

PLANNING PROPOSAL

LOCAL GOVERNMENT AREA: WINGECARRIBEE SHIRE COUNCIL

ADDRESS OF LAND: Shire-wide, various locations, as detailed in the following sections.

PART 1 - OBJECTIVES OR INTENDED OUTCOMES OF PROPOSAL:

This Planning Proposal comprises ten (10) sites as identified in Part 2 below. A summary of the Justification for the Planning Proposal as a whole has been prepared and Justification for each site is also individually addressed on the following pages. Section 117 Directions for each site are also attached.

PART 2 – EXPLANATION OF PROVISIONS

The sites which form this Planning Proposal are listed below.

Site #	Property Description	Proposal
Site 1 Starts page 6	Lots 9-11 DP 975386, 15 Parkes Road, Moss Vale.	To rezone from RE2 Private Recreation to R2 Low Density Residential with a minimum lot size of 700 m2.
Site 2 Starts page 9	171-207 Lackey Road, 28 Garret Street and 1 Innes Road, Moss Vale.	To rezone from R3 Medium Density Residential to B4 Mixed Use with a maximum height of 10 metres and a maximum FSR of 0.7.
Site 3 Starts page 13	Lot B DP 161550, Lot 100, DP 1037724, Lot 34, DP 1046863, Lot 1, DP 37492, Moss Vale.	To rezone Lot B DP 161550, Lot 100, DP 1037724 Argyle Street, Lot 34, DP 1046863, Lot 1, DP 37492, Yarrowa Street, Moss Vale from R3 Medium Density Residential to B4 Mixed Use with a maximum building height of 7.5 metres and a maximum FSR of 0.7.
Site 4 Starts page 16	Part of Lot 3, DP1114582, Station Street, Bowral.	To rezone from SP2 Infrastructure (Local Road) to B2 Local Centre with a maximum building height of 15 metres and a maximum FSR of 1.5.
Site 5 Starts page 19	Two (2)-Lot subdivision of Lot 5, DP233035, Exeter Road Sutton Forest	To amend Schedule 1 of LEP 2010 to allow development for the purpose of a 2 lot subdivision with no dwelling house allowed on the newly created lot.

Site 6 Starts page 23	Lots 71 and 72, DP 13350, 34-36 Old Jamberoo Road, Robertson	To amend Schedule 1 of LEP 2010 to allow development for the purpose of a single dwelling house on a consolidated parcel of Lots 71 and 72, DP 13350, Old Jamberoo Road Robertson.
Site 7 Starts page 27	Mt Misery Extractive Resource Area.	To amend the Extractive Materials Maps under WLEP 2010 by removing the Extractive Materials notation from this site.
Site 8 Starts page 31	Lot 2, DP 873240, McCourt Road Moss Vale.	To amend the Zoning and the Lot Size maps by adjusting the location of the boundary between the IN3 Heavy Industry and E3 Environmental Management zones on the site.
Site 9 Starts page 35	Lot 1000057, Beaconsfield Road Moss Vale.	To amend Schedule 1 to allow development for the purpose of a 2 lot subdivision of Lot 1, DP 1000057 74-76 Beaconsfield Road, Moss Vale.
Site 10 Starts page 38	Lot A DP 162073, Argyle Street, Moss Vale.	To amend Schedule 1 to allow development for the purpose of a restaurant and associated access.

PART 3 - JUSTIFICATION

Section A – Need for the Planning Proposal

Summary

Most of the proposed amendments which form this Proposal resulted from submissions made during the exhibition of draft WLEP. In adopting the Draft LEP 2009, Council resolved to make these amendments to WLEP 2010 after it had been made, rather than further delay the draft LEP with another exhibition period.

Two sites (sites 4 and 5) were applications received after consideration of draft WLEP 2009, but are included as they are a minor map adjustment to correct the current situation with regard to the site (4), or a straightforward matter involving a boundary adjustment (5).

The Justifications here apply to the Planning Proposal as a whole. Individual Justifications are also included with the more detailed presentation of each site below.

1. Is the Planning Proposal the result of any strategic study or report?	Yes. Most of the sites which comprise this Planning Proposal were identified through the public exhibition of the draft Wingecarribee LEP 2007 & 2009. Others were brought to Council's attention soon after the draft LEP was returned to the DOP and are relatively minor matters with no significant implications.
2. Is the Planning Proposal the best means of achieving the objectives or intended outcomes, or is there a better way?	A single Planning Proposal which collates the 10 sites involved avoids an individual proposal for each site and so is considered the most efficient approach.
3. Will the net community benefit outweigh the cost of implementing and administering the planning proposal?	Many of the proposed amendments to sites within the Planning Proposal offer a range of community benefits which are described in each individual site's detailed submission, but which include the opportunity for infill development through affordable housing and mixed use development.

Section B – Relationship to strategic planning framework

4. Is the Planning Proposal consistent with the objectives and actions contained within the applicable regional or sub-regional strategy (including draft strategies)?	Yes. The Proposal comprises sites which provide opportunities for infill development through affordable housing mixed use development. Others better protect wetland and watercourses, or correct overlay designations or zonings which are no longer relevant.
5. Is the Planning Proposal consistent with the local council's Community Strategic Plan, or other local strategic plan?	Yes. The Wingecarribee Our Future Strategic Plan 2002 encourages affordable housing and mixed use development and the protection of wetlands and watercourses. Council is currently embarking on a new Local Planning Strategy where infill development and environmental protection have already been identified as key community issues.
6. Is the Planning Proposal consistent with applicable state environmental planning policies?	Yes. The Proposal comprises sites which are consistent with the Affordable Housing SEPP and the Rural lands SEPP as well as Illawarra REP 1.

7. Is the Planning Proposal consistent with applicable Ministerial Directions (s.117 directions)?	Yes. A set of completed 117 Directions is included.
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Section C – Environmental, social and economic impact

8. Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal?	No. In the case of site 8, the proposed amendment would offer further protection of an environmentally sensitive location. In the case of site 6 the EEC on the land will be protected through the DA process.
9. Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?	No. As stated above, all the sites are either unaffected by specific environmental issues, or those issues have been addressed in the site specific proposal details.
10. How has the planning proposal adequately addressed any social and economic effects?	Several sites offer social and economic opportunities through the provision of affordable housing and mixed use opportunities which reflect the community's desire for more infill development.

Section D – State and Commonwealth interests

11. Is there adequate public infrastructure for the planning proposal?	Yes, those sites that provide new opportunities for residential or mixed use development are nearby rail and / or bus transport. There are no other infrastructure implications.
12. What are the views of State and Commonwealth public authorities consulted in accordance with the gateway determination?	<p>The Planning Proposal was submitted to the SCA for comment and a copy of the SCA response, including the attachments referred to in the response, is attached.</p> <p>The SCA is satisfied with the capability of most sites. For those sites where the SCA has expressed concern, a summary is given within the detail for each site together with Council's response.</p>

