

Planning Proposal

To amend Wingecarribee Local Environmental Plan 2010 to amend the zoning and minimum lot size maps under Wingecarribee Local Environmental Plan 2010 for 50A Bulwer Road, Moss Vale

Initially submitted to Wingecarribee Shire Council by
Lee Environmental Planning
33 Holly Street, Bowral
lep.planning@gmail.com

On behalf of owners of the subject properties

Version 3 - for Gateway Determination – July 2020 – Updated by
Wingecarribee Shire Council



Civic Centre, Elizabeth St, Moss Vale, NSW 2577.
PO Box 141, Moss Vale. ABN 49 546 344 354

T: (02) 4866 0888 E: wscmail@wsc.nsw.gov.au
www.wsc.nsw.gov.au

DOCUMENTS WHICH COMPRISE THIS PLANNING PROPOSAL

1	Report to Council 10 June 2020
2	Resolution of Council 10 June 2020

LOCAL GOVERNMENT AREA : WINGECARRIBEE SHIRE COUNCIL

ADDRESS OF LAND : 50A Bulwer Road, Moss Vale

SHIRE WIDE LOCATION



SITE LOCATION & DESCRIPTION

The subject land comprises three adjoining parcels of land, being Lots 8, 9 and 10 Section F DP2810. Combined, the three lots have a site area of approximately 6.07 hectares.

Individually they are all of the same site area (2 hectares) and dimensions (67m x 300m).

Together they comprise the site that is the subject of this Planning Proposal.

The site is approximately 2.5 kilometres north of the Moss Vale town centre. Refer to Figure 1.

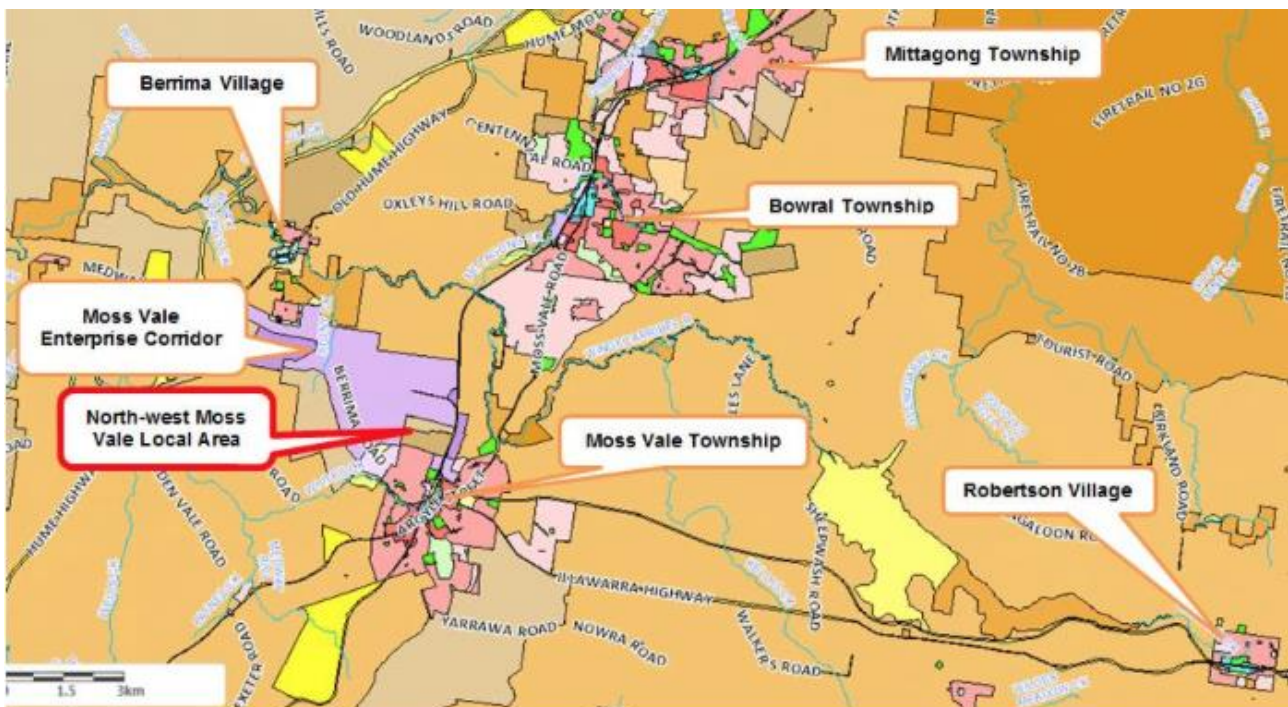


Figure 1: Site locality (Source:WSC)

The sites are predominately cleared open paddocks with no remnant native vegetation other than a few scattered trees with some established introduced site landscaping. There is one existing dwelling house located in the south east corner of the site, situated wholly within the boundaries of existing Lot 8.

This dwelling was approved under LUA13/0805 and has a current address of 50A Bulwer Road.

It has vehicular access off Bulwer Road via a driveway that is constructed within a right of carriageway 8 metres wide that runs along the eastern boundary of Lot 123 DP1179639 (50 Bulwer Road). The northern boundary of the site is Braddon Road, an unformed paper road running east west that links to the northern end of Beaconsfield Road.



