

# Planning Proposal

**to amend Wingecarribee Local Environmental Plan  
2010 to reduce the minimum lot size of land at Villiers  
Road and Hill Road Moss Vale**

Prepared in accordance with the Local Environmental Plan Making Guideline (December 2021)  
PP-2022-933 - Version 3 for Exhibition

Council has categorised the Planning Proposal as *Standard*

JULY 2022

*Working with you*

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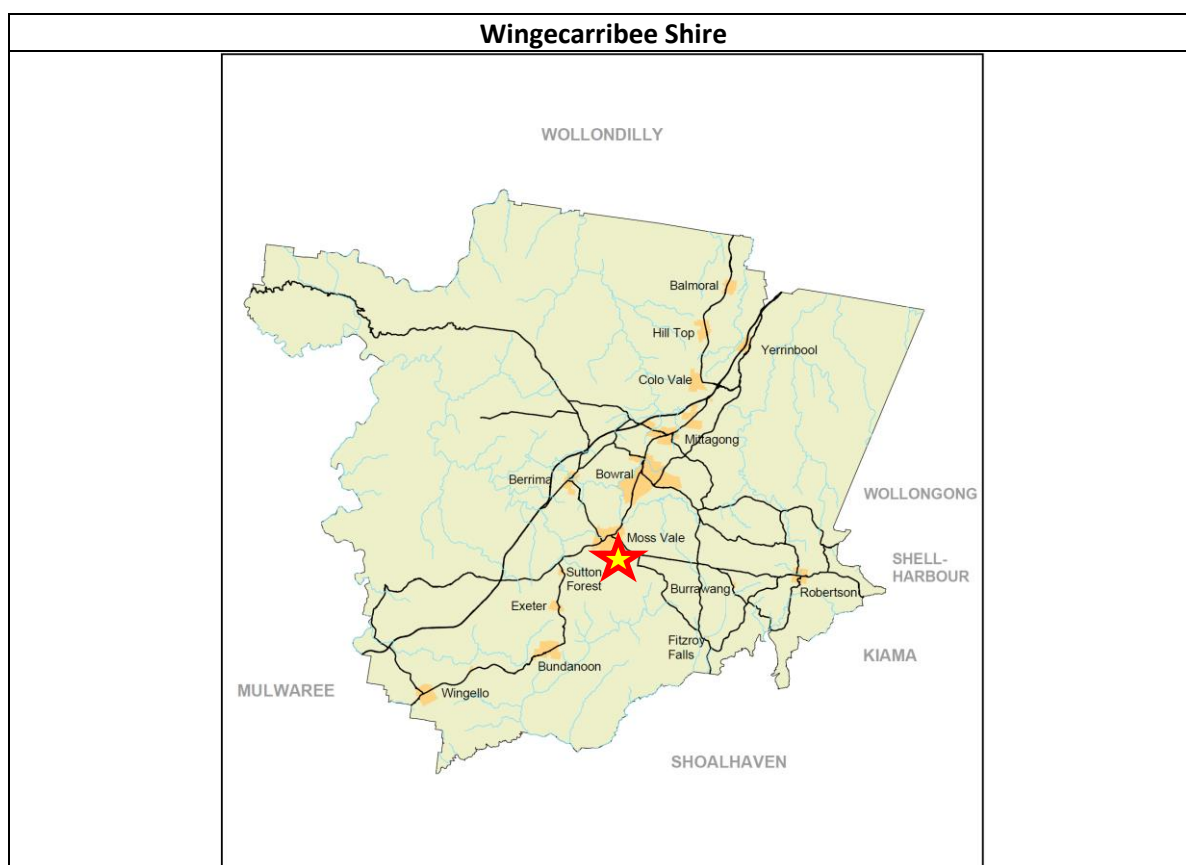


## Appendices to the main Planning Proposal report

1	Report to Council of 16 February 2022
2	Resolution of Council of 16 February 2022
3	Joint Regional Planning Panel Pre-Gateway Advice for adjoining Chelsea Gardens-Coomungie Urban Release Area
4	Gateway Determination 12 April 2022
5	Draft WLEP 2010 Minimum Lot Size Map (LSZ_007H)
6	Agency Response - WaterNSW
7	Agency Response – Transport for NSW

## Site Location & Description

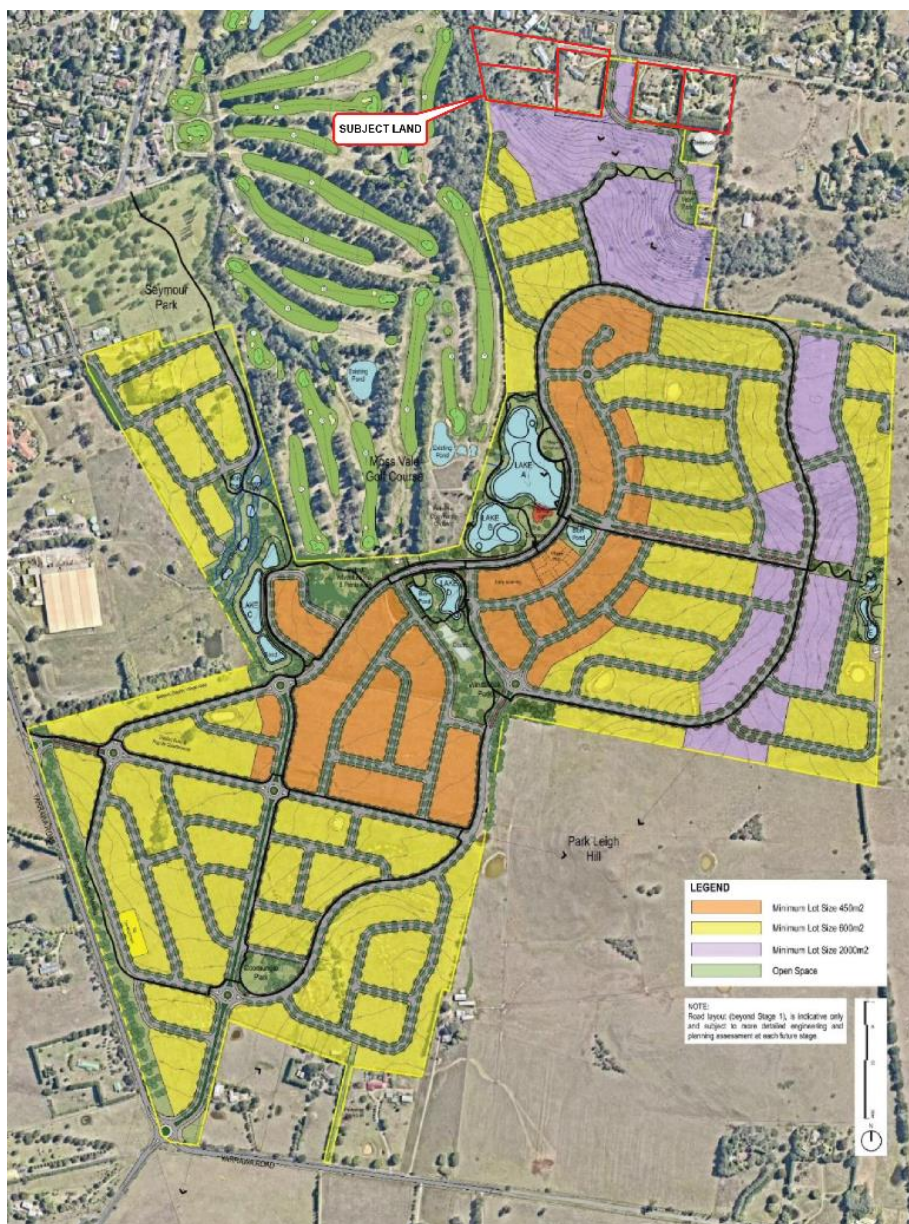
<b>Legal Description &amp; Property Address</b>	<ul style="list-style-type: none"> <li>a) Lot 8 DP 875224 - 37 Villiers Road, Moss Vale</li> <li>b) Lot 9 DP 875224 - 39 Villiers Road, Moss Vale</li> <li>c) Lot 5 DP 844943 - 41 Villiers Road, Moss Vale</li> <li>d) Lot 4 DP 844943 - 8 Hill Road, Moss Vale</li> <li>e) Lot 3 DP 844943 - 10 Hill Road, Moss Vale</li> </ul>
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## Site Location & Description

The purpose of the Planning Proposal is to seek an amendment of the current minimum lot size provision of 8,000m<sup>2</sup> for land situated at Villiers Road (Lot 8 DP 875224, Lot 9 DP 875224 and Lot 5 DP 844943) and Hill Road (Lot 3 DP 844943 and Lot 4 DP 844943) in Moss Vale.