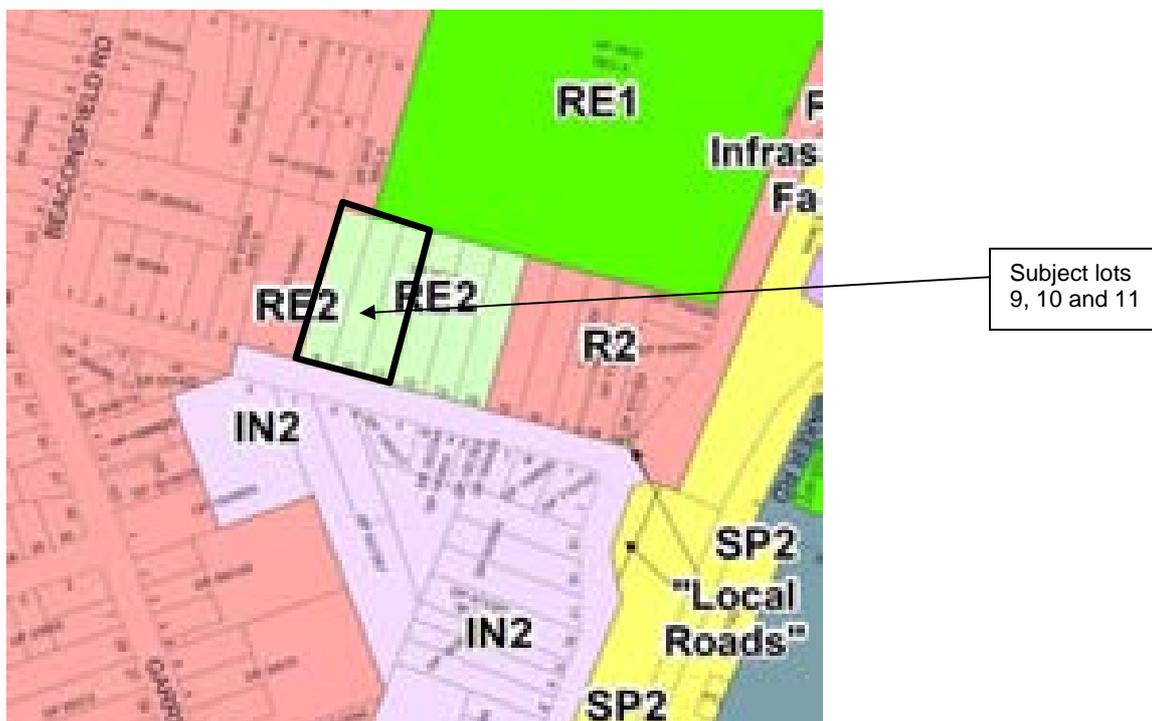
PART 4 – COMMUNITY CONSULTATION

The Planning Proposal would be placed on public exhibition for a period of 28 days with details provided at Council's Customer Service centre and on Council's website. Identified stakeholders would be notified and a public information session would be held to allow interested parties the opportunity to speak with Council staff about individual sites.

Planning Proposal – Site 1

LOCAL GOVERNMENT AREA: WINGECARRIBEE SHIRE COUNCIL

ADDRESS OF LAND: Lots 9, 10 and 11 DP 975386 (15 Parkes Road, Moss Vale).



PART 1 - OBJECTIVES OR INTENDED OUTCOMES OF THIS PROPOSAL:

The intended outcome is to rezone the subject sites from RE2 Private Recreation to R2 Low Density Residential under WLEP 2010.

PART 2 – EXPLANATION OF PROVISIONS

Amend the Zoning Map under WLEP 2010 to show Lots 9, 10 and 11 DP 975386 as R2 Low Density Residential.

Amend the Lot Size Map under WLEP 2010 to show Lots 9, 10 and 11 DP 975386 as Q (minimum lot size of 700m².)

PART 3 - JUSTIFICATION

Summary

The site is owned by the NSW Basketball Association. The three lots are surplus to the needs of the Association and they are currently vacant. If the lots were zoned to

residential, the Association would be able to sell the blocks as separate residential building blocks and the income received could be used to undertake urgent works to improve the basketball stadium located on adjacent land.

The total area of the three allotments is approx 6000m². The land is adjacent to properties zoned R2 Low Density residential and under the provisions of WLEP 2010, the minimum lot sizes of the adjoining R2 land is 700m². If the same minimum lot size were applied, taking into consideration access driveways and private road access, the subject land could realise up to 8 allotments.

It is noted that the subject land is opposite land zoned as IN2 Light Industrial under WLEP 2010. Therefore development will need to consider the proximity of existing or future industrial development.

In adopting the Draft LEP 2009, Council resolved to rezone the subject area to R2 Low Density Residential as an amendment to WLEP 2010.

Section A – Need for the Planning Proposal

1. Is the Planning Proposal the result of any strategic study or report?	Yes. A submission was received from the NSW Basketball Association during the exhibition of draft WLEP.
2. Is the Planning Proposal the best means of achieving the objectives or intended outcomes, or is there a better way?	The proposed amendment is best managed a part of a Planning Proposal as there are no significant strategic impacts from the rezoning.
3. Will the net community benefit outweigh the cost of implementing and administering the planning proposal?	<p>The proposed amendment does offer the opportunity for affordable housing close to the Moss Vale Railway Station and commercial area as well as to Lackey Park.</p> <p>The sale of the land would also benefit the community through improvements to the existing basketball stadium.</p>

Section B – Relationship to strategic planning framework

4. Is the Planning Proposal consistent with the objectives and actions contained within the applicable regional or sub-regional strategy (including draft strategies)?	The proposed amendment provides the opportunity for infill development through affordable housing which is consistent with the Sydney Canberra Corridor Regional Strategy.
5. Is the Planning Proposal consistent with the local council's Community	Yes, the proposal is consistent with the Wingecarribee Our Future Strategic Plan

Strategic Plan, or other local strategic plan?	2002 which identifies the area as suitable for affordable housing. Council's initial work on the new local Planning strategy indicates that the community is keen to see more infill development and a range of lot sizes and dwelling styles. This rezoning would allow such development to occur.
6. Is the Planning Proposal consistent with applicable state environmental planning policies?	Yes. The proposal is consistent with the Affordable Housing SEPP.
7. Is the Planning Proposal consistent with applicable Ministerial Directions (s.117 directions)?	Yes.

Section C – Environmental, social and economic impact

8. Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal?	No. There are none in the vicinity.
9. Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?	No. The environmental implications of the proposal are considered minimal.
10. How has the planning proposal adequately addressed any social and economic effects?	The rezoning would provide the social and economic benefits of infill development, affordable housing and improved sporting facilities.

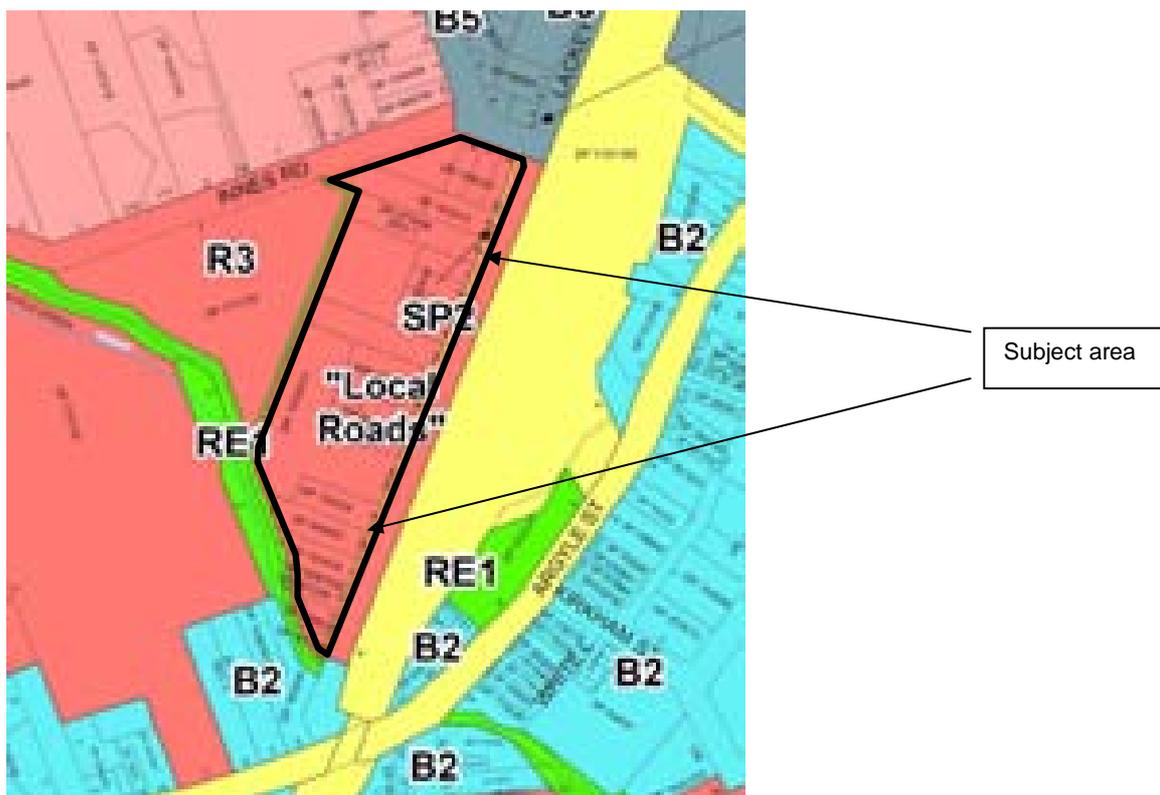
Section D – State and Commonwealth interests

11. Is there adequate public infrastructure for the planning proposal?	Yes. The site is close to the Moss vale railway station.
12. What are the views of State and Commonwealth public authorities consulted in accordance with the gateway determination?	The SCA has no concerns with this proposal.