Figure 2: Broad Aerial view of the locality of the subject site (Source: Google Maps)



Figure 3: View from the end of the access driveway looking north over the existing dwelling house that is situated in the south east corner of Lot 8



Figure 4: View from the rear of the existing dwelling house on Lot 8 looking west out towards Lots 9 and 10



Figure 5: View of site looking north out across Lot 8 and 9 and towards the unmade portion of Braddon Road that is the northern boundary of the site



Figure 6: View from Douglas Road looking south back towards the site and the existing dwelling on Lot 8

Council has recently dealt with the longer term strategic planning for this general locality of North West Moss Vale. The catalyst for the general review was three specific Planning Proposals that had been received in direct response to the Wingecarribee Local Planning Strategy 2015-2031, to reduce the minimum lot size of land and thus allow for more subdivision and housing. **Figure 7** below indicates the location of these three sites, together with the land which is the subject of this Planning Proposal.

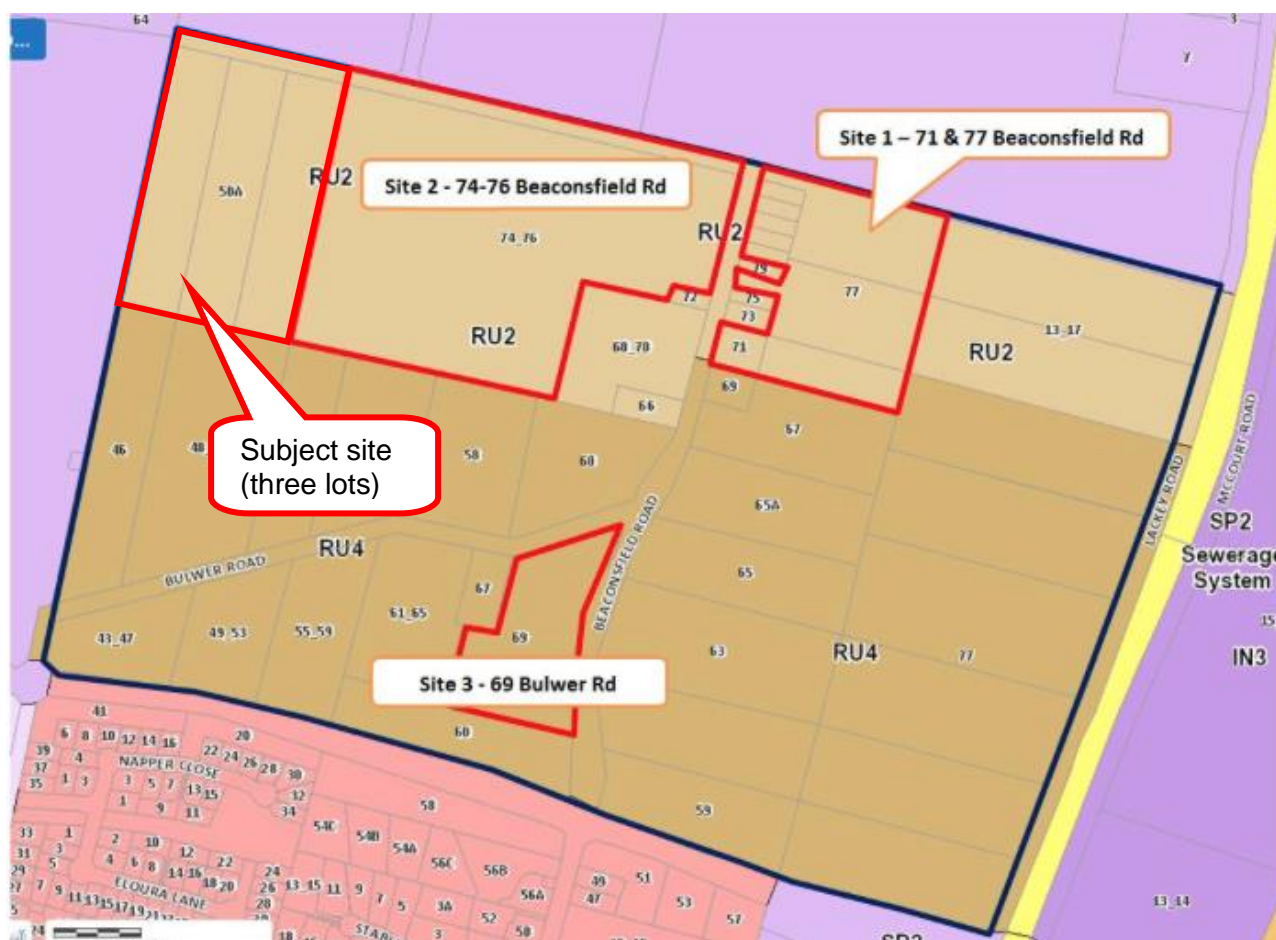


Figure 7: Extent of North West Moss Vale strategic review area showing the original three specific Planning Proposals and identifying the land the subject of this Planning Proposal in the north west corner of the study area to the west of Site 2. (Source: WSC)

These three individual submissions prompted Council to adopt a more strategic approach to the whole North West Moss Vale Area, to set a zoning and minimum lot size which would apply to those three specific sites, and other land in that locality which sought rezoning and a lot size reduction.