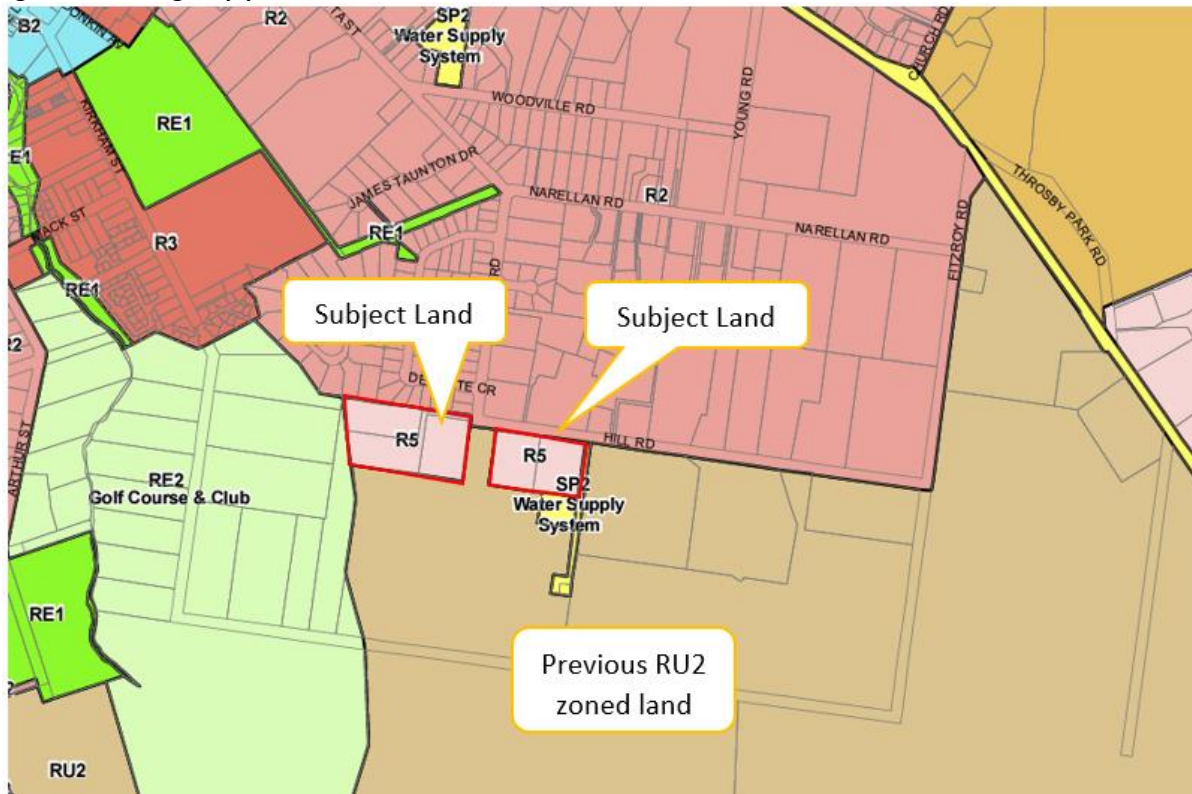
On 27 October 2017, through Amendment 43 to WLEP 2010, the (then) Department of Planning, Industry and Environment (the Department) rezoned an extensive area of land to the south of Moss Vale which had been identified under WLEP 2010 as the Chelsea Gardens Coomungie Urban Release Area (URA). The URA amendment applied new R2 Low Density Residential and R5 Large Lot Residential zones with minimum lot sizes ranging from 450m<sup>2</sup> to 2,000m<sup>2</sup> to land which had previously been zoned RU2 Rural Landscape. The extent of the URA is indicated in **Figure 1** below noting the adjoining subject land on the northern border.



**Figure 1 – Location of Subject Land and Chelsea Gardens Coomungie Master Plan**

The URA had previously been zoned RU2 Rural Landscape and the subject land had formed the southern boundary of the Moss Vale Township along Villiers Road and Hill Road. **Figure 2** below indicates this previous and continued connection between the subject land and the Moss Vale Township.

**Figure 2 – Zoning map prior to amendment 43**



With the rezoning of the URA and the application of the R5 Large Lot Residential zone and a 2,000m<sup>2</sup> minimum lot size, the urban boundary of the Moss vale Township was effectively moved further south down to Yarrowa Road, as indicated in **Figure 3** below.

As a result of the URA amendment, the R5 zoning over the subject land became consistent with surrounding zoning (also indicated in Figure 3 below), but the 8000m<sup>2</sup> minimum lot size became incongruous with the adjoining land to the north and south. **Figure 4** below indicates the resulting minimum lot sizes for the URA land immediately adjoining the subject land.



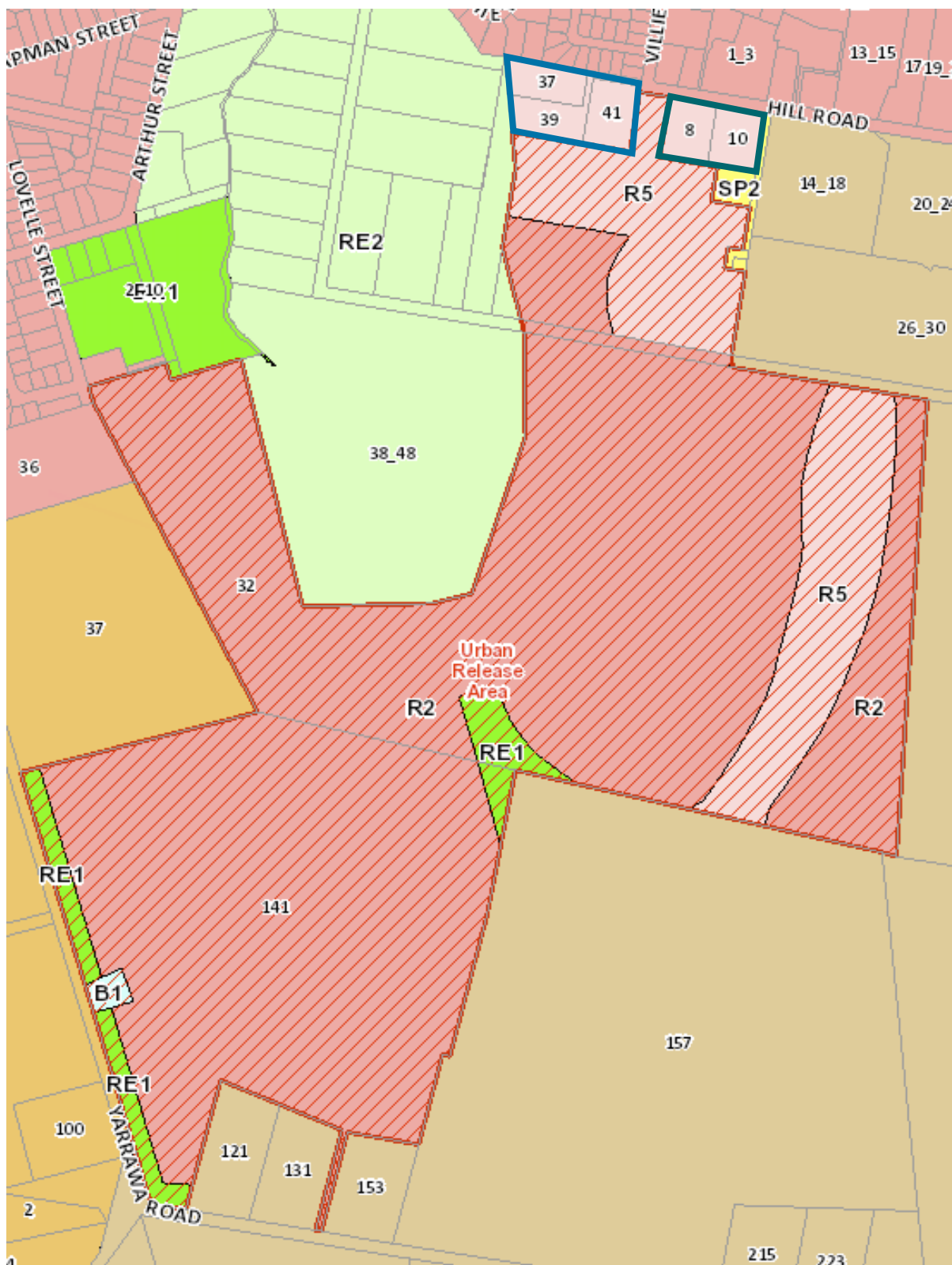
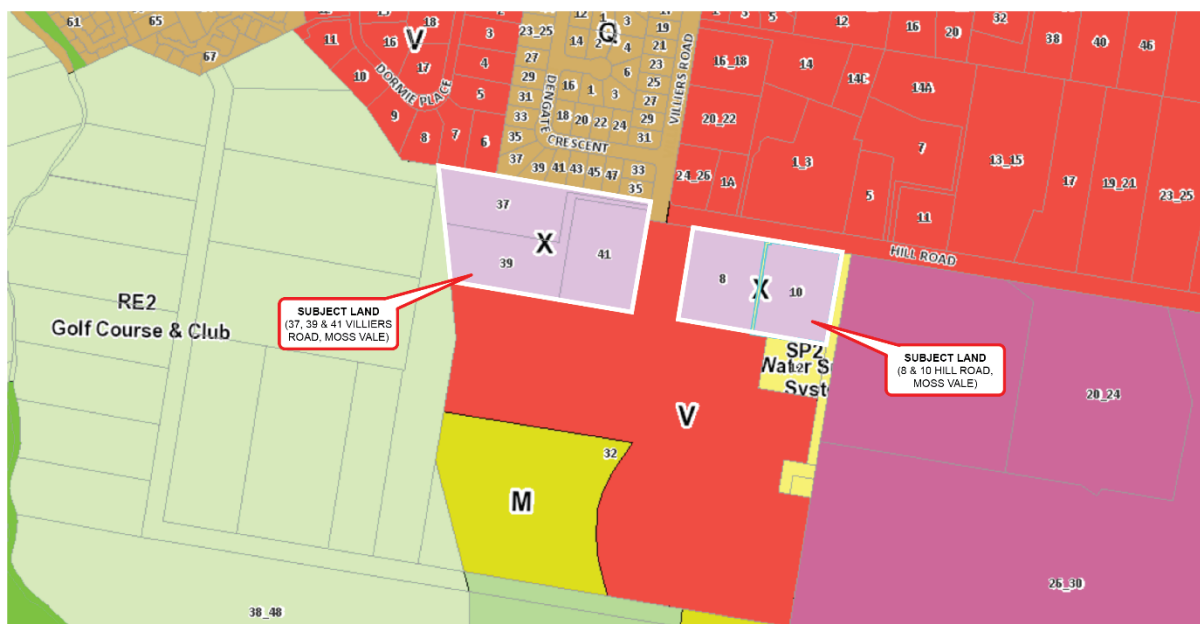