Planning Proposal – Site 2

LOCAL GOVERNMENT AREA: WINGECARRIBEE SHIRE COUNCIL

ADDRESS OF LAND: 171-207 Lackey Road, 2-8 Garrett Street and 1 Innes Road, Moss Vale.



PART 1 - OBJECTIVES OR INTENDED OUTCOMES OF PROPOSAL:

The intended outcome is to rezone the subject area from R3 Medium Density Residential to B4 Mixed Use, with a maximum height of 10 metres and a maximum FSR of 0.7, under WLEP 2010.

PART 2 – EXPLANATION OF PROVISIONS

Amend the Zoning Map under WLEP 2010 to show the subject area as B4 Mixed Use.

Amend the Heights of Buildings Map under WLEP 2010 to show the subject area as K (maximum height of 10 metres.)

Amend the Maximum Floor Space Ratio Map under WLEP 2010 to show the subject area as H (maximum FSR of 0.7)

PART 3 - JUSTIFICATION

Summary

There were requests from a number of the owners of land within the subject area during the exhibition of Draft WLEP 2009 was that the area which was zoned as 3(a) Business under the WLEP 1989 should remain commercial under the new LEP as there is a shortage of commercially zoned land on the western side of the railway land. The land is currently zoned R3 Medium Density Residential under WLEP 2010.

It is noted that the subject land is opposite the Main Southern Railway Line and Moss Vale Station. In addition, land further north is zoned B5 Business Development.

In adopting the Draft LEP 2009, Council resolved to rezone the subject area to B4 Mixed Use as an amendment to WLEP 2010. This zoning allows both commercial and residential development offering a broader range of development options.

Section A – Need for the Planning Proposal

1. Is the Planning Proposal the result of any strategic study or report?	Yes. Several submissions were received from property owners during the exhibition of draft WLEP.
2. Is the Planning Proposal the best means of achieving the objectives or intended outcomes, or is there a better way?	The proposed amendment is best managed a part of a Planning Proposal as there are no significant strategic impacts from the rezoning.
3. Will the net community benefit outweigh the cost of implementing and administering the planning proposal?	The proposed amendment will continue to offer the opportunity for affordable housing as part of a mixed use development close to the Moss Vale Railway Station and commercial area as well as to Lackey Park.

Section B – Relationship to strategic planning framework

4. Is the Planning Proposal consistent with the objectives and actions contained within the applicable regional or sub-regional strategy (including draft strategies)?	The proposed amendment provides the opportunity for infill development through affordable housing which is consistent with the Sydney Canberra Corridor Regional Strategy.
5. Is the Planning Proposal consistent with the local council's Community Strategic Plan, or other local strategic plan?	Yes, the proposal is consistent with the Wingecarribee Our Future Strategic Plan 2002 which identifies the area as suitable for affordable housing. Council's initial

	work on the new local Planning strategy indicates that the community is keen to see more infill development and a range of lot sizes and dwelling styles. This rezoning would allow such development to occur.
6. Is the Planning Proposal consistent with applicable state environmental planning policies?	Yes. The proposal is consistent with the Affordable Housing SEPP.
7. Is the Planning Proposal consistent with applicable Ministerial Directions (s.117 directions)?	Yes.

Section C – Environmental, social and economic impact

8. Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal?	No. There are none in the vicinity.
9. Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?	No. Whites Creek which is a category 2 riparian corridor is adjacent to the southern boundary of the subject area and is subject to flooding. Assessment during the DA process will ensure that flooding issues and associated environmental impacts are adequately addressed.
10. How has the planning proposal adequately addressed any social and economic effects?	The rezoning would provide the social and economic benefits of infill development through affordable housing and extended business opportunities on the western side of the railway line.

Section D – State and Commonwealth interests

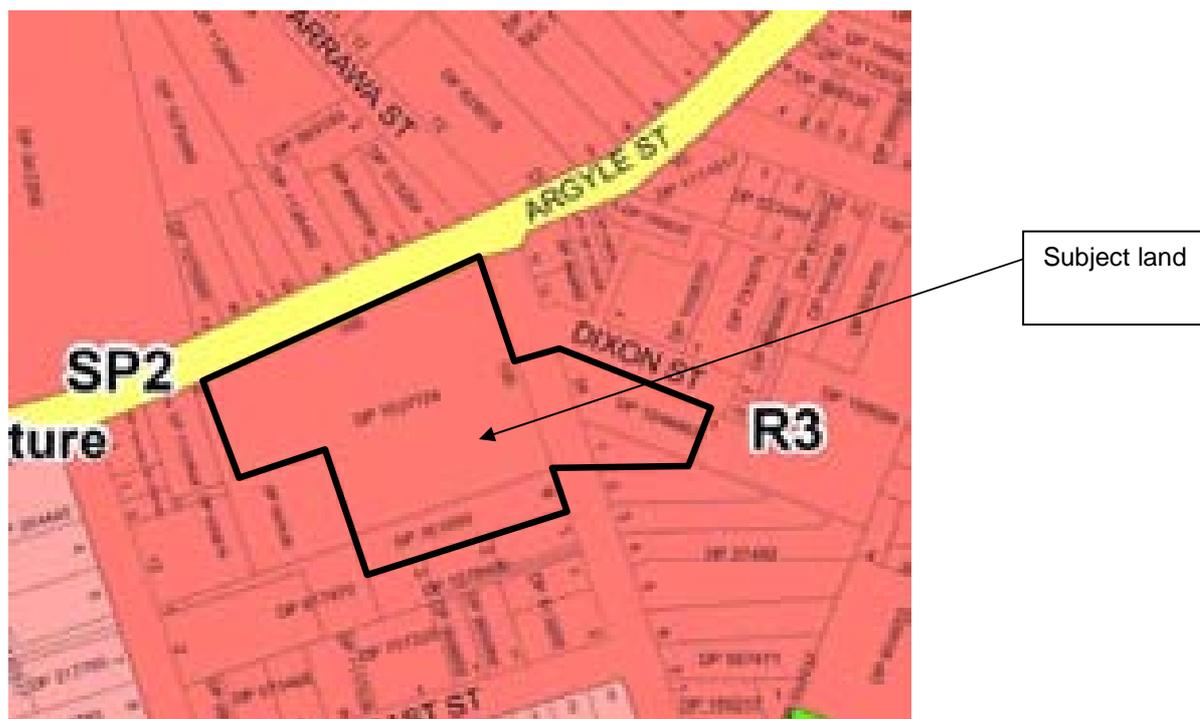
11. Is there adequate public infrastructure for the planning proposal?	Yes. The site is close to the Moss vale railway station.
12. What are the views of State and Commonwealth public authorities consulted in accordance with the gateway determination?	The SCA recommends that any new development within the subject area be located away from those affected by White's Creek and potential flooding issues. Council is aware of these

	constraints and would ensure that, through the DA process, they are appropriately managed.
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Planning Proposal – Site 3

LOCAL GOVERNMENT AREA: WINGECARRIBEE SHIRE COUNCIL

ADDRESS OF LAND: Lot B DP 161550, Lot 100, DP 1037724, Lot 34, DP 1046863, Lot 1, DP 37492, Moss Vale (known as the Moss Vale Services Club).



PART 1 - OBJECTIVES OR INTENDED OUTCOMES OF THE PROPOSAL:

The intended outcome is to rezone the subject area from R3 Medium Density Residential to B4 Mixed Use, with a maximum height of 7.5 metres and maximum floor space ratio of 0.7, under Wingecarribee LEP 2010.

PART 2 – EXPLANATION OF PROVISIONS

Amend the Zoning Map under WLEP 2010 to show Lot B DP 161550, Lot 100, DP 1037724, Lot 34, DP 1046863 and Lot 1, DP 37492 as B4 Mixed Use.