At its Ordinary Meeting of 27 November 2019, Council resolved to support the application of the E4 Environmental Living zone across the study area and to apply a minimum lot size of 2 hectares to the land north of Bulwer Road and 1 hectare to the area south of Bulwer Road and indicated in **Figure 8** below. Figure 8 also indicates the location of the land which is the subject of this Planning Proposal.

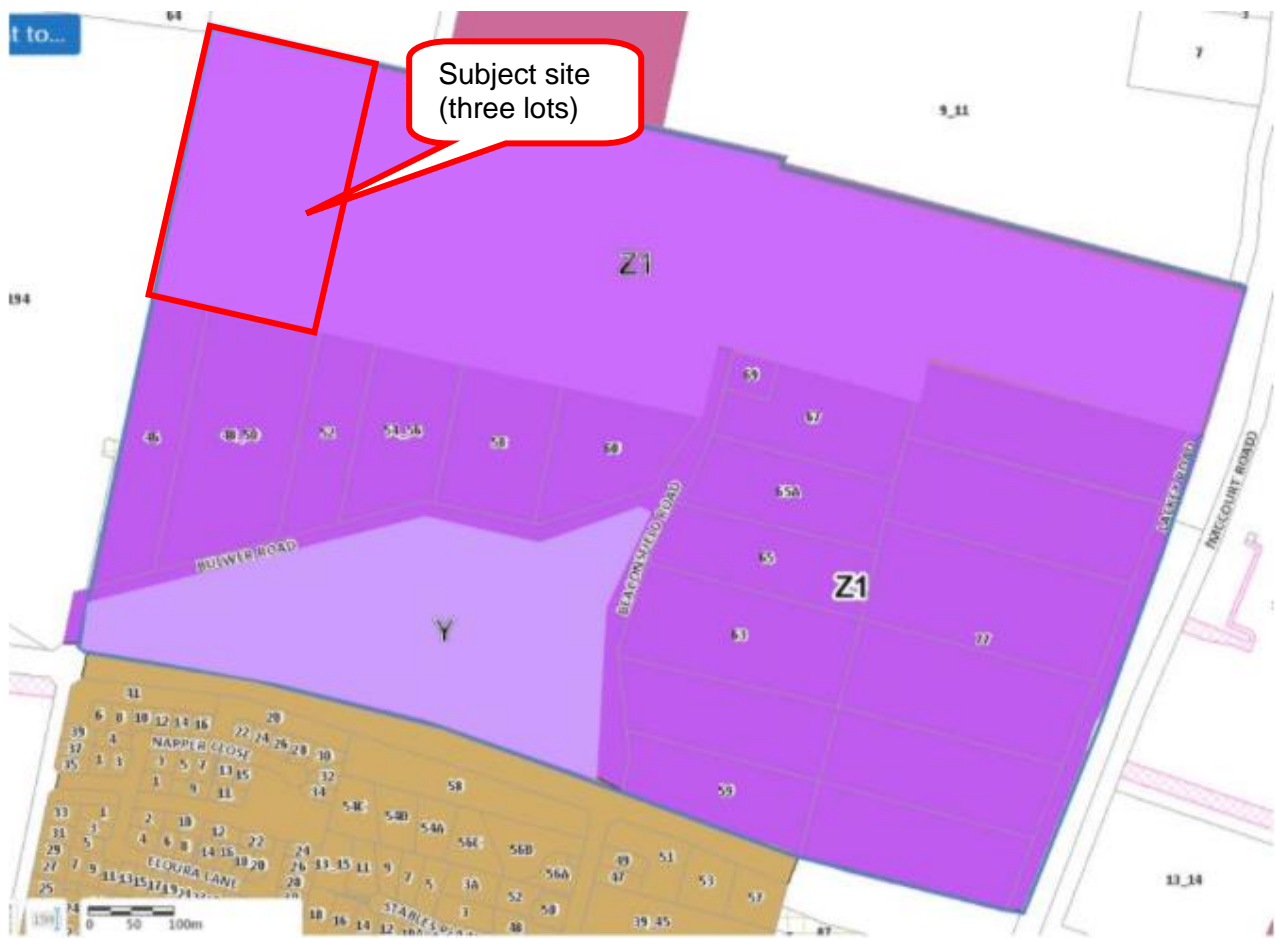


Figure 8: Plan showing the recommended minimum lot sizes to be supported within the North West Moss Vale area as a result of the strategic review. The subject land is within the Z1 area which denotes a minimum of 2 hectares. (Source: WSC)

Within that agreed zoning and minimum lot size context, Council resolved at its Ordinary Meeting of 27 November 2019 to amend WLEP 2010 with regard to those three sites for which Planning Proposals had been received in accordance with the E4 Environmental Living zone and the agreed minimum lot sizes within the North West Moss Vale Study Area. That resolution has now been finalised with the making of Amendment 52 to WLEP 2010 on 20 March 2020.