Figure 3 – Post Amendment 43 zoning provisions, noting the location of subject land (blue outline) to the north of the URA (red hatch)



**Figure 4 – Post Amendment 43 Minimum Lot Size Provisions**

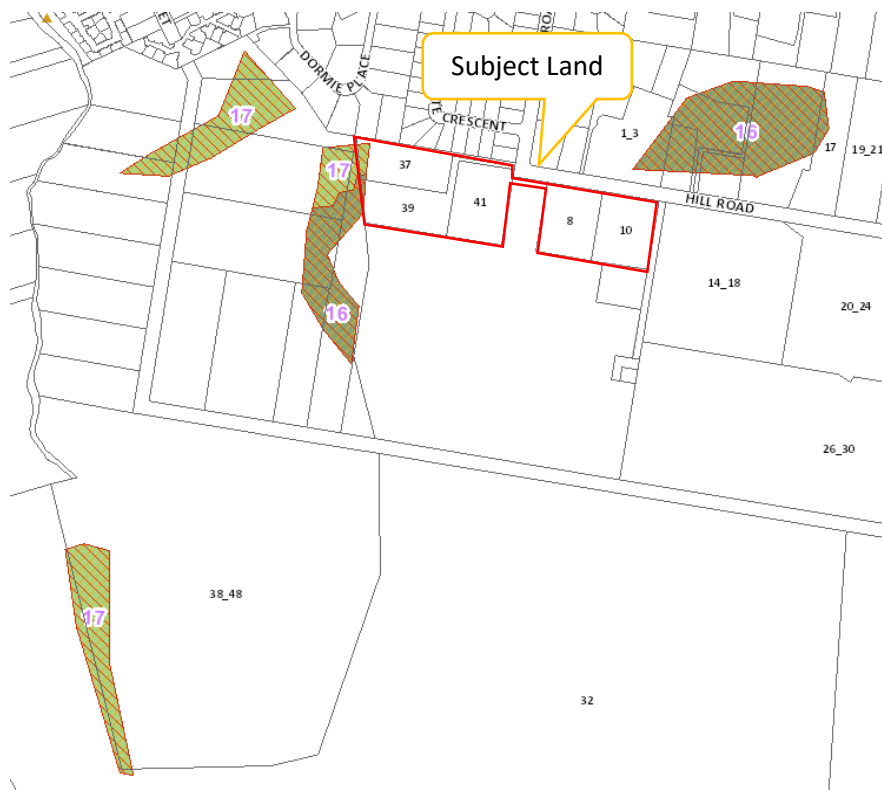
The Planning Proposal therefore, seeks to address the resulting anomaly in lot sizes between the URA and the previous township boundary by amending the minimum lot size of the subject land from 8,000m<sup>2</sup> to 2,000m<sup>2</sup> under WLEP 2010. This amendment will provide a consistent lot size pattern for the subject land reflective of the current zoning to the north and south. Theoretically, this would suggest a potential lot yield of 16 additional lots at a minimum of 2,000m<sup>2</sup>. However, there are constraints to this land which significantly limit the realistic lot potential of this amendment.

Both of the Villiers Road lots are virtually entirely bushfire prone as indicated in **Figure 5** below. The north eastern portion of Lot 8 on Hill Road, and almost half of Lot 10 are similarly affected.



**Figure 5 – Mapped Bushfire prone land**

Both the Villiers Road lots also contain a portion of Endangered Ecological Community (Southern Highlands Shale Woodland and Robertson Basalt Tall Open Forest) along their western boundary as indicated in **Figure 6** below. Both communities are assessed as being threatened or endangered under State and Federal legislation.



**Figure 6 – Endangered Ecological Communities (16=Robertson Basalt Tall Open Forest, 17=Southern Highlands Shale Woodland)**

Access is also limited. Although each lot is approximately 8,000m<sup>2</sup>, access to 37 and 39 is via two 5m access handles. Council requires a minimum access of 6m for any additional subdivision so it would be necessary for those lots to seek some form of new access arrangement to gain any additional lot yield at all from the Proposal. Access to Lot 41 is currently limited to 10m which would only enable a maximum of three (3) additional lots via a private road, but given the location and standard of the current development on the site, probably one additional lot would be more realistic.

Furthermore, the subject land is steep, particularly the three western lots which slope away a total of 25 metres to the south west. The lots on the Hill Road side of the subject land offer the most potential for further subdivision, but again, given the location and standard of the current development on each site, probably one additional lot on each would be more realistic. Therefore, in total, the most likely additional lot yield from the Planning Proposal would be more three (3) additional lots, one third of what might have originally been expected.

## Part 1 - Objectives & Intended Outcomes of the Planning Proposal

The intended outcome of this Planning Proposal is to amend the Wingecarribee Local Environmental Plan (WLEP) 2010 to reduce the minimum lot size provisions for the subject land situated at Hill Road and Villiers Road from 8000m<sup>2</sup> to 2000m<sup>2</sup> as explained previously.

## Part 2 - Explanation of the Provisions

- No amendment to the WLEP 2010 instrument would result from this Planning Proposal.
- To achieve the intended outcomes of the Planning Proposal the following amendments to WLEP 2010 maps will be required:
  - Amend Lot Size Map LSZ\_007H to modify the current minimum lot size provisions applied to the subject land from 8000m<sup>2</sup> to 2000m<sup>2</sup>.