Amend the Heights of Buildings Map under WLEP 2010 to show Lot B DP 161550, Lot 100, DP 1037724, Lot 34, DP 1046863 and Lot 1, DP 37492 as H (maximum height of 7.5 metres.)

Amend the Floor Space Ratios Map under WLEP 2010 to show Lot B DP 161550, Lot 100, DP 1037724, Lot 34, DP 1046863 and Lot 1, DP 37492 as H (maximum FSR of 0.7.)

PART 3 - JUSTIFICATION

Summary

Under Wingecarribee LEP 2010, the subject site is zoned R3 Medium Density Residential. The request from the Moss Vale Services Club during the exhibition of the Draft LEP 2009 was that the allotments owned by the Club should be zoned B2 Local Centre to accommodate future plans for development on the site. It is noted that the Club has an approval for a 30 room motel development over Lots Lot 34, DP 1046863 and Lot 1, DP 1, 37492.

In adopting the Draft LEP 2009, Council resolved, upon the making of the LEP, to rezone the subject area to B4 Mixed Use with a maximum building height of 7.5 metres and a maximum floor space ratio of 0.7 which are consistent with existing commercial development on Argyle Street in the central business district.

Section A – Need for the Planning Proposal

1. Is the Planning Proposal the result of any strategic study or report?	Yes. A submission was received from the property owner during the exhibition of draft WLEP.
2. Is the Planning Proposal the best means of achieving the objectives or intended outcomes, or is there a better way?	The proposed amendment is best managed a part of a Planning Proposal as there are no significant strategic impacts from the rezoning.
3. Will the net community benefit outweigh the cost of implementing and administering the planning proposal?	The proposed amendment does offer the opportunity for tourism related development close to the Moss Vale Railway Station and commercial area.

Section B – Relationship to strategic planning framework

4. Is the Planning Proposal consistent with the objectives and actions contained within the applicable regional or sub-regional strategy (including draft strategies)?	The proposed amendment provides the opportunity for tourism related development which is consistent with the Illawarra REP.
Is the Planning Proposal consistent with the local council's Community Strategic Plan, or other local strategic plan?	Yes, the proposal is consistent with the Wingecarribee Our Future Strategic Plan 2002.

5. Is the Planning Proposal consistent with applicable state environmental planning policies?	Yes.
6. Is the Planning Proposal consistent with applicable Ministerial Directions (s.117 directions)?	Yes.

Section C – Environmental, social and economic impact

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 proposal?	No. There are none in the vicinity.
8. Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?	No. The environmental implications of the proposal are considered minimal.
9. How has the planning proposal adequately addressed any social and economic effects?	The rezoning would provide the social and economic benefits associated with tourism-related development.

Section D – State and Commonwealth interests

10. Is there adequate public infrastructure for the planning proposal?	Yes. The site is close to the Moss vale railway station and roads.
11. What are the views of State and Commonwealth public authorities consulted in accordance with the gateway determination?	The SCA has no concerns with this proposal.

Planning Proposal – Site 4

LOCAL GOVERNMENT AREA: WINGECARRIBEE SHIRE COUNCIL

ADDRESS OF LAND: Part of Lot 3, DP1114582, Station Street Bowral (known as the Milk Factory Gallery Development)



PART 1 - OBJECTIVES OR INTENDED OUTCOMES OF THE PROPOSAL:

The intended outcome is to rezone part of Lot 3, DP1114582 from SP2 Infrastructure (Local Road) to B2 Local Centre, with a maximum height of 15 metres, under Wingecarribee LEP 2010.

PART 2 – EXPLANATION OF PROVISIONS

Amend the Zoning Map under WLEP 2010 to show part Lot 3 DP 1114582 as B2 Local Centre.

Amend the Heights of Buildings Map under WLEP 2010 to show part Lot 3 DP 1114582 as O (15 metres.)

Amend the Floor Space Ratios Map under WLEP 2010 to show part Lot 3 DP 1114582 as S (1.5.)

PART 3 - JUSTIFICATION

Summary

It was brought to the attention of Council after draft WLEP 2009 had been adopted that the owner of the subject site received correspondence from Council back in October 2003 wherein the then Director of Environment and Planning advised that Council, on 22 October 2003, resolved not to acquire any part of Lot 1, DP 787011 (now Lot 3 DP 1114582) to accommodate the realignment of the Station Street alternative route.

The owner is therefore seeking to have the SP2 zoning changed to B2 Local Centre to be consistent with the remainder of the property. The proposed maximum building height of 15 metres and the proposed maximum floor space ratio of 1.5 are also consistent with the remainder of the property.

Section A – Need for the Planning Proposal

1. Is the Planning Proposal the result of any strategic study or report?	No, but the matter is of a minor nature to correct a mapping error.
2. Is the Planning Proposal the best means of achieving the objectives or intended outcomes, or is there a better way?	The proposed amendment is best managed a part of a Planning Proposal as there are no significant strategic impacts from the rezoning.
3. Will the net community benefit outweigh the cost of implementing and administering the planning proposal?	The proposed amendment has no negative impact on the community.

Section B – Relationship to strategic planning framework

4. Is the Planning Proposal consistent with the objectives and actions contained within the applicable regional or sub-regional strategy (including draft strategies)?	The proposed amendment provides the opportunity for infill development through affordable housing which is consistent with the Sydney Canberra Corridor Regional Strategy.
5. Is the Planning Proposal consistent with the local council's Community Strategic Plan, or other local strategic plan?	The proposal is a small zoning adjustment to correct outdated Council intentions.
6. Is the Planning Proposal consistent	The proposal is a small zoning adjustment

with applicable state environmental planning policies?	to correct outdated Council intentions.
7. Is the Planning Proposal consistent with applicable Ministerial Directions (s.117 directions)?	Yes.

Section C – Environmental, social and economic impact

8. Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal?	No. There are none in the vicinity.
9. Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?	No.
10. How has the planning proposal adequately addressed any social and economic effects?	The proposal is a small zoning adjustment to correct outdated Council intentions.

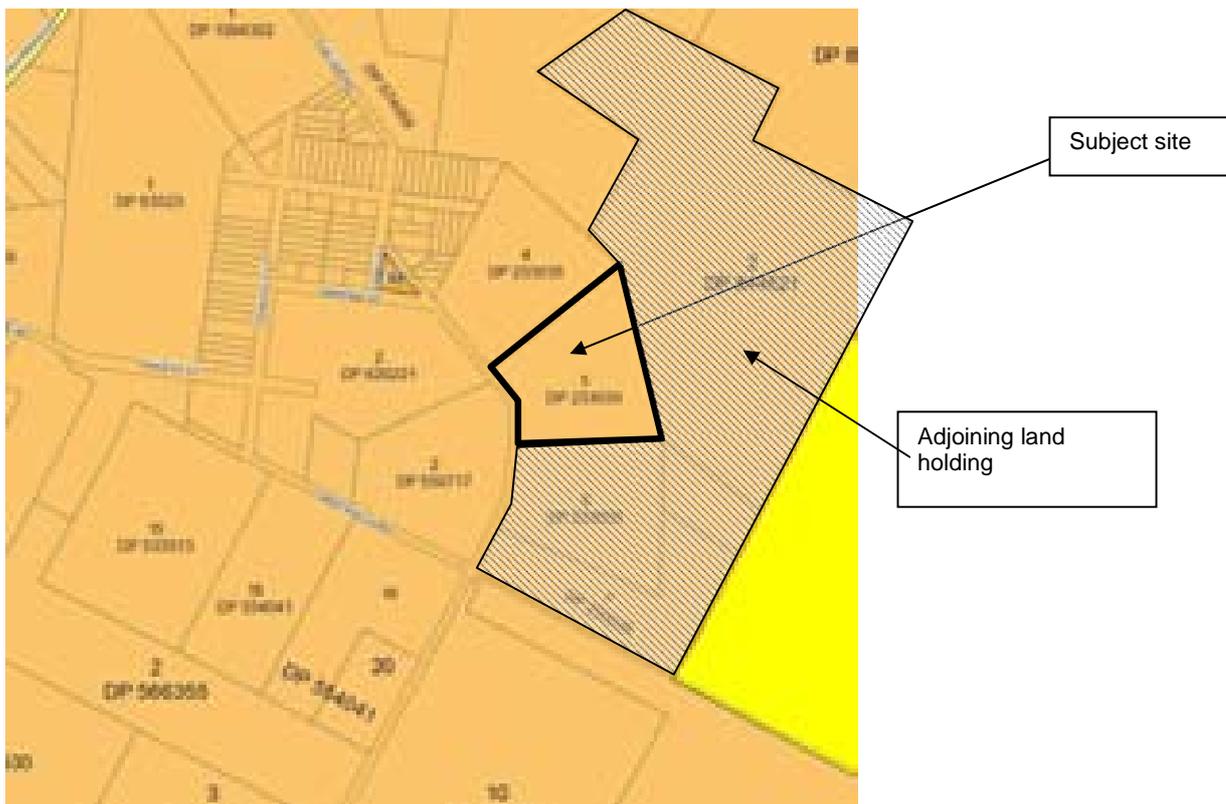
Section D – State and Commonwealth interests

11. Is there adequate public infrastructure for the planning proposal?	The proposal is a small zoning adjustment to correct outdated Council intentions.
12. What are the views of State and Commonwealth public authorities consulted in accordance with the gateway determination?	The SCA has no concerns with this proposal.