PART 1: OBJECTIVES OR INTENDED OUTCOMES

The objectives and intended outcomes from this Planning Proposal are as follows:

- The objective is to amend the Land Zoning Maps and Lot Size Maps of Wingecarribee Local Environmental Plan LEP2010 so that the land will be rezoned to E4 Environmental Living and be identified as being within an area where the minimum lot size for new lots within a subdivision is 2 hectares. This would be a combination of zoning and lot size that better reflects the sites context and capacity, consistent with Council's strategic review of the locality.
- The outcome of the Planning Proposal will be the ability to either apply for approval for a dwelling house on each of the vacant lots (Lots 9 and 10) which are both 2 hectares, or to apply to subdivide the land in accordance with the amended minimum 2 hectare lot size, in a different subdivision pattern to the one that exists, in order to create three new lots that may be more suitable for the circumstances of the land and for the desires of the property owner. This outcome would be compatible with adjoining development and supportive of Council's shire housing strategy that relies in part, on the identification and development of 'in fill' housing opportunities.

At this stage an indicative development/subdivision plan has not been presented as part of this Planning Proposal. This was not considered to be necessary at this stage.

PART 2 : EXPLANATION OF THE PROVISIONS

- To achieve the intended outcomes of the Planning Proposal the following amendments to the WLEP 2010 instrument will be required:

No specific changes required to any particular land use tables or clauses of the WLEP2010 are required.

- To achieve the intended outcomes of the Planning Proposal the following WLEP 2010 maps will require amendment:

Instrument or Map Affected	Detail of Amendment
Land Zoning Map – Sheet LZN_007C and 7D	Lots 8, 9 and 10 Section F DP2810, to be shown as E4 Environmental Living
Lot Size Map – Sheet LSZ_007C and 7D	Lots 8, 9 and 10 Section F DP2810, to be shown as being subject to 2 hectare minimum lot size for subdivision

PART 3 : JUSTIFICATION OF OBJECTIVES, OUTCOMES & PROCESS

Section A – Need for the Planning Proposal

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

The Planning Proposal was initially assessed by Council within the strategic framework of the Wingecarribee Local Planning Strategy 2015-2031 which was adopted by Council on 23 March 2016. The Planning Proposal was considered consistent with that Strategy.

Subsequently, the Wingecarribee Local Housing Strategy (LHS) and Local Strategic Planning Statement (LSPS) were adopted by Council on 24 June 2020, and have been endorsed by the NSW Department of Planning, Industry and Environment. Council considers that the Proposal remains consistent with both the LHS and LSPS, and specifically meets the following key objectives of LHS:

Planning Priority 1 – Promote infill development and increased densities in appropriate locations, and facilitate a greater mix of housing types to ensure our housing stock is reflective of the needs of our community.

Planning Priority 2 – Provide a greater mix of price points in the housing market to improve housing affordability, and work with community housing providers to increase the stock of social and community housing throughout the Shire.

As stated previously, the Planning Proposal is also consistent with a resolution of Council to support the E4 Environmental Living zone across the North West Moss Vale Area and to amend the minimum lot size to 2 hectares in the area of the subject land.

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

The Planning Proposal is the best way of achieving the objectives and intended outcomes.

It is not possible to achieve the objectives and outcomes without a Planning Proposal. Under the current zoning of the land Council could not accept nor support a Development Application for the subdivision of the land into new 2 hectare parcels without such a Planning Proposal being first assessed and supported. Nor could it approve Development Applications for new dwelling houses on the existing Lots 9 and 10 because they are less than the current 40 hectare minimum requirement and have not been recognised as 'existing holdings' in their own right and therefore do not have their own individual dwelling entitlement in satisfaction of Clause 4.2A of Wingecarribee Local Environmental Plan 2010.

Council has already determined that the rural zoning is no longer reflective of either the capacity or use of the land.

The proposed map changes are considered to be the most efficient way to give effect to the stated objectives and intended outcomes of the Planning Proposal.

Should this Planning Proposal progress to the intended WLEP 2010 amendment, then the potential minimum lot size of 2 hectares will allow a subdivision of the site, subject to the lodgement of a Development Application, or as noted, could simply allow 2 more dwelling houses, one on each of

the existing Lots 9 and 10 that are both already 2 hectares in area, with the retention of the existing dwelling house upon Lot 8, that is also 2 hectares in site area.

The site is not environmentally constrained to the extent that an additional two residential lots/dwellings could not be achieved. It is mainly cleared grazing land with no remaining remnant native vegetation. Integration in terms of traffic movements, drainage and effluent disposal are all relevant but readily achievable and can be judged in any Development Application that will be required to be lodged subsequent to the Planning Proposal.

At the Planning Proposal stage, the task is to judge the planning context and planning logic of a particular land use proposition, rather than become immersed in the detailed assessment that is the role of a Development Application. Based on the recent considerations and resolutions of Council that involved consideration of this land and its place in a broader strategic context, the proposition of utilising the site for a slight increase in residential purposes is sound and can be supported.

Supporting the Planning Proposal is consistent with Council's strategic planning options and would assist in them meeting their broader obligations in terms of residential growth.

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 South East and Tablelands Regional Plan 2036 is the relevant sub regional strategy.

In broad terms, the Strategy seeks to cater for continued growth within the region, without impacting adversely upon the character of the region. This Planning Proposal achieves this by providing a small additional opportunity for residential development that would yield two additional lots/dwellings. It would be at a final density that would be achievable upon the subject land, with such development being consistent with the future character of the locality as envisaged by Council.

Chapter 4 of the Strategy is Environmentally sustainable housing choices. This Planning Proposal supports that broad objective.