## Part 3 - Justification of Strategic & Site-specific Merit

### Strategic Merit

The subject land was initially identified as having strategic merit during the review by the Southern Regional Planning Panel of the Chelsea Gardens Coomungie Planning Proposal. The inclusion of the subject land into the URA was delayed at that stage because Council did not support the Planning proposal due to lack of adequate infrastructure. However, with the making of Amendment 43 to WLEP 2010 in 2017, that land was subsequently assessed for inclusion with the Wingecarribee Local Housing Strategy as a New Living Area. It was determined that the land has strategic merit, due to its location adjacent to the existing URA and had development potential subject to adequate design and servicing. The Local Housing Strategy was adopted in 2020. The concept master plan for the current URA, as included in the Local Housing Strategy follows (**Figure 5**) with the subject land shown in red.



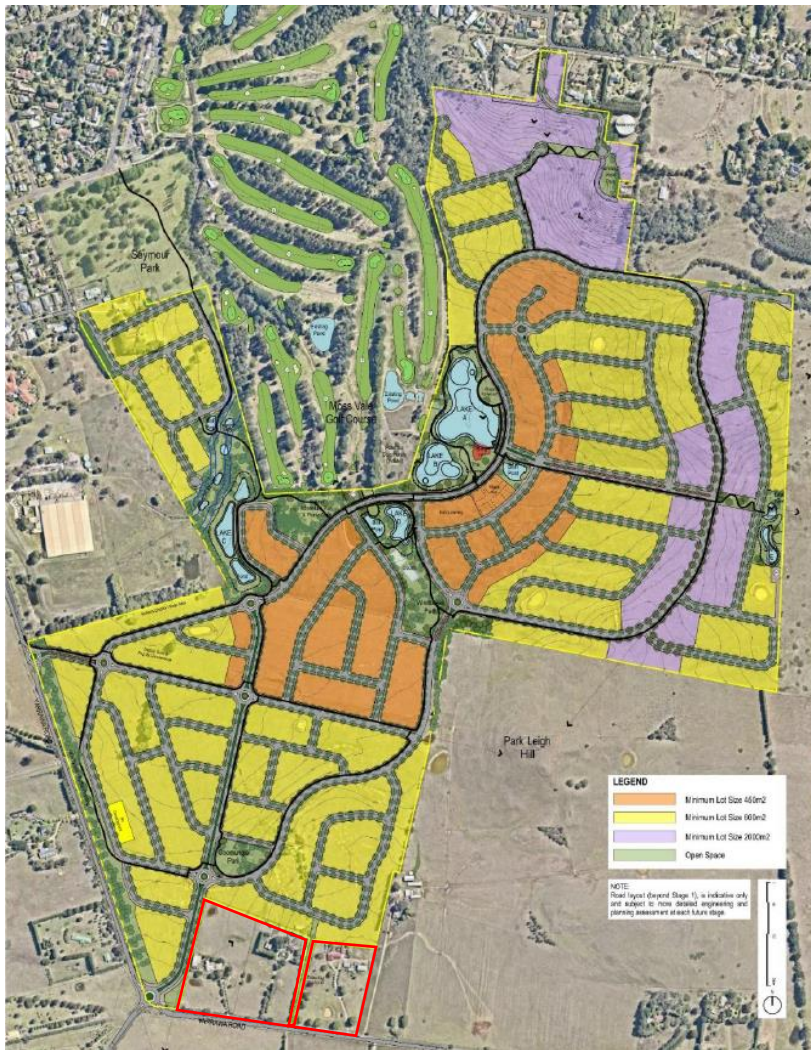


Figure 5: URA Concept Master Plan with subject land shown (bordered red)

### Site-specific Merit

The inclusion of the subject land within the Wingecarribee Local Housing Strategy followed a detailed assessment of the site-specific merits of the land with the Strategy noting:

The suitability analysis identified a number of sites around the Chelsea Gardens Coomungie URA as highly suitable for development from a land capability and desirability perspective. However, significant limitations in existing infrastructure networks, particularly on the local and State road networks, resulted in only a small area east of Yarrawa Road being considered as a potential new living area.

It is within this context that the Planning Proposal has been framed.

## Section A – Need for the Planning Proposal

### 1 Is the Planning Proposal a result of an endorsed LSPS, strategic study or report?

In considering the proposal to rezone the land which became the Chelsea Gardens Coomungie Urban Release Area, the Southern Regional Planning Panel recommended that the subject land also be included in the proposed URA, or at least the controls be amended, to allow better integration of the URA with the existing Moss Vale town boundary.

Subsequently, the Wingecarribee Local Housing Strategy (WLHS) 2020 (adopted June 2020) progressed this recommendation by proposing that the minimum lot size provisions of the subject land be amended to enable a modest increase in housing and to deliver a more logical lot size pattern that is consistent with the adjoining Chelsea Gardens Coomungie URA. A more detailed assessment of the Proposal against the LHS and the LSPS is provided at B4 in the Planning Proposal.

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

A Planning Proposal is considered the only means of achieving the amendment of the current minimum lot size provisions applied to the subject land. The provisions of this Planning Proposal are considered the most appropriate means of achieving the intended outcome.

## Section B – Relationship to the Strategic Planning Framework

### 3 Will the Planning Proposal give effect to the objectives and actions of the SE & Tablelands Regional Plan (including any draft plans or strategies)?

The Planning Proposal is considered to be consistent with the South East and Tablelands Regional Plan 2036. The Regional Plan aspires to ensure the realisation of a collaborative and borderless region that is prosperous, diverse, healthy and sustainable. Although the potential lot yield from this Planning Proposal is considered limited, nonetheless, some housing will result. The provisions of housing is a consistent theme throughout the Regional Plan, from the Minister's *Foreward* to the final *Direction 28, Manage Rural Lifestyles*. These are discussed below.

*Goal 4: Environmentally sustainable housing choices* - The introduction to this Section of the Regional Plan (page 49) notes that *new housing must be located to take account of the character, environmental and agricultural qualities and capacity of the land, with an emphasis on resident access to services, jobs and transport*.

The subject land is located on the eastern edge of the Moss Vale Township, bordered by established residential development to the north and the Chelsea Gardens URA to the south. Therefore, it is ideally located to integrate both. The land is identified within the WLHS 2020.

*Direction 24– deliver greater supply and choice* - The amendment of the current minimum lot size provisions of the subject land will enable a modest increase in housing, and a more logical lot size pattern that is consistent with the adjoining Chelsea Gardens Coomungie URA.

*Direction 25 - Focus housing growth in locations that maximise infrastructure and services.* Inclusion of the subject land into the Chelsea Gardens new living area in the WLHS 2020 requires that any future development can occur only when adequate water and sewer infrastructure is available. The status of current infrastructure is discussed later in the Planning Proposal.

*Direction 28 – Manage rural lifestyles* is also supported through this Planning Proposal by enabling limited development potential of land that lies between the former town boundary and the newer URA boundary to provide a consistent rural residential connection between the two.

#### 4 Is the Planning Proposal consistent with Council’s adopted and endorsed Local Strategic Planning Statement and Local Housing Strategy?

The Planning Proposal aligns with Planning Priority 4.1 in the LSPS:

**Planning Priority 4.1** *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.*

The proposed amendment to the minimum lot size of the subject land will support this key objective by encouraging a modest increase in housing and a more logical lot size pattern.

#### 5 Is the Planning Proposal consistent with any other applicable State and regional studies or strategies?

The inclusion of the subject land within the new residential living area based on the Chelsea Gardens Urban Release Area initially arose from a recommendation (highlighted below) of the Southern Joint Regional Planning Panel (JRPP) which conducted a Pre-Gateway Review of the URA Planning Proposal in November 2013.

The JRPP’s response recommended

***that land in separate ownership at the north eastern corner of Chelsea Gardens and at the southern edge of Coomungie along Yarrowa Road be considered by Council for urban development and the Wingecarribee LEP 2010 Urban Release Area Map be amended to include that land.***

With the making of Amendment 43 in October 2017, the JRPP’s comments regarding peripheral sites were noted by Council and the land subsequently identified for inclusion in the next local housing strategy. Council’s current strategy at that time, the Wingecarribee Local Planning Strategy 2015-2031

had already been adopted by Council in 2016. This meant that the inclusion of this land was held over for inclusion in the current WLHS 2020, as discussed above.