Planning Proposal – Site 5

LOCAL GOVERNMENT AREA: WINGECARRIBEE SHIRE COUNCIL

ADDRESS OF LAND: Lot 5, DP233035 (No 368 Exeter Road Sutton Forest).



PART 1 - OBJECTIVES OR INTENDED OUTCOMES OF THE PROPOSAL:

The intended outcome is to amend Schedule 1 of WLEP 2010 to allow development for the purpose of a two lot subdivision on Lot 5, DP233035 with no dwelling house entitlement on the newly created lot.

PART 2 – EXPLANATION OF PROVISIONS

To amend Schedule 1 of LEP 2010 to allow development for the purpose of a 2 lot subdivision with no dwelling house allowed on the newly created lot.

PART 3 - JUSTIFICATION

Summary

Under Wingecarribee LEP 2010, the subject site is zoned E3 Environmental Management with a minimum allotment size of 40 hectares. The subject site has an area of 10 hectares.

The owner of the subject site and the owners of the adjoining farming property (consisting of Lots 6/7 DP 233035, Lot 9, DP 540670 and Lot 2, DP 844621, totalling approx 77 hectares) wish to amend the property boundary of Lot 5. The proposal involves a 2 lot subdivision of Lot 5 to create a 4 hectare parcel containing the existing residence and a 6 hectare parcel. In turn the 6 hectare parcel would be sold to the adjoining owners to add to their existing land holding which could then be used for a more viable farming operation.

The proposed amendment requires a planning proposal as the extent of the subdivision standard variation is substantial and cannot therefore be dealt with via a land use application.

The most appropriate method of accommodating the proposal is to amend WLEP 2010 by including in Schedule 1 of the Plan a provision that allows development for the purpose of a two lot subdivision of Lot 5, DP 233035 with no dwelling entitlement on the newly created lot.

Section A – Need for the Planning Proposal

1. Is the Planning Proposal the result of any strategic study or report?	No.
2. Is the Planning Proposal the best means of achieving the objectives or intended outcomes, or is there a better way?	The proposed amendment is best managed a part of a Planning Proposal as there are no significant strategic impacts from the proposed boundary adjustment.
3. Will the net community benefit outweigh the cost of implementing and administering the planning proposal?	The proposed amendment does offer the opportunity to create a more viable agricultural property while allowing existing residents to remain on the smaller allotment.

Section B – Relationship to strategic planning framework

4. Is the Planning Proposal consistent with the objectives and actions contained within the applicable regional or sub-regional strategy (including draft strategies)?	The proposal does provide for a more sustainable development of existing agricultural land.
5. Is the Planning Proposal consistent with the local council's Community Strategic Plan, or other local strategic	Yes, the proposal is consistent with the Wingecarribee Our Future Strategic Plan 2002 which identifies the area as suitable

plan?	for affordable housing. Council's initial work on the new local Planning strategy indicates that the community is keen to see more infill development and a range of lot sizes and dwelling styles. This rezoning would allow such development to occur.
6. Is the Planning Proposal consistent with applicable state environmental planning policies?	The proposed amendment does support the objectives of the Rural Land SEPP.
7. Is the Planning Proposal consistent with applicable Ministerial Directions (s.117 directions)?	Yes.

Section C – Environmental, social and economic impact

8. Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal?	No. There are none in the vicinity.
9. Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?	No. A category 3 riparian corridor does begin in the south east corner of the subject site, but it is not considered that the proposal would adversely impact on this section of the site.
10. How has the planning proposal adequately addressed any social and economic effects?	It is considered that the rezoning would be beneficial to both the applicant and the adjoining owner in terms of improving the economic viability of agricultural land and allowing existing resident to remain in situ.

Section D – State and Commonwealth interests

11. Is there adequate public infrastructure for the planning proposal?	This is not relevant to this application.
12. What are the views of State and Commonwealth public authorities consulted in accordance with the gateway determination?	The SCA has no concerns with this proposal, but does recommend that the area assessed as having low land use capabilities be protected from the impacts of future agricultural activity. Extensive agriculture is permitted without consent in

	the E3 zone. Should a DA for a land use requiring consent be submitted to Council, the identified constraints will be considered in assessing that proposal.
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**PART 3 - JUSTIFICATION
Summary**

Under Wingecarribee LEP 2010, the subject site is zoned E3 Environmental Management with a minimum allotment size of 40 hectares.

In 2009 and 2010 Council considered the subject site for the purposes of erecting a dwelling house. The two lots are part of an existing parcel of land (Lot 1 DP 448655 and Lots 71 and 72 DP 13350) which already has a dwelling house located on Lot 1, therefore no dwelling house entitlement is available for lots 71 and 72.

Lots 71 and 72 are separated from the main part of the holding by an area of remnant bushland which is part of the Robertson Basalt Rainforest community identified as an Endangered Ecological Community.

It is noted that there are a number of similar sized allotments in the immediate vicinity most of which have a dwelling house.

The last time the Council considered the matter, on 14 April 2010, Council resolved as follows:

THAT following the gazettal of Draft Wingecarribee LEP 2009, Lots 71 and 72 DP 13350, Old Jamberoo Road, Robertson be assessed to determine whether a single dwelling entitlement should be granted on the consolidated area of the 2 lots and a planning proposal be put forward to allow an additional permitted use in Schedule 1 of the LEP.

Under the provisions of WLEP 2010 a minimum of 40 hectares is required to erect a dwelling house in the E3 Environmental Management zone. Given that the total site is substantially below the minimum area required for a dwelling and one already exists on Lot 1, the proposal to separate Lots 71 and 72 from the existing parcel and erect a new dwelling house is best dealt with as a Planning Proposal as the variations to the controls under WLEP 2010 are substantial and cannot be dealt with via a land use application.

The most appropriate method of accommodating the proposal is to amend WLEP 2010 by including in Schedule 1 of the Plan a provision that allows a dwelling house to be erected on Lots 71 and 72, DP 13350 Old Jamberoo Road Robertson.

Section A – Need for the Planning Proposal

1. Is the Planning Proposal the result of any strategic study or report?	Yes. A submission was received from potential purchasers of the site during the exhibition of draft WLEP.
2. Is the Planning Proposal the best means of achieving the objectives or intended outcomes, or is there a better way?	The proposed amendment is best managed a part of a Planning Proposal as there are no significant strategic impacts from the rezoning.

3. Will the net community benefit outweigh the cost of implementing and administering the planning proposal?	The proposed amendment does offer the opportunity for infill housing in a location where smaller allotments are already the established development pattern.
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Section B – Relationship to strategic planning framework

4. Is the Planning Proposal consistent with the objectives and actions contained within the applicable regional or sub-regional strategy (including draft strategies)?	The proposed amendment provides the opportunity for infill development which is consistent with the Sydney Canberra Corridor Regional Strategy.
5. Is the Planning Proposal consistent with the local council's Community Strategic Plan, or other local strategic plan?	Council's initial work on the new local Planning strategy indicates that the community is keen to see more infill development and a range of lot sizes and dwelling styles. This rezoning would allow such development to occur.
6. Is the Planning Proposal consistent with applicable state environmental planning policies?	Yes.
7. Is the Planning Proposal consistent with applicable Ministerial Directions (s.117 directions)?	Yes.