Direction 24 of the Strategy is to deliver greater housing supply and choice, noting that local housing strategies need to consider community aspirations. This Planning Proposal will support this objective and would be consistent with the community aspirations as put forward in previous community workshops that show support for well located housing options and actions that have a positive impact on the issue of housing affordability within the Southern Highlands.

Direction 25 of the Strategy Focus is for housing growth in locations that maximise infrastructure and services in particular to achieve sustainable urban outcomes that do not undermine existing strategic and local centres. The recommended minimum lot sizes for the lands within the North West Moss Vale area have been arrived at following Council's own review of service capacities.

Direction 27 is to deliver more opportunities for affordable housing that this Planning Proposal can achieve through the establishment of a suitable minimum lot size.

The strategies broad aim of protecting the sensitive elements of the natural environment is not endangered by this Planning Proposal. As noted, the site is not sensitive from an ecological or environmental perspective. There are no parts of the site that contain remnant native vegetation.

There are watercourses traversing the site as mapped on the Natural resources sensitivity – water maps of Wingecarribee Local Environmental Plan 2010, but these are Category 3 streams that require only a 10 metre setback from development and can be managed through the Development Application process.

From a visual impact perspective, the sites sensitivity is not significant given the backdrop of urban development that will result from the residential development that has been accepted already and the broader visual catchment that includes industrial land within the Moss Vale Enterprise Corridor.

The nature and scale of the Planning Proposal raises no issues of inconsistency in relation to the Regional Strategy. It is a localised amendment to the local planning controls but one that will assist in Council's efforts to achieve its obligations to provide additional housing opportunities across the Shire.

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

It is considered that this Planning Proposal is consistent with the most recent strategic decisions of Council as per the Resolution of 27 November 2019. It has limited strategic planning implications in the sense that it will provide for only 2 additional lots/dwellings. However, each decision assists in attaining the strategic goals of Council as they relate to housing provision across the Shire. As noted, Council has significant obligations in this regard and this Planning Proposal would go some of the way to fulfilling those obligations.

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

SEPP	Relevance to Planning Proposal
No.1 Development Standards	<u>NOT RELEVANT</u> The SEPP was replaced by Clause 4.6 of Wingecarribee Local Environmental Plan 2010 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.21 Caravan Parks	<u>CONSISTENT</u> Potentially applicable to future development at Development Application stage, however it is noted that caravan parks are not permissible in the prevailing RU2 Rural Landscape zone or in the proposed E4 Environmental Living zone
No.26 Littoral Rainforests	<u>Repealed in April 2018 and replaced SEPP (Coastal Management) 2018.</u>
No.30 Intensive Agriculture	<u>Repealed in February 2019</u>
No.33 Hazardous and Offensive Development	<u>CONSISTENT</u> Potentially applicable to future development at Development Application stage, however it is noted that industries of the type

	covered by the Policy are not permissible in the proposed RU2 Rural Landscape zone or in the proposed E4 Environmental Living zone
No.36 Manufactured Home Estates	<p><u>CONSISTENT</u></p> <p>This Policy applies to land within Wingecarribee Shire. However, it is noted that caravan parks are not permissible in the proposed E4 Environmental Living zone under the provisions of WLEP2010 and therefore manufactured home estates will not be permissible</p>
No.44 Koala Habitat Protection	<p><u>CONSISTENT</u></p> <p>The land is not core koala habitat nor does it accommodate feed tree species.</p>
No.50 Canal Estate Development	<p><u>CONSISTENT</u></p> <p>The Planning Proposal will not result in development for the purposes of a canal estate.</p>
No.55 Remediation of Land	<p><u>CONSISTENT</u></p> <p>Historical land uses suggest that there may be contamination issues associated with the subject sites. Therefore, a Preliminary Site Investigation could be required prior to public exhibition of the Planning Proposal which would be exhibited with the Planning Proposal, or as part of Gateway determination.</p> <p>It is noted that a single dwelling house already exists upon part of the land, approved under LUA13/0805 and site contamination did not appear to be a critical issue at the time of that approval, therefore Council is of the opinion that any potential contamination issues associated with the subject sites can be managed.</p>
No. 62 Sustainable Aquaculture	<p><u>CONSISTENT</u></p> <p>Not applicable to the form of development that is permissible within the proposed zones under the provisions of WLEP2010</p>
No.64 Advertising and Signage	<p><u>CONSISTENT</u></p> <p>This policy applies to land within the Wingecarribee Shire. However, the provisions relate to the assessment of Development Applications and can be properly administered if relevant applications are made in the future.</p>
No.65 Design Quality of Residential Apartment Development	<p><u>CONSISTENT</u></p> <p>This Policy applies to land within Wingecarribee Shire. However, it is noted that residential flat buildings and other building types covered by the policy, are not permissible in the proposed E4 Environmental Living zone.</p>