It is noted that the subject land is already zoned R5 Large Lot Residential and the Planning Proposal seeks an amendment to the minimum lot size only to achieve a modest increase in rural residential lots of a maximum of nine (9). In this case, the broader requirements of the WLHS is considered sufficient, with any further specific studies being required at the DA stage.

The general provisions of the LHS require that no further subdivision potential would be considered until adequate water and sewer infrastructure and road access can be provided to the subject land. Any premature subdivision application would not be consistent with strategy and would not be supported.

#### 6 Is the Planning Proposal consistent with applicable SEPPs?

##### SEPP (Housing) 2021

*The intent of this SEPP is to deliver a sufficient supply of safe, diverse and affordable housing*

**Assessment – Consistent** – *The Planning Proposal is consistent with this SEPP to the extent that it will provide a more logical lot size pattern that will enable a modest housing increase, although no subdivision would be approved until adequate infrastructure is available.*

##### SEPP (Transport and Infrastructure) 2021

*The intent of this SEPP is to provide well-designed and located transport and infrastructure integrated with land use*

**Assessment – Consistent** - *The Planning Proposal is consistent with this SEPP because its purpose is to provide consistency between the adjoining Chelsea Gardens Urban Release Area to the south and current zoning and minimum lot size controls to the north, thereby facilitating efficient infrastructure provision.*

##### SEPP (Primary Production) 2021

*The intent of this SEPP is to support and protect the productivity of important agricultural lands. They enhance rural and regional economies through a sustainable, diverse and dynamic primary production sector that can meet the changing needs of a growing NSW.*

**Assessment – Consistent** - *This Planning Proposal is consistent with the SEPP because the land is already zoned R5 Large Lot Residential.*

##### SEPP (Biodiversity and Conservation) 2021

*The intent of this SEPP is to preserve, conserve and manage NSW's natural environment & heritage*

**Assessment – Consistent** – *There is an area of mapped vegetation on the western edge of the subject land, but other constraints will most likely result in these lots not being capable of further subdivision.*

<b>SEPP (Resilience and Hazards) 2021</b>	<i>The intent of this SEPP is to manage risks and building resilience in the face of hazards</i>
<b>Assessment – Consistent</b> – Chapter 3 of this SEPP addresses potential hazardous and offensive development. Chapter 4 addresses Remediation of Land. It is not considered that the proposed amendment will generate any hazardous or offensive development, nor require any remediation.	

<b>SEPP (Industry and Employment) 2021 –</b>	<i>The intent of this SEPP is to grow a competitive and resilient economy that is adaptive, innovative and delivers jobs</i>
<b>Assessment – Consistent</b> – This SEPP does not apply to the Planning Proposal.	

<b>SEPP (Resources and Energy) 2021</b>	<i>The intent of this SEPP is to promote the sustainable use of NSW's resources and transitioning to renewable energy</i>
<b>Assessment – Consistent</b> - This SEPP does not apply to the Planning Proposal.	

<b>SEPP (Planning Systems) 2021</b>	<i>The intent of this SEPP is to provide a strategic and inclusive planning system for the community &amp; the environment</i>
<b>Assessment – Consistent</b> - This SEPP does not apply to the Planning Proposal.	

## 7 Is the Planning Proposal consistent with applicable s9.1 Ministerial Directions?

<b>Focus Area 1 Planning Systems</b>	<i>The intent of these Directions is to support the broader NSW planning framework, including its processes and collaborative approaches to strategic and land use planning and decision making. They seek to achieve long-term, evidence-based, strategically led planning that is inclusive, democratic, responsive to the community and the environment, and ensures decisions are transparent and prompt.</i>
<b>1.1 Implementation of Regional Plans (previously 5.10)</b>	
The objective of this direction is to give legal effect to the vision, land use strategy, goals, directions and actions contained in Regional Plans.	
<b>Assessment – Consistent</b> - The Planning Proposal is considered to be consistent with the South East and Tablelands Regional Plan 2036. In particular the proposed outcome of the Planning Proposal is thought to be consistent with Goal 4 which seeks the delivery of a more flexible and responsive housing market, as the amendment of the current minimum lot size provisions of the subject land is proposed to encourage a modest increase in housing, and a more logical lot size pattern that is consistent with the adjoining Chelsea Gardens Coomungie URA.	
<b>1.2 Development of Aboriginal Land Council land (previously 5.11)</b>	
The objective of this direction is to provide for the consideration of development delivery plans prepared under Chapter 3 of the State Environmental Planning Policy (Planning Systems) 2021 when planning proposals are prepared by a planning proposal authority.	



**Assessment – Consistent** – *The Planning Proposal is consistent with this SEPP as the subject land is not identified to be Aboriginal Land.*

### **1.3 Approval and Referral Requirements** (previously 6.1)

The objective of this direction is to ensure that LEP provisions encourage the efficient and appropriate assessment of development.

**Assessment – Consistent** - *The Planning Proposal is seeking to amend the current minimum lot size provisions for the subject land at Villiers Road and Hill Road Moss Vale. Therefore, the Planning Proposal is identified as being consistent with the Direction.*

### **1.4 Site Specific Provisions** (previously 6.3)

The objective of this direction is to discourage unnecessarily restrictive site-specific planning controls.

**Assessment – Consistent** - *The Planning Proposal would see the amendment of the current minimum lot size provisions to 2000m<sup>2</sup> at the subject land situated at Villiers Road and Hill Road Moss Vale. Therefore, it is considered that the provisions of the Planning Proposal are consistent with the Direction.*

### **1.5 Parramatta Road Corridor Urban Transformation Strategy**

### **1.6 Implementation of North West Priority Growth Area Land Use and Infrastructure Implementation Plan**

### **1.7 Implementation of Greater Parramatta Priority Growth Area Interim Land Use and Infrastructure Implementation Plan**

### **1.8 Implementation of Wilton Priority Growth Area Interim Land Use and Infrastructure Implementation**

### **1.9 Implementation of Glenfield to Macarthur Urban Renewal Corridor**

### **1.10 Implementation of the Western Sydney Aerotropolis Plan**

### **1.11 Implementation of Bayside West Precincts 2036 Plan**

### **1.12 Implementation of Planning Principles for the Cooks Cove Precinct**

### **1.13 Implementation of St Leonards and Crows Nest 2036 Plan**

### **1.14 Implementation of Greater Macarthur 2040**

### **1.15 Implementation of the Pyrmont Peninsula Place Strategy**

### **1.16 North West Rail Link Corridor Strategy**

None of these place-based Directions apply to Wingecarribee Shire

### **Focus Area 2 Design & Place**

*The intent of these Directions is to establish quality design approaches for new development, public spaces and the environment. They promote the design of places that are healthy, sustainable, prosperous, and supportive of people, the community and Country.*

NB: This Focus Area was blank when the Directions were made.

### Focus Area 3 Biodiversity & Conservation

*The intent of these Directions is to recognise the fundamental importance of protecting, conserving and managing NSW's natural environment and heritage. They help balance the needs of built and natural environments, respecting both the innate and economic value of the state's biodiversity and natural assets.*

#### 3.1 Conservation Zones (previously 2.1 Environment Protection Zones)

The objective of this direction is to protect and conserve environmentally sensitive areas.

**Assessment – Consistent** – As indicated below, a small area of Endangered Ecological Community (EEC) and Threatened Ecological Community (TEC) is situated on the western edge of 37 & 39 Villiers Road Moss Vale, with a portion of the subject land being covered with Southern Highlands Shale Woodland (37) and Robertson Basalt Tall Open Forest (39). Therefore, the provisions of this SEPP would apply at any subsequent Development Application stage.



#### 3.2 Heritage Conservation (previously 2.3)

The objective of this direction is to conserve items, areas, objects and places of environmental heritage significance and indigenous heritage significance.

**Assessment – Consistent** - *The subject land situated at Hill Road and Villiers Road Moss Vale is not identified as being within a Heritage Conservation Area, nor is it recognised as a listed item of heritage within Schedule 5 of the WLEP 2010.*

#### 3.3 Sydney Drinking Water Catchments (previously 5.2)

The objective of this direction is to protect water quality in the Sydney drinking water catchment.