Section C – Environmental, social and economic impact

8. Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal?	The site does have an area of Robertson Basalt Rainforest community which is an Endangered Ecological Community, however Council is satisfied that the area can be adequately protected through the development assessment process.
9. Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?	Any other identified environmental implications can be managed through the development assessment process.
10. How has the planning proposal adequately addressed any social and economic effects?	The Robertson community has indicated that it is keen to see more infill development and a range of lot sizes and dwelling styles. This rezoning would allow

	such development to occur.
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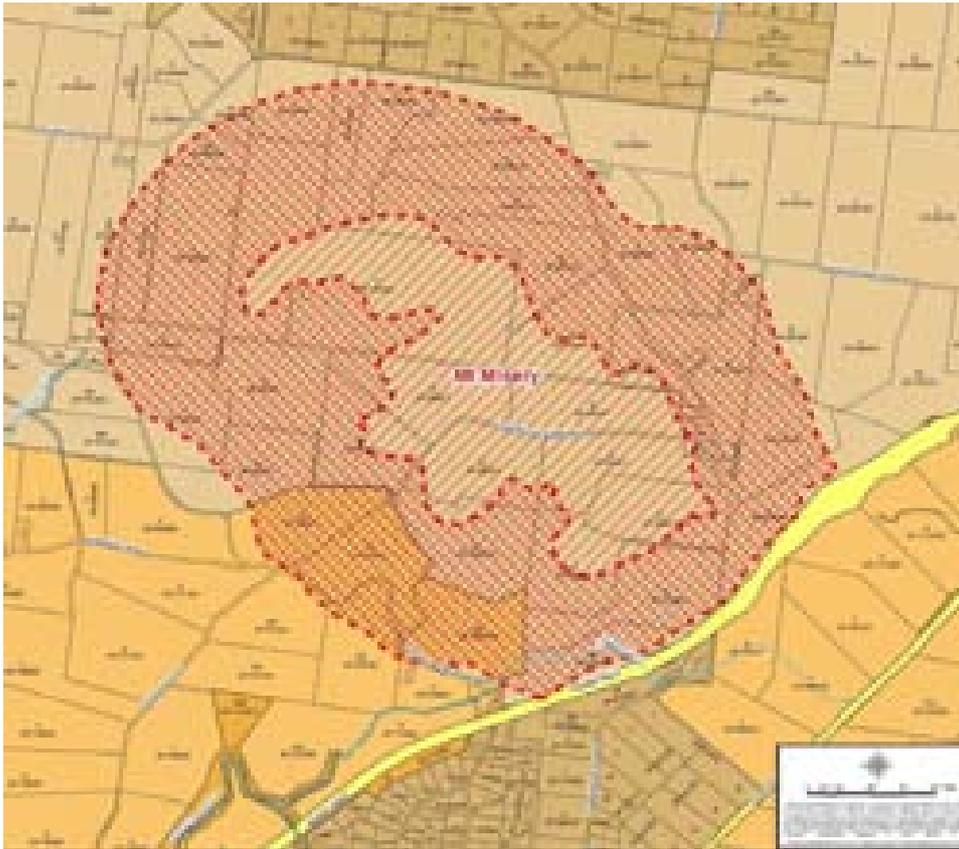
Section D – State and Commonwealth interests

11. Is there adequate public infrastructure for the planning proposal?	There is currently no water or sewer within the village however the lot size is adequate for onsite effluent disposal.
12. What are the views of State and Commonwealth public authorities consulted in accordance with the gateway determination?	This site lies outside the area managed by the SCA.

Planning Proposal – Site 7

LOCAL GOVERNMENT AREA: WINGECARRIBEE SHIRE COUNCIL

ADDRESS OF LAND: Proposed Mount Misery Extractive Resource Area



PART 1 - OBJECTIVES OR INTENDED OUTCOMES OF THE PROPOSAL:

The intended outcome is to amend the Extractive Materials Map under WLEP 2010 by removing the Extractive Material Notation from the site.

PART 2 – EXPLANATION OF PROVISIONS

Amend the Map under WLEP 2010 to remove the Identified and Potential Extractive Material notation and Identified and Potential Extractive Material – Buffer Zone notation over the subject area.

**PART 3 - JUSTIFICATION
Summary**

The Mount Misery Extractive Resource site is located on the western side of the Hume Highway and bounded by Old Mandemar Road in the south, Woodlands Road in the north and Joadja Road to the west with Compton Park Road roughly in the middle. Under Wingecarribee LEP 2010, the subject site is zoned part E3 Environmental Management and Part RU2 Rural Landscape with a minimum allotment size of 40 hectares.

The site was recognised many years ago as being of state and regional significance for its potential as a hard rock aggregate resource of microsyenite deposits. A development consent was subsequently granted in 1991 for quarrying the deposit.

The majority of the land is owned by Boral who, in preparing a submission to draft WLEP 2009, wrote to the NSW Department of Industry and Investment requesting that they review the significance of the resource contained on the site.

Industry and Investment, in a letter to Boral dated 16 November 2009, confirmed that the significance of the deposit has been substantially downgraded since the consent on the site was granted in 1991 and that the likelihood of quarrying has been greatly diminished largely due to the identification of further deposits around Marulan which have been approved for extraction. The Marulan deposits have direct rail access which is more economical to operate.

In conclusion, Industry and Investment stated that they have no objections to the removal of the extractive industry overlay for the site under WLEP 2010.

Boral has since indicated that they intend to re subdivide their holding into 40 hectare parcels of land, consistent with WLEP 2010, for sale.

The most appropriate method of accommodating the proposal is to amend WLEP 2010 by removing the Extractive Materials notation from this site on the Extractive Materials Maps.

Section A – Need for the Planning Proposal

1. Is the Planning Proposal the result of any strategic study or report?	Yes. A copy of the letter from the NSW department of Industry and Investment is attached which confirms that the site has been assessed as no longer being of regional or state significance.
2. Is the Planning Proposal the best means of achieving the objectives or intended outcomes, or is there a better way?	The proposed amendment is best managed a part of a Planning Proposal as there are no significant strategic impacts from the rezoning.
3. Will the net community benefit outweigh the cost of implementing	The proposed amendment clarifies the status of the area with regard to potential extractive

and administering the planning proposal?	industry for the benefit of the owners and surrounding residents.
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Section B – Relationship to strategic planning framework

4. Is the Planning Proposal consistent with the objectives and actions contained within the applicable regional or sub-regional strategy (including draft strategies)?	Yes, the decision to downgrade the site has been taken by the NSW Department of Industry and Development within the context of their regional assessments of site potential.
5. Is the Planning Proposal consistent with the local council’s Community Strategic Plan, or other local strategic plan?	Yes.
6. Is the Planning Proposal consistent with applicable state environmental planning policies?	Yes.
7. Is the Planning Proposal consistent with applicable Ministerial Directions (s.117 directions)?	Yes.

Section C – Environmental, social and economic impact

8. Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal?	No.
9. Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?	No.
10. How has the planning proposal adequately addressed any social and economic effects?	The proposed amendment clarifies the status of the area with regard to potential extractive industry for the benefit of the owners and surrounding residents.