Affordable Rental Housing 2009	<p><u>CONSISTENT</u></p> <p>This Policy applies to land within Wingecarribee Shire. It may have some applicability to the land within the proposed E4 Environmental Living zone in the future subject to development application, although it is unlikely. The PP is consistent with the Policy and any relevant Development Application lodged can be assessed against the Policy if that development seeks to rely upon the Policy.</p>
Building Sustainability Index: Basix 2004	<p><u>CONSISTENT</u></p> <p>Related to the development/ building phase</p>
Educational Establishments and Child Care Facilities 2017	<p><u>CONSISTENT</u></p> <p>This Policy applies to land within Wingecarribee Shire. However, the Policy is focused on the development application process. The proposed E4 Environmental Living zone is a prescribed zone for the purposes of the Policy that will enable certain development to proceed, with or without consent notwithstanding that the provisions of the WLEP2010 may not permit such development or a relevant Development Control Plans may seek to impose restrictions that are then overridden by the State policy.</p>
Exempt and Complying Development Codes 2008	<p><u>CONSISTENT</u></p> <p>This Policy applies to land within Wingecarribee Shire and will be applicable in the usual way within both zones proposed under this Planning Proposal</p>
Housing for Seniors or People with a Disability 2004	<p><u>CONSISTENT</u></p> <p>This Policy applies to land within Wingecarribee Shire. The Planning Proposal is consistent with the Policy.</p> <p>The E4 Environmental Living zone would not be considered as land zoned primarily for urban purposes and seniors housing will therefore not be permissible under the Policy, nor under WLEP2010.</p>
Infrastructure 2007	<p><u>CONSISTENT</u></p> <p>This Policy applies to land within Wingecarribee Shire. However, it is focused upon the development application phase.</p> <p>The site is not adjacent to any major road or railway line that would trigger provisions of the State policy in relation to noise and/or vibration impact assessment.</p> <p>A subdivision of the land within the proposed E4 Environmental Living zone will not be of a scale to trigger referral to the RMS as Traffic Generating Development (more than 200 lots under Clause 104 Schedule 3).</p>

		Therefore the Planning Proposal is considered consistent with the Policy.
Mining, Petroleum Production and Extractive Industries 2007		<p><u>CONSISTENT</u></p> <p>This Policy applies to land within Wingecarribee Shire. However, it does not contain provisions that require any specific provisions within Planning Proposals. The policy is focused on the Development Application phase and is unlikely to be relevant to future development upon the subject land.</p>
Miscellaneous Provisions 2007	Consent	<p><u>CONSISTENT</u></p> <p>This Policy applies to land within Wingecarribee Shire however has no particular relevance to this Planning Proposal.</p>
Primary Production & Rural Development 2019		<p><u>CONSISTENT</u></p> <p>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 two sides and E4 and RU4 on the other two sides.</p> <p>The proposal does not have any adverse environmental impacts and the provision of additional housing opportunities is consistent with the Local Strategic Planning Statement and the Local Housing Strategy adopted by Council on 24 June 2020.</p>
State and Regional Development 2011		<p><u>CONSISTENT</u></p> <p>This Policy applies to land within Wingecarribee Shire however the Planning Proposal does not involve land or a scale of development that is relevant to the Policy.</p>
State Significant Precincts 2005		<p><u>CONSISTENT</u></p> <p>This Policy applies to the State and therefore to land within Wingecarribee Shire however the Planning Proposal does not involve land or a scale of development that is relevant to the Policy.</p>
Sydney Drinking Water Catchment 2011		<p><u>CONSISTENT</u></p> <p>The Wingecarribee Shire is within the area covered by the Policy. The key purpose of the Policy is to ensure water quality impacts are properly assessed as part of development proposals. Any Gateway determination could require further more detailed water quality assessment to be part of the formal exhibition process or such assessment could be held over until the development application phase.</p> <p>In this case the subject land is affected by Category 3 watercourses.</p>

	<p>The Planning Proposal is consistent with the Policy and there is no reason to suspect that future residential development cannot satisfy the Neutral or Beneficial Effects Test under the Policy.</p> <p>NB: Referral to WaterNSW will occur in accordance with the Gateway Determination.</p>
Urban Renewal 2010	<p><u>NOT RELEVANT</u></p> <p>Although the SEPP applies to the State, the site is not within an identified potential precinct for the purposes of the SEPP.</p>

6. Is the Planning Proposal consistent with applicable S 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	<p><u>CONSISTENT</u></p> <p>The land is not zoned Industrial or Business, however, neighbouring lots are Industrial Zoned lands. It is considered that this neighbouring Industrial land will not cause land use conflict due to the large residential areas proposed.</p>
1.2 Rural Zones	<p><u>CONSISTENT</u></p> <p>The land is not high value rural land and existing environmental conflicts have been addressed in the proposed minimum lot size provisions. The additional lots are more aligned with rural residential than agricultural use.</p>
1.3 Mining, Petroleum Production & Extractive Industries	<p><u>NOT RELEVANT</u></p> <p>The Planning Proposal does not involve any considerations of mining, petroleum production or extractive industries</p>
1.4 Oyster Aquaculture	<p><u>NOT RELEVANT</u></p> <p>The Planning Proposal does not involve any considerations of oyster aquaculture</p>
1.5 Primary Production & Rural Development	<p><u>CONSISTENT</u></p> <p>Although, the land is zoned RU2 Rural Landscape it is not actively used for agricultural purposes and the</p>