**Assessment – Consistent** - *Most of Wingecarribee Shire is within the area covered by the Policy. The Planning Proposal has been referred to WaterNSW for initial comment and responses have been incorporated into the Planning Proposal. Development potential is limited and Council is satisfied that any future development resulting from this Proposal can be delayed until adequate infrastructure is available.*

#### 3.4 Application of C2 and C3 Zones and Environmental Overlays in Far North Coast LEPs

Not applicable to Wingecarribee Shire

#### 3.5 Recreation Vehicle Areas (previously 2.4)

The objective of this direction is to protect sensitive land or land with significant conservation values from adverse impacts from recreation vehicles.

**Assessment – Consistent** - *It is not considered that the provisions would adversely impact this Direction.*

**Focus Area 4  
Resilience &  
Hazards**

*The intent of these Directions is to improve responses to natural and development-related hazards, and climate change. They support methods to consider and reduce risk. The principles promote healthy, resilient and adaptive communities, urban areas and natural environments.*

**4.1 Flooding** (previously 4.3)

The objectives of this direction are to:

- (a) ensure that development of flood prone land is consistent with the NSW Government's Flood Prone Land Policy and the principles of the *Floodplain Development Manual 2005*, and
- (b) ensure that the provisions of an LEP that apply to flood prone land are commensurate with flood hazard and includes consideration of the potential flood impacts both on and off the subject land.

**Assessment – Consistent** – *The subject land is not recognised as being located within the flood planning area nor the probable maximum flood area, therefore, it is not considered that the provisions would adversely impact this Direction.*

**4.2 Coastal Management** (previously 2.2)

Not applicable to Wingecarribee Shire

**4.3 Planning for Bushfire Protection** (previously 4.4)

The objectives of this direction are to:

- (a) protect life, property and the environment from bush fire hazards, by discouraging the establishment of incompatible land uses in bush fire prone areas, and
- (b) encourage sound management of bush fire prone areas.

**Assessment – Consistent** - *41 Villiers Road Moss Vale (Lot 5 DP 844943) is not recognised as being located in bushfire prone land. 37 & 39 Villiers Road Moss Vale (Lot 8 DP 875224 & Lot 9 DP 875224) and 8 & 10 Hill Road Moss Vale (Lot 4 DP 844943 & Lot 3 DP 844943) are partially constrained by bushfire prone land. NB: Referral to NSW Rural Fire Service would occur in accordance with any such Gateway Determination and this assessment will be updated to reflect RFS response prior to exhibition.*

**4.4 Remediation of Contaminated Land** (previously 2.6)

The objective of this direction is to reduce the risk of harm to human health and the environment by ensuring that contamination and remediation are considered by planning proposal authorities.

**Assessment – Consistent** – *No remediation of land is expected as a result of any prior use of the land or the proposed amendments.*

**4.5 Acid Sulphate Soils**

The objective of this direction is to avoid significant adverse environmental impacts from the use of land that has a probability of containing acid sulfate soils.

**Assessment – Consistent** - *There currently appears to be no mapped acid sulphate soils within Wingecarribee Shire.*

#### 4.6 Mine Subsidence & Unstable Land

The objective of this direction is to prevent damage to life, property and the environment on land identified as unstable or potentially subject to mine subsidence.

**Assessment – Consistent** - *The Planning Proposal is consistent with this Direction because the subject land is not mapped as being within a mine subsidence area.*

#### Focus Area 5 Transport & Infrastructure

*The intent of these Directions is to support innovative, integrated and coordinated transport and infrastructure, that is well-designed, accessible and enduring. They seek to optimise public benefit and value by planning for modern transport and infrastructure in the right location and at the right time.*

##### 5.1 Integrating Land Use and Transport (previously 3.4)

The objective of this direction is to ensure that urban structures, building forms, land use locations, development designs, subdivision and street layouts achieve the following planning objectives:

- (a) improving access to housing, jobs and services by walking, cycling and public transport, and
- (b) increasing the choice of available transport and reducing dependence on cars, and
- (c) reducing travel demand including the number of trips generated by development and the distances travelled, especially by car, and
- (d) supporting the efficient and viable operation of public transport services, and
- (e) providing for the efficient movement of freight.

**Assessment – Consistent** – *Given the small number of additional lots created, it is not considered that the proposed provisions would adversely impact this Direction.*

##### 5.2 Reserving Land for Public Purposes (previously 6.2)

The objectives of this direction are to:

- (a) facilitate the provision of public services and facilities by reserving land for public purposes, and
- (b) facilitate the removal of reservation

**Assessment – Consistent** – *It is not considered that the provisions would adversely impact this Direction.*

##### 5.3 Development Near Regulated Airports and Defence Airfields (previously 3.5)

The objectives of this direction are to:

- (a) ensure the effective and safe operation of regulated airports and defence airfields;
- (b) ensure that their operation is not compromised by development that constitutes an obstruction, hazard or potential hazard to aircraft flying in the vicinity; and
- (c) ensure development, if situated on noise sensitive land, incorporates appropriate mitigation measures so that the development is not adversely affected by aircraft noise.

**Assessment – Consistent** – *The Planning Proposal is consistent with this Direction because the land is not located near any airport or airfield.*

##### 5.4 Shooting Ranges (previously 3.6)

The objectives are to:

- (a) maintain appropriate levels of public safety and amenity when rezoning land adjacent to an existing shooting range,

- (b) reduce land use conflict arising between existing shooting ranges and rezoning of adjacent land,
- (c) identify issues that must be addressed when giving consideration to rezoning land adjacent to an existing shooting range.

**Assessment – Consistent** – *The Planning Proposal is consistent with this Direction because the land is not located near any shooting range*

<b>Focus Area 6 Housing</b>	<i>The intent of these Directions is to foster long-term, strategic-led and evidence-based approaches to guide a strong supply of well-located homes. They support the delivery of safe, diverse, affordable and quality designed housing that meets the needs of Aboriginal and local communities.</i>
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#### **6.1 Residential Zones** (previously 3.1)

The objectives of this direction are to:

- (a) encourage a variety and choice of housing types to provide for existing and future housing needs,
- (b) make efficient use of existing infrastructure and services and ensure that new housing has appropriate access to infrastructure and services, and
- (c) minimise the impact of residential development on the environment and resource lands.

**Assessment – Consistent** – *The amendment of the current minimum lot size provisions of the subject land is proposed to enable a modest increase in housing, and a more logical lot size pattern that is consistent with the adjoining Chelsea Gardens Coomungie URA.*

#### **6.2 Caravan Parks and Manufactured Home Estates** (previously 3.2)

The objectives of this direction are to:

- (a) provide for a variety of housing types, and
- (b) provide opportunities for caravan parks and manufactured home estates.

**Assessment – Consistent** – *It is not considered that the provisions would adversely impact this Direction.*

<b>Focus Area 7 Resilient Economies</b>	<i>The intent of these Directions is to support diverse, inclusive and productive employment opportunities across the state to make NSW more economically competitive. They promote the supply of strategic employment lands, innovative industries and centres as a focus for activity and accessibility.</i>
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#### **7.1 Business and Industrial Zones** (previously 1.1)

The objectives of this direction are to:

- (a) encourage employment growth in suitable locations,
- (b) protect employment land in business and industrial zones, and
- (c) support the viability of identified centres.