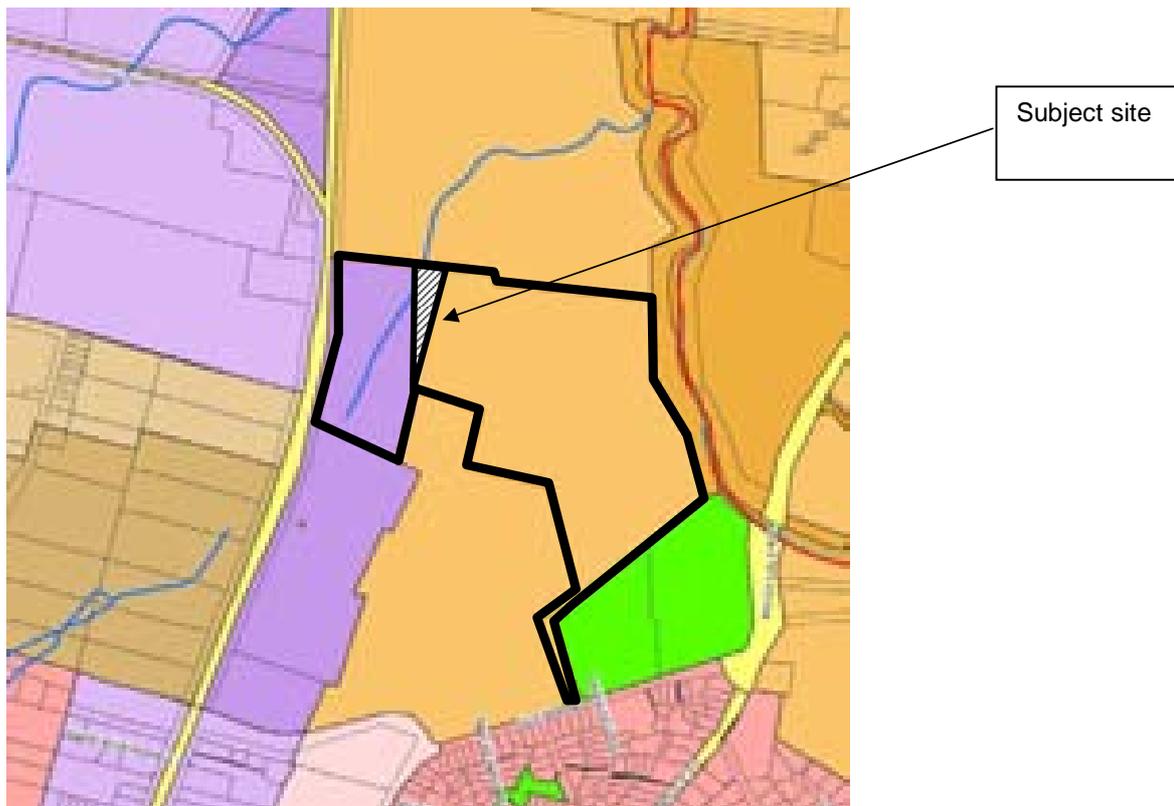
Section D – State and Commonwealth interests

11. Is there adequate public infrastructure for the planning proposal?	No infrastructure issues are relevant.
12. What are the views of State and Commonwealth public authorities consulted in accordance with the gateway determination?	The SCA has no concerns with this proposal.

Planning Proposal – Site 8

LOCAL GOVERNMENT AREA: WINGECARRIBEE SHIRE COUNCIL

ADDRESS OF LAND: Lot 2, DP 873240, McCourt Road Moss Vale



PART 1 - OBJECTIVES OR INTENDED OUTCOMES OF THE PROPOSAL:

The intended outcome is to amend the Zoning and the Lot Size Maps under WLEP 2010 to adjust the boundary between the two zones on the subject site as indicated in the area of the hatched section above.

PART 2 – EXPLANATION OF PROVISIONS

Amend the Map under WLEP 2010 to relocate the boundary between the IN3 Heavy Industry zone and the E3 Environmental Management zone on Lot 2, DP 873240, McCourt Road Moss Vale.

PART 3 - JUSTIFICATION
Summary

Under Wingecarribee LEP 2010, Lot 2 DP 873240 is zoned part E3 Environmental Management and part IN3 Heavy Industrial.

The owner of the land is seeking to modify the boundary between the two zones to avoid it crossing through a water course and wetland. The location of the existing zone boundary currently dissects the natural features. The new boundary would also straighten the zone boundary.

The proposed location of the new boundary would place the water course and wetland entirely within the IN3 Heavy Industrial zoning. This allows the controls for the IN3 site to focus on the watercourse and protected through the DA process should the industrial land be developed in the future.

Section A – Need for the Planning Proposal

1. Is the Planning Proposal the result of any strategic study or report?	No. A submission was received from the property owner following the making of WLEP 2010.
2. Is the Planning Proposal the best means of achieving the objectives or intended outcomes, or is there a better way?	The proposed amendment is best managed a part of a Planning Proposal as there are no significant strategic impacts from the rezoning, but there are potential environmental impacts.
3. Will the net community benefit outweigh the cost of implementing and administering the planning proposal?	The proposed amendment provides better protection for the wetland area as there is already some of the watercourse in the IN3 zone and including all within the zone allows the controls for development of that zone to be strengthened.

Section B – Relationship to strategic planning framework

4. Is the Planning Proposal consistent with the objectives and actions contained within the applicable regional or sub-regional strategy (including draft strategies)?	The proposed amendment provides the opportunity create site specific controls for the IN3 portion of the site.
5. Is the Planning Proposal consistent with the local council’s Community Strategic Plan, or other local strategic plan?	The proposal does not adversely impact on the provisions of the Strategic Plan. The proposal provides the opportunity to further strengthen the zone specific controls for the wetland area.

6. Is the Planning Proposal consistent with applicable state environmental planning policies?	Yes.
7. Is the Planning Proposal consistent with applicable Ministerial Directions (s.117 directions)?	Yes.

Section C – Environmental, social and economic impact

8. Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal?	No. On the contrary, the proposed boundary adjustment allows for zone specific controls to better protect the wetland area.
9. Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?	No. The proposed boundary adjustment allows for zone specific controls to better protect the wetland area.
10. How has the planning proposal adequately addressed any social and economic effects?	The proposal would not have any adverse impact on the IN3 land as most of the watercourse is already included in that zone.

Section D – State and Commonwealth interests

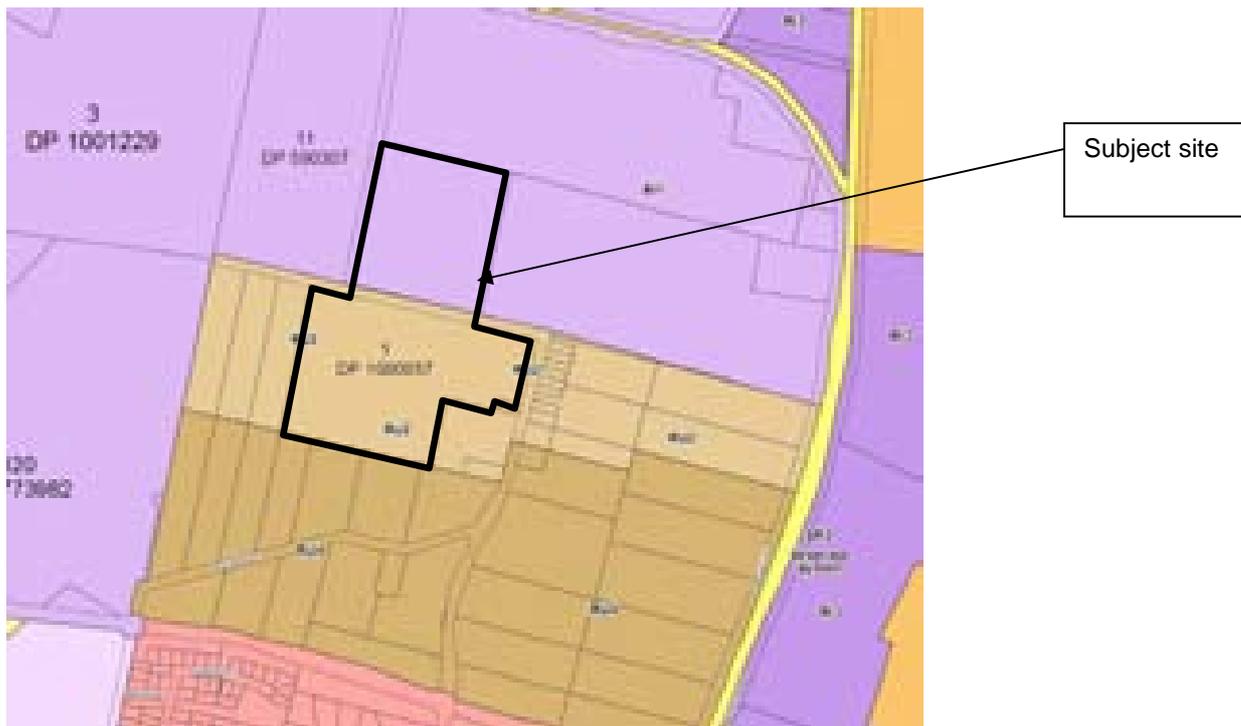
11. Is there adequate public infrastructure for the planning proposal?	No further infrastructure is required.
12. What are the views of State and Commonwealth public authorities consulted in accordance with the gateway determination?	<p>The SCA notes that that most of the IN3 Heavy Industry site has very low capability for heavy industry with a Category 2 water course running through the site, suggesting that this land is unsuitable for the IN3 zoning. SCA recommends that an alternative IN3 zone be identified and suggests land to the east of the subject site which has a higher land use capability.</p> <p>Council recognises the sensitive nature of this part of the site. The intention of the planning proposal is to locate the new boundary so as to place the water course</p>