1. Employment & Resources	Assessment
	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> None of the land is within the E3 Environmental Management zone and no land is proposed to be rezoned into the E3 zone. The land involved does not have any significant environmental characteristics.
2.2 Coastal Management	<u>NOT RELEVANT</u> This planning direction does not apply to the Wingecarribee Shire
2.3 Heritage Conservation	<u>NOT RELEVANT</u> The land is not a listed item of heritage within Schedule 5 of the WLEP2010. It is not in immediate proximity to any other listed items. It is not within any Heritage Conservation Area. NB: Referral to Office of Environment & Heritage may be required in accordance with the Gateway Determination.
2.4 Recreation Vehicle Areas	<u>NOT RELEVANT</u> This planning proposal does not apply to the type of development relevant to the planning direction
2.5 E2 & E3 zones in Far North Coast LEPs	<u>NOT RELEVANT</u> This planning direction does not apply to the Wingecarribee Shire
2.6 Remediation of Contaminated Land	<u>CONSISTENT</u> The Planning Proposal has considered contamination of the land. Council is of the opinion that any potential contamination issues on the land are manageable.
3. Housing, Infrastructure & Urban Development	Assessment
3.1 Residential Zones	<u>CONSISTENT</u> The Planning Proposal is supportive of this Direction in

2. Environment & Heritage	Assessment
	the way it would encourage a variety of housing choice for future housing needs, albeit on a small scale and can make efficient use of infrastructure that is available and would have minimal impact on the environment.
3.2 Caravan Parks & Manufactured Home Estates	<u>CONSISTENT</u> The Planning Proposal does not include any caravan park or manufactured homes type of development.
3.3 Home Occupations	<u>CONSISTENT</u> The Planning Proposal does not seek to introduce any different provisions into WLEP2010 than currently exist in relation to home occupations.
3.3 Integrating Land Use & Transport	<u>CONSISTENT</u> The Planning Proposal is consistent with this Direction in providing additional residential opportunity in a location that can readily access any improved or newly introduced transport services that may become available to this locality in the longer term.
3.5 Development near Licensed Aerodromes	<u>CONSISTENT</u> The land is not in proximity to any licensed aerodrome or regulated airport.
3.6 Shooting Ranges	<u>NOT RELEVANT</u> This Planning Proposal does not apply to the type of development relevant to the planning direction

4. Hazard & Risk	Assessment
4.1 Acid Sulphate Soils	<u>NOT RELEVANT</u> The Wingecarribee Shire is not recognised as containing land susceptible to acid sulphate soils
4.2 Mine Subsidence & Unstable Land	<u>NOT RELEVANT</u> The land is not within a Mine Subsidence District nor as it been declared as unstable land
4.3 Flood Prone Land	<u>CONSISTENT</u> Although there is some flood affectation on the three lots, development can occur outside of the mapped flood

4. Hazard & Risk	Assessment
	areas or abide by the flood controls at development assessment stage.
4.4 Planning for Bushfire Protection	<p><u>CONSISTENT</u></p> <p>The small portion of the land is identified as bushfire buffer zone. There are no major vegetation areas adjacent to the site.</p> <p>The minimum lot size is considered sufficient to avoid building in the identified area of bushfire prone land.</p> <p>NB: Referral to NSW Rural Fire Service will occur in accordance with any such Gateway Determination.</p>

5. Regional Planning	Assessment
5.1 Implementation of Regional Strategies	<p><u>CONSISTENT</u></p> <p>The South East and Tablelands Regional Strategy 2036 is in place and therefore relevant. The PP is consistent with the broad intent of the Regional Strategy that identifies the need for the Wingecarribee Shire LGA to increase its provision of housing and additional housing choice. The area has infrastructure services like water and sewer mains in place.</p> <p>The Planning Proposal is considered as an infill development and adds to the rural lifestyle development in the Shire, as the proposed minimum lot size is still quite sufficient for living within a rural setting.</p>
5.2 Sydney Drinking Water Catchments	<p><u>CONSISTENT</u></p> <p>The proposed change of zone and minimum lot size would not impact upon the requirements of the State Environmental Planning Policy (Sydney Drinking Water Catchment) 2011.</p> <p>Regardless of the development yield and minimum lot size, development of the land will need to satisfy both storm water management and effluent disposal.</p> <p>Any development proposal to subdivide would need to demonstrate a neutral or beneficial effect on water quality as a result of the development and this can easily be achieved.</p> <p>NB: Referral to WaterNSW can occur in accordance with any Gateway Determination.</p>

5. Regional Planning	Assessment
5.3 – 5.9	<u>NOT RELEVANT TO WINGECARRIBEE SHIRE</u>
5.10 Implementation of Regional Plans	<u>CONSISTENT</u> <p>The Planning Proposal supports the South East and Tablelands Regional Plan as discussed earlier in this report.</p>

6. Local Plan Making	Assessment
6.1 Approval & Referral Requirements	<u>CONSISTENT</u> <p>A Planning Proposal that simply seeks to change the minimum lot size applicable to the site, is consistent with the Direction</p>
6.2 Reserving Land for Public Purposes	<u>CONSISTENT</u> <p>The planning proposal does not seek to reduce any existing public recreation zoning</p>
6.3 Site Specific Provisions	<u>CONSISTENT</u> <p>The Planning Proposal does not propose site specific provisions. Although a different minimum lot size would apply to the land than currently applies, the requested minimum lot size of 2 hectares for the land is consistent with that supported upon the adjoining lands within the North West Moss Vale study area. This is a planning control that could be utilised across the Shire on a range of other sites that may exhibit similar characteristics and/or capacity.</p> <p>Future development proposals for subdivision can be assessed under the provisions of Section 4.15 of the Environmental Planning and Assessment Act 1979.</p>

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?

