pressure and sewer requirements to the new development.

Flooding Risk

As shown in **Figure 6** below, a low to medium level of flood risk is indicated within the subject site, along the Northern half of the property. The image below suggests that there is enough area within the subject site to mitigate development around the flooding risk for any future development proposed on the three new lots. If any future development is proposed close to the flooding area, Flood Liable measures in the DCP shall be considered at development consent stage.



Yellow = Medium flood prone; Blue = Low flood prone

Figure 6 Flooding constraint of the subject land (Attachment 6)

Vegetation Management and Endangered Ecological Community (EEC)

While not a major impediment to future development in the subject site, it is noted that an area of Southern Highlands Shale Woodland threatened ecological community exists in the South Eastern corner of the site as indicated in **Figure 7** below. Southern Highlands Shale Woodland is listed as threatened on both state and national registers. The nearest possible development to the area mapped EEC has already been constructed, and hence there does not appear to be any additional impact on the endangered species as a result of this proposal.

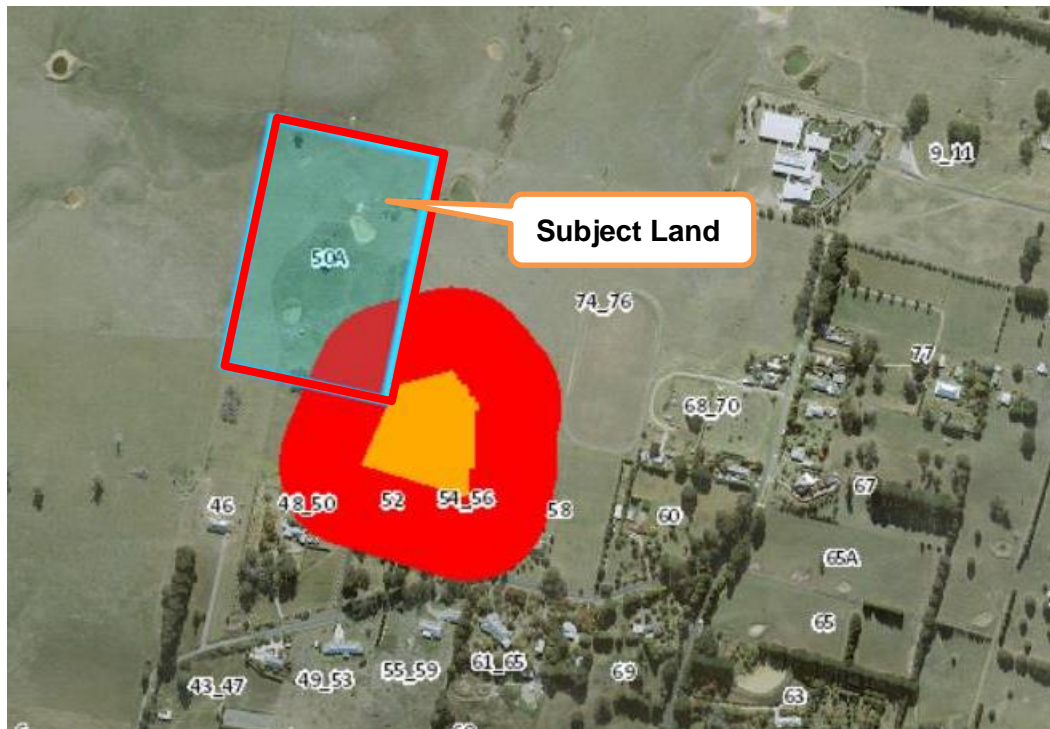


Green Hatched area = Southern Highlands Shale Woodlands TEC

Figure 7 Vegetation and mapped Threatened Ecological Community (Attachment 7)

Bushfire Threat

It is noted that there is an area within the subject site that is mapped to have bushfire threat. As shown in **Figure 8** below, the aerial image shows that the area has been mostly cleared and has minimal bushfire threat due to lack of vegetation on the subject land. Also, the area within the subject land is mapped as the bushfire buffer zone – Vegetation buffer category. Development on the lot (depending on the location of the development) will require a bushfire assessment and shall be built to the current bushfire building standards. The nearest possible development to the area mapped bushfire prone has already been developed, and hence there does not appear to be any major bushfire threat on the subject land.



Red = Vegetation Buffer area; Orange = Vegetation Category 1 area

Figure 8 Mapped Bushfire threat around the subject land (Attachment 8)

Recommendations

As a consequence of considering these constraints outlined above, it is proposed that the Planning Proposal for the subject land Lot 8-10 Sec F DP 2810, 50A Bulwer Road, Moss Vale, be supported in keeping with the Local Area Plan for North-West Moss Vale.

It is proposed that the subject land be rezoned to E4 Environmental Living, with a Minimum Lot Size of 2 Hectares. This would allow two additional dwellings on the property either on the existing allotments as they are or on a three lot reconfigured arrangement subject to a future development application consent for subdivision.

This provides a gradual change in lot sizes from the much smaller R2 Low Density Residential in the South to the IN1 General Industrial to the North and West of the subject land.

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, subsequent to a positive outcome from Council's decision.

Internal Communication and Consultation

No Additional internal consultation has occurred at this stage.

External Communication and Consultation

No external consultation has occurred as yet. Consultation with Water NSW and RFS will be part of the Gateway process subsequent to Council supporting the Planning Proposal and requirements determined by the Department of Planning, Industry and Environment.

SUSTAINABILITY ASSESSMENT

- **Environment**

The proposed zoning and minimum lot size amendments to the subject land 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**

The preparation of the Planning Proposal would be undertaken in accordance with the legislative requirements under the *Environmental Planning and Assessment Act 1979*.

COUNCIL BUDGET IMPLICATIONS

There are no budget implications from this Planning Proposal.

RELATED COUNCIL POLICY

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

OPTIONS

The options available to Council are:

Option 1

THAT a Planning Proposal be prepared and submitted to the NSW Department of Planning, Industry & Environment for a Gateway Determination to rezone Lots 8-10 Sec F DP 2810, 50A Bulwer Road, Moss Vale currently zoned RU2 Rural Landscape, to E4 Environmental Living and apply a minimum lot size of 2 hectares, in accordance with the North-West Moss Vale study area adopted by Council in its Ordinary meeting of 12th December 2018.

Option 2

THAT Council not support the recommendation on this report.

Option No. 1 is the recommended option to this report.

CONCLUSION

The subject Planning Proposal for Lots 8-10 Sec F DP 2810, 50A Bulwer Road, Moss Vale is consistent with the Local Area Plan for North-West Moss Vale. It is proposed that the subject site is rezoned to E4 Environmental Living with a minimum lot size of 2 hectares.

It was recognised that the land will yield a maximum of three lots of 2 ha each which is an increase of two dwellings. This is a minor increase, however the capacity of the sewer and water mains shall be studied at the development assessment stage prior to issuing a Development Consent for any development on the lot.

ATTACHMENTS

1. Figure 1 - Location of North-West Moss Vale study area
2. Figure 2 - Location of subject site - *circulated under separate cover*
3. Figure 3 - Adopted proposed Zoning and Minimum lot size for the study area - *circulated under separate cover*
4. Figure 4 - Three lots in the Subject Site - *circulated under separate cover*
5. Figure 5 - Sewer and Water Infrastructure around the Subject Site - *circulated under separate cover*
6. Figure 6 - Flooding constraint of the subject land - *circulated under separate cover*
7. Figure 7 - Vegetation and mapped Threatened Ecological - *circulated under separate cover*
8. Figure 8 - Mapped Bushfire threat around the subject land - *circulated under separate cover*