**Assessment – Consistent** – *It is not considered that the provisions would adversely impact this Direction because the land is not a business or industrial zoning.*

#### **7.2 Reduction in non-hosted short-term rental accommodation period**

Not applicable to Wingecarribee Shire

#### **7.3 Commercial and Retail Development along the Pacific Highway, North Coast**

Not applicable to Wingecarribee Shire



<b>Focus Area 8 Resources &amp; Energy</b>	<i>The intent of these Directions is to promote the sustainable development of resources in strategic areas and a transition to low carbon industries and energy. They support positive environmental outcomes and work towards the net zero emissions target and continued energy security, while also promoting diversified activity in regional economies.</i>
<b>8.1 Mining, Petroleum Production &amp; Extractive Industries</b>	
The objective of this direction is to ensure that the future extraction of State or regionally significant reserves of coal, other minerals, petroleum and extractive materials are not compromised by inappropriate development.	
<b>Assessment – Consistent</b> <i>The Planning Proposal is consistent with this Direction because it will not affect such activity</i>	
<b>Focus Area 9 Primary Production</b>	<i>The intent of these Directions is to support and protect the productivity of important agricultural lands. They enhance rural and regional economies through a sustainable, diverse and dynamic primary production sector that can meet the changing needs of a growing NSW.</i>
<b>9.1 Rural Zones (previously 1.2)</b>	
The objective of this direction is to protect the agricultural production value of rural land.	
<b>Assessment – Consistent</b> – <i>It is not considered that the provisions would adversely impact this Direction as the land is already zoned residential.</i>	
<b>9.2 Rural Lands (previously 1.5)</b>	
The objectives of this direction are to: (a) protect the agricultural production value of rural land, (b) facilitate the orderly and economic use and development of rural lands for rural and related purposes, (c) assist in the proper management, development and protection of rural lands to promote the social, economic and environmental welfare of the State, (d) minimise the potential for land fragmentation and land use conflict in rural areas, particularly between residential and other rural land uses, (e) encourage sustainable land use practices and ensure the ongoing viability of agriculture on rural land, (f) support the delivery of the actions outlined in the NSW Right to Farm Policy.	
<b>Assessment – Consistent</b> – <i>It is not considered that the provisions would adversely impact this Direction.</i>	
<b>9.3 Oyster Aquaculture (previously 1.4)</b>	
The objectives of this direction are to: (a) ensure that ‘Priority Oyster Aquaculture Areas’ and oyster aquaculture outside such an area are adequately considered when preparing a planning proposal, and (b) protect ‘Priority Oyster Aquaculture Areas’ and oyster aquaculture outside such an area from land uses that may result in adverse impacts on water quality and consequently, on the health of oysters and oyster consumers.	
<b>Assessment – Consistent</b> – <i>This Direction does not apply to Wingecarribee Shire.</i>	

#### 9.4 Farmland of State & Regional Significance on the NSW Far North Coast

*Not applicable to Wingecarribee Shire*

### Section C – Environmental, Social & Economic Impacts

The Wingecarribee Local Housing Strategy identifies the subject land within the Chelsea Gardens new living area as large lot residential housing.

Both the LHS and LSPS recognise that there is no surplus capacity within the Moss Vale reticulated STP for even the modest lot increase this proposal would enable. However, it is also noted that no subdivision of the subject land would be considered by Council until there is adequate infrastructure to enable connection to the reticulated system.

#### 8 Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected because of the Proposal?

##### Endangered Ecological Communities (EEC) and Threatened Ecological Communities (TEC)

As indicated below, a small area of EEC and TEC is situated on the western edge of 37 & 39 Villiers Road Moss Vale, with a portion of the subject land being covered with Southern Highlands Shale Woodland (37) and Robertson Basalt Tall Open Forest (39).

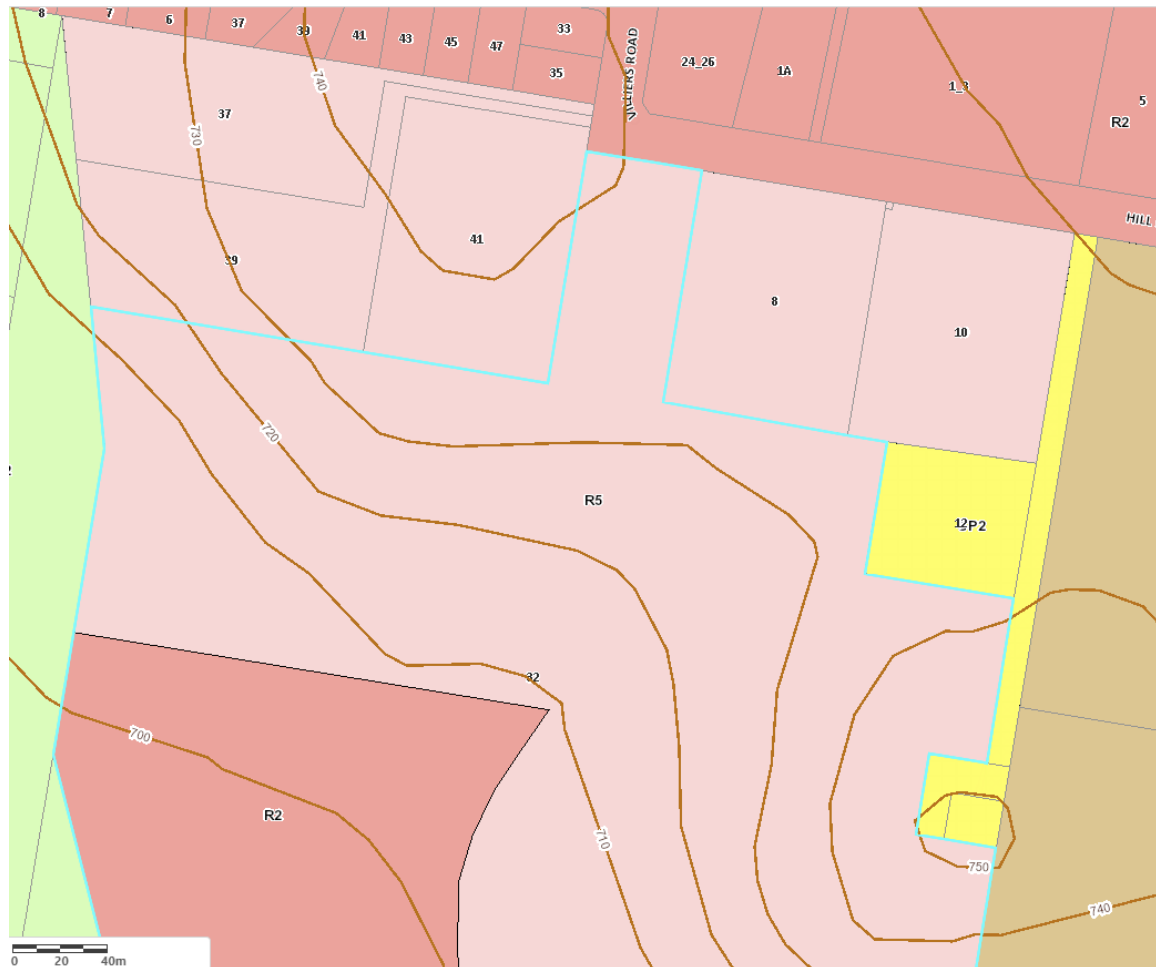


As discussed previously, it is unlikely that any additional lot yield can result from this area of the subject land due to other constraints, especially bushfire, access and slope. Therefore, it is not considered that these provisions would adversely impact any environmentally sensitive areas including critical habitat or threatened species, populations or ecological communities, or their habitats.

##### Slope Considerations

It is noted that the LHS addresses the need to consider potential slope impacts. As indicated below, the highest point in the vicinity of the subject land is at 750m on the eastern edge of the Chelsea Gardens URA. The highest point on any of the subject land is at 740m across the centre of 41 Villiers Road and along the north eastern corner of 37 Villiers Road. These potential slope constraints would

be managed through subdivision and any subsequent DA consideration. Both 8 and 10 Hill Road appear relatively flat at around 735m and are unlikely to be affected by slope issues.



**9 Are there any other likely environmental effects of the planning proposal and how are they proposed to be managed?**

No other additional potential environmental impacts have been identified.

**10 Has the planning proposal adequately addressed any social and economic effects?**

Council is not aware of any potential Aboriginal Cultural Heritage impacts which might result from the Planning Proposal. However, referral to relevant agencies would occur through the Gateway process.

## Section D – Infrastructure (Local, State & Commonwealth)

### 10 - Has the planning proposal adequately addressed any social and economic effects?

The Planning Proposal will facilitate efficient economic development with positive social outcomes as discussed throughout the document.

### 11 Is there adequate public infrastructure for the Planning Proposal?

Both the LHS and LSPS require any future rezoning anywhere in the Shire to demonstrate that adequate infrastructure is available. Council is well aware of the need to explore mechanisms for the more timely and efficient provisions of infrastructure generally to support future residential development as identified in the Local Housing Strategy. The identification and location of New Living Areas in the Strategy involved consideration of the capacity of existing infrastructure networks, including water & sewer and roads, as well as Council's ability to plan for, design and fund new infrastructure to support new development. It is acknowledged that planning for infrastructure as part of the strategic planning process will allow Council to stage the delivery of infrastructure and control the staging of greenfield development areas in accordance with a long-term staging plan for new living areas in the Shire. It will also provide certainty to the community and the development industry in the provision of infrastructure to support our growing communities, and the likely cost of servicing new greenfield development areas.