It is unlikely that there will be any significant impact upon critical habitat or threatened species, populations or ecological communities.

The site is predominately cleared grazing land with no significant native vegetation. The land is not mapped as containing biodiversity values under the Biodiversity Values Map prepared by the NSW Office of Environment and Heritage, that is a resource available in consideration of the Biodiversity Conservation Act 2016.

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

There are likely to be no adverse environmental effects that arise as a result of the Planning Proposal.

The development of the site that would result from the Planning Proposal would be similar to development that will be occurring on land within the North West Moss Vale locality, including the land directly adjoining to the east that Council has already endorsed for 2 hectare minimum lot size and that will yield approximately 6 additional lots/dwellings.

Although the Planning Proposal would allow an increased number of lots to be created over and above the current planning controls, the two additional lots are considered a small increase and will be compatible with the capacity of the land that Council has already identified. Future development footprints would be restricted by standard planning controls that will apply. There are no specifically sensitive portions of the site that should be excluded from development of the site. Standard development management techniques would be brought to bear on the development as it proceeded.

If the Planning Proposal is supported and the lower minimum lot size for the site is introduced, then the lodgement of a Development Application(s) for subdivision will be required to be assessed on the basis of merit. The change in zoning is not considered to result in any particular change to the way the land will be utilised.

Any potential environmental effects arising from a specific development proposal can be managed through that process.

The range of issues to be managed within a future development scenario would include:

- stormwater flows on site, retention and treatment and connection with downstream systems
- traffic and access, assessing potential impact from a development for two additional lots
- general utility services such as water and effluent disposal
- suitable building locations for dwellings upon each lot

At this point in time, Council should be confident that the issues associated with development of the site can be considered and can be managed effectively.

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

It is considered that the Planning Proposal will have a positive social and economic effect that is supportive of Council's strategic planning goals as they relate to the provision of housing across the Shire.

The Planning Proposal will assist in ensuring development of the land is undertaken with a positive economic return. In terms of residential development, there are three benefits.

Such development will positively address the issue of affordability for a larger cross section of the market, which is a clear social benefit arising from the Planning Proposal. This is particularly important in the current housing market of high prices where it is critical that there be a spread of price points available. Although this particular site represents a small additional housing capacity, all opportunities need to be taken because together they aggregate to make a significant difference.

They will also be more attractive to a growing cross section of the market that is desirous of smaller, easy care rural residential lots in proximity to services, rather than larger rural lots that require more ongoing effort to manage.

Thirdly, the additional yield that can be achieved is a positive in terms of Council's stated aim of providing a significant proportion of housing growth within well located and non environmentally sensitive green field sites. This provides a balanced approach to growth, without having to rely entirely upon infill sites within towns, with such developments offering their own challenges.

Section D – State and Commonwealth Interests

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

In this case, the Planning Proposal could only proceed to the development stage if adequate servicing and infrastructure can be provided for the site and the development of it, as confirmed through the Development Application process.

As already noted, the 2 hectare minimum lot size is supported following Council's own review of the locality's capacity to absorb additional development.

The Gateway process allows for and recognises the need for broader management and coordination, including the need for agency consultation. If consideration of this Proposal concluded that there was inadequate public infrastructure capacity ever to be available, then the Gateway process would allow termination of the Proposal at that point.

The Planning Agreement mechanism also provides for the negotiation of appropriate infrastructure and material public benefits.

PART 4 – MAPPING

The following map(s) will require amendment as indicated below:

The Planning Proposal will be given effect by a change to the WLEP2010 Land Zoning and Lot Size Maps.

Sheets LSZ_007C and LSZ_007D will need to be amended by identifying the subject land as being within the E4 Environmental Living zone and within an area with a minimum lot size for subdivision of 2 hectares.

PART 5 – AGENCY REFERRALS & COMMUNITY CONSULTATION

Agency referrals will occur as required in the Gateway Determination and will include at least referral to Water NSW. Referrals usually also include NSW Rural Fire Service and, if relevant, Office of Environment & Heritage.

Community consultation will occur as directed in the Gateway Determination and in accordance with the *Department's Guide to Preparing LEPs*. It is noted that Council normally provides at least 28 days of public exhibition that includes, as relevant, notification by letter/email to adjoining property owners and weekly advertising on Council's website and in Council's newsletters for the duration of the exhibition period.

Due to COVID-19 restrictions, the principal place of exhibition is Council's website. A hard copy will also be made available at the Civic Centre customer service area, as well as at any library which is permitted to open.

PART 6 – TIMELINE

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

MILESTONE	ACTUAL (INDICATIVE) DATES
Receipt of proponent's Planning Proposal by Council	3 rd February 2020
Resolution of Council to proceed to a Gateway Determination	10 th June 2020
Submission of Planning proposal for Gateway Determination	6 th July 2020
Issue of Gateway Determination	<i>July 2020</i>
Agency Consultation(s)	<i>August 2020</i>
Public Exhibition dates	<i>September 2020</i>
Report to Council on exhibition of Planning Proposal.	<i>October 2020</i>
Draft Opinion Request to PCO	<i>November 2020</i>
Approximate completion date	<i>December 2020</i>

DELEGATIONS

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