	<p>and wetland entirely within the IN3 Heavy Industrial zoning. This allows the wetland to be included in development controls intended to protect the waterway and riparian corridor should the industrial land be developed in the future. Leaving the wetland area within the E3 zoning does not offer the same site-specific protection.</p>
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Planning Proposal – Site 9

LOCAL GOVERNMENT AREA: WINGECARRIBEE SHIRE COUNCIL

ADDRESS OF LAND: Lot 11, DP 1084421, 74-76 Beaconsfield Road, Moss Vale.



PART 1 - OBJECTIVES OR INTENDED OUTCOMES OF THE PROPOSAL:

The intended outcome is to amend Schedule 1 of WLEP 2010 to allow for development for the purposes of a two lot subdivision.

PART 2 – EXPLANATION OF PROVISIONS

Amend Schedule 1 of WLEP 2010 to provide for development for the purposes of a two lot subdivision on Lot 11, DP 1084421, 74-76 Beaconsfield Road, Moss Vale.

PART 3 - JUSTIFICATION

Summary

Under Wingecarribee LEP 2010, the subject site is zoned part IN1 General Industrial and part RU2 Rural Landscape. The current allotment measure 19.6 hectares.

The owner of the land is seeking to create a 2 lot subdivision with the boundary reflecting the zone boundary and the line of the unformed road reservation under WLEP 2010. The two lot subdivision would create one allotment zoned IN1 General Industrial with an area of 7.75 hectares and one allotment zoned RU2 Rural Landscape with an area of 11.85 hectares.

The proposed amendment requires a planning proposal because the extent of the subdivision and creation of a separate allotment for the land zoned RU2 Rural Landscape is greater than the 10% variation to the 40 hectare minimum standard permitted under WLEP 2010 which can be dealt with via a development application.

Section A – Need for the Planning Proposal

1. Is the Planning Proposal the result of any strategic study or report?	No, but given that the site is zones are potentially conflicting and are already divided by an existing road, the proposal would have no strategic impacts and would allow for potential consolidation of the adjoining land surrounding each zone.
2. Is the Planning Proposal the best means of achieving the objectives or intended outcomes, or is there a better way?	The proposed amendment is best managed a part of a Planning Proposal as there are no significant strategic impacts from the rezoning.
3. Will the net community benefit outweigh the cost of implementing and administering the planning proposal?	The costs of implementing the proposal are minimal and do offer potential benefit for better use of both the IN1 and RU2 zoned land parcels.

Section B – Relationship to strategic planning framework

4. Is the Planning Proposal consistent with the objectives and actions contained within the applicable regional or sub-regional strategy (including draft strategies)?	Yes. The proposal provides the opportunity for more efficient use of both the industrial and rural components of the site.
5. Is the Planning Proposal consistent with the local council's Community Strategic Plan, or other local strategic plan?	Yes.
6. Is the Planning Proposal consistent with applicable state environmental planning policies?	Yes.

7. Is the Planning Proposal consistent with applicable Ministerial Directions (s.117 directions)?	Yes.
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Section C – Environmental, social and economic impact

8. Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal?	No.
9. Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?	Both zoned contain category 3 riparian land which can be managed through the Development Application process.
10. How has the planning proposal adequately addressed any social and economic effects?	The proposal allows for more efficient use of both parcels of land with potential economic benefits.

Section D – State and Commonwealth interests

11. Is there adequate public infrastructure for the planning proposal?	Yes. There are no infrastructure implications associated with the proposal.
12. What are the views of State and Commonwealth public authorities consulted in accordance with the gateway determination?	The SCA has no concerns with this proposal.

Planning Proposal – Site 10

LOCAL GOVERNMENT AREA: WINGECARRIBEE SHIRE COUNCIL

ADDRESS OF LAND: Lot A, DP 162073, 180 Argyle Street Moss Vale.



PART 1 - OBJECTIVES OR INTENDED OUTCOMES OF LEP:

The intended outcome is to amend Schedule 1 of WLEP 2010 to facilitate a more satisfactory development of the adjoining Lots C and D in terms of traffic access to and from the proposed McDonald's restaurant to be erected on Lots C and D.

PART 2 – EXPLANATION OF PROVISIONS

Amend Schedule 1 of WLEP 2010 to permit development for the purposes of a restaurant and associated access ways.

PART 3 - JUSTIFICATION

Summary

McDonald's Australia has been in discussions with Wingecarribee Council for some time regarding the redevelopment of the vacant former Donnelly Car Showroom on the corner

of Argyle Street and Robertson Road (Illawarra Highway), Moss Vale (Lots C & D DP 158526) for the purpose of a McDonald's Restaurant.

Under Wingecarribee LEP 2010, Lots C & D are zoned B4 Mixed Use and Lot A is zoned R3 Medium Density Residential.

Council considered a report on the proposal on 9 December 2009 and resolved as follows:

“THAT Council support the amendment of Schedule 1 of the Draft Wingecarribee Local Environmental Plan 2009 covering Lot A DP 162073, 180 Argyle Street, Moss Vale to facilitate a more satisfactory development of the adjoining Lots C and D in terms of traffic access to and from the site and deem this as an appropriate site for a McDonald's restaurant AND THAT in consideration of Schedule 1 of the Draft Wingecarribee Local Environmental Plan 2009, traffic concerns raised can be satisfactorily addressed”.

Section A – Need for the Planning Proposal

1. Is the Planning Proposal the result of any strategic study or report?	Yes. A submission was received from the owners during the exhibition of draft WLEP following comment from the RTA to a DA to develop a McDonalds on the adjoining land.
2. Is the Planning Proposal the best means of achieving the objectives or intended outcomes, or is there a better way?	A Planning Proposal provides opportunity for review by the Department of Planning and for further community consultation.
3. Will the net community benefit outweigh the cost of implementing and administering the planning proposal?	The proposed amendment will facilitate the development of the adjacent site for commercial rather than residential development. It is considered by Council that commercial development is a more appropriate use for the site.

Section B – Relationship to strategic planning framework

4. Is the Planning Proposal consistent with the objectives and actions contained within the applicable regional or sub-regional strategy (including draft strategies)?	The proposed amendment provides the opportunity to facilitate commercial development on the adjacent sites which is consistent with the objectives of the Sydney Canberra Corridor Regional Strategy and the Illawarra REP.
5. Is the Planning Proposal consistent with the local council's Community Strategic Plan, or other local strategic plan?	Yes, the Wingecarribee Our Future Strategic Plan 2002 identifies the area as suitable for commercial development. Council's initial work on the new local

	Planning strategy indicates that the community is keen to see more infill development and the integration of business and residential zones. This proposal would facilitate such development.
6. Is the Planning Proposal consistent with applicable state environmental planning policies?	Yes.
7. Is the Planning Proposal consistent with applicable Ministerial Directions (s.117 directions)?	Yes.

Section C – Environmental, social and economic impact

8. Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal?	No. There are none in the vicinity.
9. Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?	No. The environmental implications of the proposal are considered minimal.
10. How has the planning proposal adequately addressed any social and economic effects?	The rezoning would facilitate the development of the adjacent sites for commercial purposes with improved traffic management of the development.

Section D – State and Commonwealth interests

11. Is there adequate public infrastructure for the planning proposal?	No additional infrastructure is required.
12. What are the views of State and Commonwealth public authorities consulted in accordance with the gateway determination?	The SCA has no concerns with this proposal.