At this time there is no surplus capacity within the Moss Vale reticulated STP for even a modest lot increase. However, it is noted that no subdivision of the subject land would be considered by Council until there is adequate infrastructure to enable connection to the reticulated system. This position is clearly established in both the Local Housing Strategy and Local Strategic Planning Statement. Nor would any temporary on site arrangement would be supported by Council in the interim.

At this stage, the intent of the Planning Proposal is to fulfil the recommendation of the JRPP review of the Chelsea Gardens URA Planning Proposal and to align the minimum lot size with land to both the north and south following Amendment 43. Additional studies to demonstrate capacity would be required at the DA stage.

The primary focus of the comments on page 40 of the LHS for the proposed new living area are intended to relate primarily to subject land on Yarrowa Road and a larger area of RU2 Rural Landscape zoned land further east along Hill Road. It is considered, therefore, that the site-specific studies mentioned in the LHS are not necessary for the purpose of the Villiers Road and Hill Road, Moss Vale Planning Proposal, as it does not seek an amendment to the current zoning of the subject land, and would not result in development until it could be demonstrated that adequate servicing can be provided through the Moss Vale STP for such development.

## Section E – State and Commonwealth Interests

### 12 What are the views of state and federal authorities and government agencies consulted in order to inform the Gateway determination?

Agency referrals have been undertaken as directed in the Gateway Determination to:

1. WaterNSW
2. Rural Fire Service
3. Transport for NSW
4. DPE – Environment and Heritage Division

In accordance with the Gateway Determination, Council has provided a copy of the Planning Proposal to those agencies and given them 30 days in which to provide a response.

A response from DPE – Environment and Heritage Division was received 28 June 2022 and in summary, DPE – Environment and Heritage Division:

- has no objections to the proposed changes to minimum lot size under the planning proposal.
- notes that a detailed Aboriginal cultural heritage assessment has been prepared for the adjoining land at the Chelsea Gardens Coomungie Urban Release Area. They understand that appropriate Aboriginal cultural heritage of recorded sites in the URA land is being managed under the staged development application process.
- in relation to the land subject to PP-2022-933, DPE – Environment and Heritage Division has advised Council that if the planning proposal is approved and future development proceeds, proponents will need to consider potential Aboriginal cultural heritage impacts within their environmental assessments. Where harm to Aboriginal objects cannot be avoided, proponents are required to obtain an Aboriginal Heritage Impact Permit (AHIP) before proceeding.

Both WaterNSW and Transport for NSW have expressed concerns with the Planning Proposal proceeding at this time due to a lack of adequate infrastructure. In view of the limited potential for further subdivision, however, Council does not consider that the Planning Proposal will have a significant adverse impact on infrastructure. Council respects these agency responses but has decided to commence public exhibition in order to meet Departmental timeframes and will continue to work with these agencies through the exhibition period.

No response has yet been received from NSW Rural Fire Service prior to public exhibition.

## Part 4 Maps

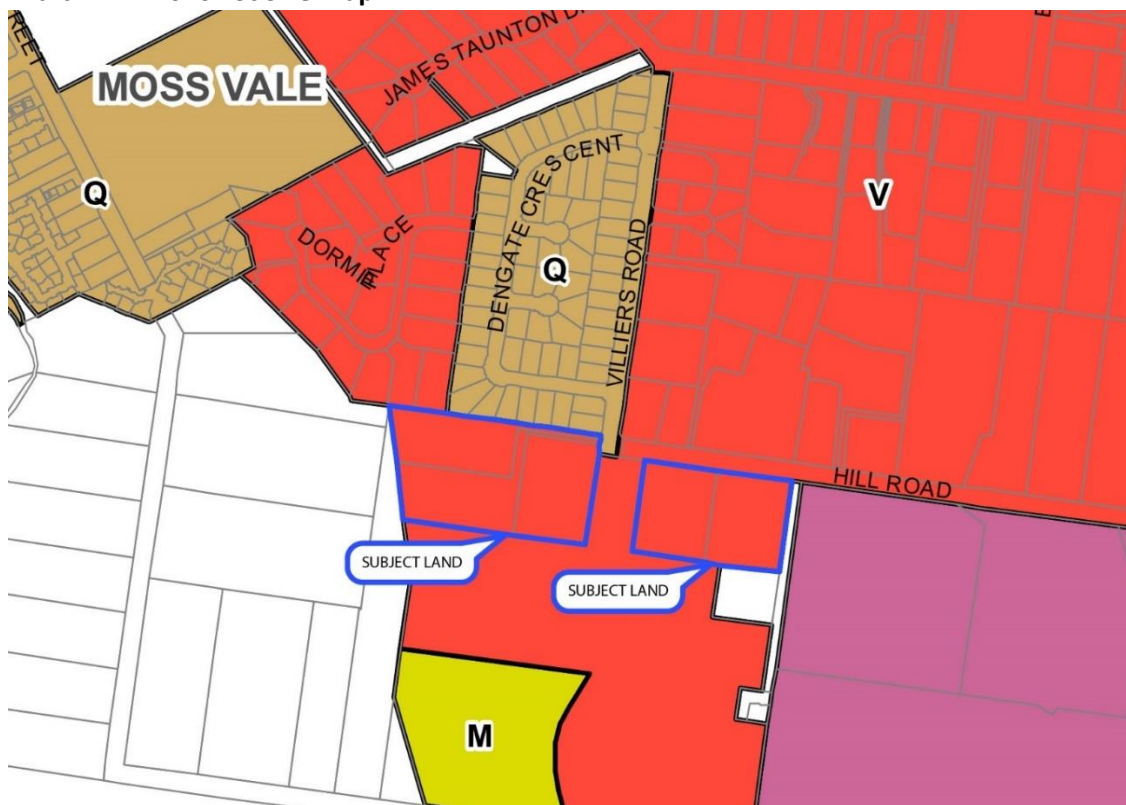
The following WLEP 2010 maps are required to be amended as indicated below.

Location	Maps to be Amended	Detail of Amendment
a) 37 Villiers Road, Moss Vale (Lot 8 DP 875224)	Lot Size Map – LSZ_007H	Amend the current minimum lot size provisions applied to



b) 39 Villiers Road, Moss Vale (Lot 9 DP 875224)		the subject land from 8000m2 to 2000 m2.
c) 41 Villiers Road, Moss Vale (Lot 5 DP 844943)		
d) 8 Hill Road, Moss Vale (Lot 4 DP 844943)		
e) 10 Hill Road, Moss Vale (Lot 3 DP 844943)		

**Draft WLEP 2010 Lot Size Map:**



## Part 5 Community Consultation

All land owners were previously consulted as part of the Wingecarribee Local Housing Strategy 2020 and Council will undertake further community consultation in accordance with the Gateway Determination. The Gateway Determination has required a public exhibition period of a minimum of 28 days. The public exhibition of the Planning Proposal commences on Wednesday 6 July 2022 and concludes on Friday 5 August, providing an exhibition period of 30 days.

Letters notifying surrounding neighbours of the public exhibition have been sent via mail. Weekly advertising on Council's Community Update page on its website for the duration of the exhibition period will also be undertaken commencing 6 July 2022. The Planning Proposal will also be included in Council's e-newsletter sent to some 4,000 recipients via email.

The Planning Proposal and associated documentation may be viewed via Council's website ([www.wsc.nsw.gov.au/whats-on-public-exhibition](http://www.wsc.nsw.gov.au/whats-on-public-exhibition)). A hard copy of the documents is also available at Council's Customer Service Counter, Civic Centre, 68 Elizabeth Street, Moss Vale NSW 2577, between 8.30am and 4.30pm Monday to Friday during each week of the exhibition period.

## Part 6 Project Timeline

MILESTONE	INDICATIVE /ACTUAL DATE
Gateway Determination	12 April 2022
Agency Consultation	20 April – 20 May
Public Exhibition	6 July – 5 August 2022
Report to Panel & Council on exhibition of Planning Proposal	September 2022
S.3.36 Documents to DP&E & PCO.	October 2022
Approximate completion date	October 2022

## Part 7 Delegation

It is noted that Wingecarribee Shire Council is authorised to exercise the functions of the Minister for Planning under s.3.36 of the *Environmental Planning & Assessment Act 1979* as have been delegated to it with regard to this Planning Proposal.

### END OF PLANNING PROPOSAL